ing proceedings; to the Committee on the Judiciary.

H.R. 16175. A bill to limit recovery in State and Federal courts under judgments rendered by courts in certain foreign countries; to the Committee on the Judiciary.

By Mr. MURPHY of New York:

H.R. 16176. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968; to the Committee on the Judiciary.

By Mr. PRICE of Texas:

H.R. 16177. A bill to promote the general welfare, foreign policy, and national security of the United States; to the Committee on Ways and Means.

By Mr. RUPPE (for himself, Mr. BEALL of Maryland, Mr. CEDERBERG, Mr. FLOOD, Mr. HASTINGS, Mr. HECHLER of West Virginia, Mr. ICHORD, Mr. LUJAN, Mr. MCDADE, Mr. MONTGOMERY, Mr. STUCKEY, Mr. VANDER JAGT, and Mr. YATRON):

H.R. 16178. A bill to amend the Internal Revenue Code of 1954 to provide a tax credit for investments in certain economically lagging regions; to the Committee on Ways and Means.

By Mr. ULLMAN:

H.R. 16179. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 in order to make assistance available to Indian tribes on the same basis as to other local governments; to the Committee on the Judiciary.

By Mr. BYRNE of Pennsylvania:

H.J. Res. 1102. Joint resolution proposing an amendment to the Constitution of the United States providing that prayer on a voluntary basis shall be permitted in public schools and educational institutions; to the Committee on the Judiciary.

By Mr. FARBSTEIN:

H.J. Res. 1103. Joint resolution to repeal legislation relating to the use of the Armed Forces of the United States in Southeast Asia and to express the sense of the Congress on certain matters relating to the war in Vietnam, and for other purposes; to the Committee on Foreign Affairs.

By Mr. MINISH:

H. Con. Res. 516. Concurrent resolution expressing the sense of the Congress that the President, acting through the U.S. Ambassador to the United Nations Organization, take such steps as may be necessary to place the question of human rights violations in the Soviet-occupied Ukraine on the agenda of the United Nations Organization; to the Committee on Foreign Affairs.

By Mr. DIGGS (for himself, Mr. CLAY, Mr. HAWKINS, Mrs. CHISHOLM, Mr. STOKES, Mr. CONYERS, Mr. POWELL, Mr. DAWSON, and Mr. NIX)

H. Res. 853. Resolution restricting Governor Maddox as a guest in the House of Representatives dining room; to the Committee on House Administration.

By Mr. BROWN of California:

H. Res. 854. Resolution creating a select committee to conduct an investigation and study of Government policies pertaining to the American-Indian people and the economic and social development of American-Indian people and other native American groups; to the Committee on Rules.

By Mr. QUIE (for himself, Mr. BELL of California, Mr. FREY, Mrs. HECKLER of Massachusetts, Mr. MIZE, Mr. NELSEN, Mr. SAYLOR, Mr. WIDNALL, Mr. WIGGINS, Mr. WYATT, and Mr. WYLIE):

H. Res. 855. Resolution for the appointment of a select committee to study the effects of Federal policies on the quality of education in the United States; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. MORSE:

H.R. 16180. A bill for the relief of Luis Joaquim de Melo; to the Committee on the Judiciary.

By Mr. MURPHY of New York:

H.R. 16181. A bill for the relief of Pietro Bivona, Accursia Bivona, Giupseppina Bivona, and Enza Bivona; to the Committee on the Judiciary.

H.R. 16182. A bill for the relief of Francesco Catanzaro, Calogera Catanzaro, Gaspare Catanzaro, and Vita Cat..nzaro; to the Committee on the Judiciary.

H.R. 16183. A bill for the relief of Giuseppe, Paola, and Antonella Muce; to the Committee on the Judiciary.

By Mr. WATTS:

H.R. 16184. A bill for the relief of Maj. Willis R. Hodges, U.S. Air Force; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rules XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

406. By the SPEAKER: Petition of the Convention of the Protestant Episcopal Church of the Diocese of Washington, D.C., relative to providing a national holiday honoring the late Dr. Martin Luther King; to the Committee on the Judiciary.

407. Also, petition of C. S. Steele, Anderson, Ind., and others, relative to pensions for World War I veterans; to the Committee on Veterans' Affairs.

SENATE—*Wednesday, February 25, 1970*

The Senate met at 10 o'clock a.m. and was called to order by the President pro tempore (Mr. RUSSELL).

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

O God, by whose providence we were born into this land: Enable us to love our country not in word but in deed. Let us who have received most be ready to give most in service to others. Keep us close to the peoples and leaders of other lands, heirs with us of common liberties. Bind us to them in firm spiritual alliance for the making and keeping of the peace, that the world may know that Thine is the kingdom and the power and the glory forever. Amen.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, withdrawing the nomination of Charles D. Baker, of Maryland, to be an Assistant Secretary of Transportation, sent to the Senate on January 26, 1970, and submitting the nomination of Charles D. Baker, of Massachusetts, to be an Assistant Secretary of Transportation, were communicated to the Senate by Mr. Geisler, one of his secretaries, which nominating message was referred to the Committee on Commerce.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, February 24, 1970, be dispensed with.

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

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the transaction of routine morning business be conducted with statements by any Senator being limited to 3 minutes; and I further ask unanimous consent that it be in order to include in the morning business additional statements presented at the desk by each Senator, respectively.

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

JOINT MEETING OF THE TWO HOUSES—ADDRESS BY THE HONORABLE GEORGES POMPIDOU, PRESIDENT OF THE REPUBLIC OF FRANCE

Mr. MANSFIELD. Mr. President, for the information of the Senate, at 12:15 o'clock today the Senate will assemble to go in a body to the Hall of the House of Representatives for the joint meeting of the two Houses, to hear the address by the distinguished President of the Republic of France, Georges Pompidou, at 12:30 o'clock p.m.

ORDER FOR ADJOURNMENT UNTIL 10 O'CLOCK A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 o'clock tomorrow morning.

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

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the order previously entered, the Senator from Utah (Mr. Moss) is now recognized for 30 minutes.

THE SPACE PROGRAM IN THE 1970'S

Mr. MOSS. Mr. President, on July 16, 1969, Vice President AGNEW said the United States should attempt to put a man on Mars "in this century." That expression may have been an attempt by the Nixon administration to float a trial rocket, and it must be noted that this timetable would allow some 30 years to reach that distant goal.

Nevertheless, the trial vehicle, whatever it was, fizzled. Cooler counsel pre-

vailed. Before the end of the year, many persons—particularly in the scientific community—were scoffing at the idea of manned landings on other planets. Newspapers began predicting slowdowns in the space program. Reasons for restraint, it was said, were complaints at the Apollo moon program's $20 billion price tag and the fear that Congress—as well as the administration—would be reluctant to authorize huge new expenditures for manned spaceships and rockets in view of the need for funds to cure earth-bound ills.

The predictions of cutbacks and slowdowns in the NASA program were borne out when the President's budget requests for fiscal 1971 were received last week. The NASA reduction this year is about 12.5 percent, a decrease of almost half a billion dollars from the present rate of spending. If the Congress makes these cuts—and it is altogether possible that we may cut even deeper—and the reductions already announced seem inevitable—it will eliminate 50,000 jobs, advance to 1974 the completion of the Apollo program of landing men on the moon, halt the production of the Saturn 5 moon rockets, and postpone the Viking program to place a robot spacecraft on Mars. In addition, the size of the proposed reductions could mean the closing of one or two space centers, and the stretchout of programs not yet specified. It will also probably be at least a year before the start on the development of a permanent manned space station.

Along with President Nixon, I favor restraining our space travelers for the time being. Gone is our fear of Soviet space superiority which was engendered by Russia's placing in orbit the first sputnik. The great task which John F. Kennedy called for—placing a man on the moon in the decade of the 1960's—has been accomplished; the preeminence of the United States in space has been made evident.

The moon conquest was a magnificent achievement in which we all take pride. The drama, the daring and courage of our astronauts, have been publicized worldwide, and rightly so. The wonder of television was equal to the feat of the moon landing in those hours when a waiting world was privileged to witness man's first steps on earth's natural satellite.

With the brilliantly successful completion of that mission, the time has come to evaluate the space program, to define new goals, and to assess priorities. It is in the hope of making a contribution to that process that I offer this statement today.

Despite the intense interest in the moon landing, public understanding of some of our other space exploits, and some of the practical potential which flows from space technology, has been very small.

Therefore, before turning to the future, I would like to mention some of these exploits and discuss their significance to the Nation. Let me recount some of the things we have bought with our space money in addition to that walk on the moon.

One of the outstanding economic aspects of the space program is that it has developed methods, techniques, and procedures which can increase the efficiency of much of our Nation's industry.

The label of "productive" certainly belongs to the space business. Space activities have brought many improvements and developments in metals, alloys, ceramics, and other materials. These activities have accelerated the use of liquid oxygen in steelmaking, have resulted in the improvement of detergent filters, and prompted the creation of fire-resistant materials, as well as new coatings for temperature control of buildings. Space research and development has sponsored a wide range of new electronic devices applicable to our day-to-day living. In the field of propulsion, nuclear and chemical—and in the latter, both liquid and solid—there has been a swift and remarkable advance. The developments in liquid propellants in particular are due to space applications.

In the field of medicine, the benefits are already impressive. To a degree, the growing shortage of trained nurses and doctors is being offset by the employment of space-sponsored medical instrumentation. Equipment of clinics, hospitals, and doctors' offices is slowly being revolutionized through electronic applications from the space program. Preventive medicine has received a boost as we find ourselves, for the first time, studying thoroughly, under a variety of adverse and hostile conditions, those impressively healthy individuals, our astronauts. In addition to having sensors acting as "electronic nurses," we have other health spinoffs, such as pinpoint ball bearings for dental drills, space suits in the treatment of strokes and respiratory diseases, pacemakers for human hearts, and many others.

One of the major features of space development has been the progress in communications. There would be no purpose in sending a satellite into space if we could not communicate with it, and it takes the most advanced and most reliable communications techniques to maintain that contact. Some satellites are sent up with establishment of communications as their mission, and through this development we have created a worldwide television network. Its benefits are just beginning to be recognized. Surgeons in one part of the world can obtain advice immediately and directly from experts in other parts of the world even while operations are in progress. The entire content of libraries can be transferred to places less fortunate and in great need of the benefits of such facilities. The whole process of education, particularly in the underdeveloped countries, can be enhanced vastly through the use of communications satellites. These can be directed to area, countrywide, or worldwide service.

The international television capability made it possible for a breathless world to watch Neil Armstrong and Edwin Aldrin taking their historic walks. Two systems were used—the satellite Intelsat, which transmitted both pictures and voice, and ATS—application technology satellites—which transmitted voice as needed. This unprecedented spectacle was seen in every nation with television and by an estimated 375 million persons.

Navigation satellites are now in operation, giving precise location fixes for surface ships and aircraft. In this area there is great potential for increasing safety, both in travel and against possible enemies.

In the field of weather predicting and reporting, weather satellites have again and again proven their great value, both to this country and to other nations around the world. Advance warnings of severe storms have resulted in impressive savings of lives each year and dollar savings running into the billions. I will have more to say about this subject later, as I will about a related activity—earth observation for other purposes.

The contributions in many other fields are at least as great as those mentioned. Certainly there are major returns in the realm of science, with resultant greater knowledge about the earth and the solar system, in the mapping of earth, an international prestige with concomitant improvements in international relations, and in the area of national security. Many of these advantages are themselves sufficient to justify much of our space investment.

There is also potential for specialized industrial uses of space. The weightlessness and the vacuum conditions in space or on the lunar surface may some day make it attractive for certain types of production. For example, vacuum conditions not attainable here on earth are ideal for metals research, for thin filament technology, and for welding research. Moreover, the weightlessness which we cannot duplicate here on earth may be valuable for the manufacture of such items as optical lenses free of distortion, and shape-perfect ball bearings.

Let me now examine briefly the direction our space program might take which would contribute most to the practical interest of the Nation in the years immediately ahead.

In general we should seek to improve the efficiency of the program, and then to utilize it, to the greatest extent possible, to solve major problems facing American society.

By efficiency I do not mean curtailment of expenditures on the program, but rather obtaining a larger return from each dollar spent. To accomplish this, it is necessary that we look toward simplification of our equipment, develop a capability to transfer parts and elements from one spacecraft to another and give high priority to obtaining the reusability of our space hardware.

A major reason why space flight is so expensive relatively is that much of the equipment is used once and then thrown away. Suppose the same thing was done in the airline business. What would it cost to fly from Washington to Salt Lake City if each time the trip was made the aircraft was discarded? The entire cost of the aircraft would have to be borne by the passengers on this one trip.

During the experimental stages of space flight, such extravagance was unavoidable, and, even with reuse capability, space travel will always be in a different magnitude of cost than air travel.

But it is essential that we seek to harmonize the characteristics of aircraft and those of spacecraft. We need the ability, not only to fly out into space, but also to have spacecraft return to earth at spaceports, refuel, exchange passengers and cargo, and then go out on another trip. The space revolution is at a state where our aim should be to make space travel an efficient, low-cost-per-mile transportation system. We can do it, and we must do it to achieve maximum return for our investments.

Perhaps most important of all, the orientation of the civilian space program in the 1970's should be toward the solution of the problems vital to the well being—and the very survival—of humanity.

All Senators will recall the magnificent colored photographs taken by the astronauts as they orbited the earth and as they traveled to the moon. I am sure many of you display on your office walls the earth-rise photos, as I do on mine. The deep significance of these photographs was evoked by Col. James A. Lovell who, during the flight of Apollo 8, said:

> The Earth from here is a grand oasis in the big vastness of space.

But we have thoughtlessly degraded this oasis. The space program has provided us with new tools to alleviate the destructive effects on this earth of the rapid increase in man's numbers and material possessions.

Through the use of satellites, both manned and unmanned, observations are being made of the earth and its environment. The secrets of nature can be detected by recording energy reflections from the earth. Hence, we can send up spacecraft to obtain a wide variety of information and send it back for use here on earth. For example, it has been estimated that in this country alone insects, disease, and fire destroy many billions worth of agricultural products every year. This loss would have to be multiplied many times to estimate such loss worldwide. We are now reaching a point in space technology where we can use spacecraft to monitor farm and forest resources and identify those that have diseases and those which are healthy. These sensors should also give us a more accurate picture of the ice crust in the North, plus the prospects of floods as the snow and ice melt.

Satellites can give us a new and very effective tool in the prospecting for petroleum and mineral deposits and can also reveal heretofore hidden sources of fresh water. Our fishing fleets can be informed as to where large schools of fish are feeding and, as a result, greatly increase the supply of protein food while decreasing the cost of obtaining it.

Newspaper reports of December 29, 1969, told of the impatience expressed at the annual meeting of the American Association for the Advancement of Science in Boston over the meager fund allocations of NASA to programs that could aid food production and advance environmental protection. Dr. Gordon M. MacDonald of the University of California at Santa Barbara, a noted space expert, was described as amazed that the space agency has moved so slowly to produce spaceships aimed at pollution abatement and other environmental protection tasks. I share Dr. MacDonald's concern.

A closer look at two programs—weather forecasting and control, and natural resources management—will give a deeper understanding of both present accomplishment and future promise.

The Environmental Science Services Administration—ESSA—was created within the Department of Commerce, to provide a single national focus to describe, understand, and predict the state of the oceans, the state of the upper and lower atmosphere, and the size and shape of the earth. Its goal is to describe the physical environment, predict its behavior, warn of environmental danger and seek means to modify adverse behavior of the environment, where this is feasible.

To achieve these goals, broad environmental satellite program objectives have been established in concert with other agencies and with NASA. Examples of these objectives are the production of cloud cover pictures of the whole earth daily, continuous observation of the earth and its atmosphere from synchronous orbit, and daily quantitative measurements, such as temperature and pressure, at various levels in the atmosphere.

The most significant progress has been made in the first objective—global cloud coverage—with the operation of the Tiros Operational Satellite—TOS—system.

The success of this system can be measured by the fact that satellite data is a daily required tool in hundreds of weather offices. Many users now consider the satellite essential to their environmental service missions, particularly in the west coast region of the United States where satellite pictures frequently provide the first information on developing weather off the coast where surface and upper air observations are sparse.

Other benefits include: Reduced use of aircraft for tropical storm reconnaissance, reduction of the time and cost to accomplish photo mapping of remote areas, and elimination of a costly weather-observing ship between New Zealand and Antarctica. No tropical storm—hurricane or typhoon—has gone undetected, or reached populated areas without warning for several years, due in large part to the availability of satellite data.

It is possible that this weather information may even enable us to control, or at least divert, storms and thus minimize their destructiveness.

Through the medium of the Earth Resources Program Review Committee, established by NASA during 1968, various departments of the Government assisted NASA in determining program objectives and evaluating potential applications of an earth resources program utilizing satellites.

Areas of investigation include hydrology and oceanography.

In the field of hydrology, the availability of ERTS data would permit evaluation for snowline mapping in potential flood areas such as the Upper Mississippi Valley, the Sierra Nevada, and the Northeast; observation of the extent of flooded areas; observation of the extent of river and lake ice; estimation of surface soil moisture; and estimation of maximum probable precipitation from storms.

In the field of oceanography, ERTS data would facilitate planning for the hydrographic survey of coastal waters; the location and extent of ice in inland waters and at sea; the study of estuarine mechanics; and surveillance of major ocean currents, among others.

The Department of the Interior utilizes ERTS data for its earth resources observation satellite program—EROS. Administered by the U.S. Geological Survey, EROS applies remote sensor information acquired from aircraft and spacecraft to land use and resources investigations.

The Department of the Interior is the principal resources agency of our Government. For the effective utilization and the conservation of our Nation's lands and natural resources, the space program can provide data for basic inventories of natural resources and planning for their management.

An example of the contribution of the spacecraft to the work of the Geological Survey is the small-scale photomap acquired through photographs from space. With the addition of interpreted data from the color photos taken in the Gemini and Apollo programs, the Survey can produce such items as a geologic terrain map, a map useful in minerals exploration, and a land-use planning map.

In like manner, space vehicles will aid the resource programs of the Department of Agriculture. Joint research between NASA and USDA is directed to space systems that will be of use in the field of agriculture, forestry, and range management.

Surveys would be aimed at—identifying and measuring land use; detecting calamitous events, such as disease, insect infestation, and drought; assessing crop and timber stand conditions; and determining surface soil characteristics.

One important capability resulting from the application of remote sensing to agriculture and forest lands would be mapping of surface water, including snowpack, and identifying and mapping silt production and other water pollution sources.

Mr. President, I have mentioned only a few of the current, or near at hand, benefits of the space program. Because of it we are incalculably wiser in many ways. Now and increasingly in the future these byproducts of the "man on the moon" program will immensely enrich our life here on earth.

I share with all America great pride in the achievements of our astronauts, and the vast legacy of those achievements—a legacy made possible only through the labor and devotion of the administrators of NASA, the leaders of the Space Council, and thousands of scientists, technicians, and skilled workers—those in the contracting firms as well as in Government.

But I feel that the time has come to redirect our space objectives. For the present we should set our space sights on building an orbiting space station, supplied and managed through the use

of a space shuttle system in which craft would go back and forth from earth to the space station on regular schedules and on productive missions.

Concurrently we should give considerably more attention and a much larger share of space appropriations to research which will increase supplies of food and other necessities, to preserving our life-giving environment, to reducing disaster losses, and to other earthbound problems.

A decade ago, an heroic goal—such as the man on the moon—was needed to establish order and provide objectives for the development of the building blocks essential to space capability. We now have those building blocks—and we need to drain from them all the beneficial returns possible.

It is time to focus our energies on what someone has called "inner space." When we have more nearly solved the fearsome problems presented here, it will be time to move again toward distant horizons.

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

The PRESIDING OFFICER (Mr. ALLEN in the chair). The clerk will call the roll.

The bill 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.

Mr. MATHIAS obtained the floor.

Mr. MANSFIELD. Mr. President, will the Senator yield before he begins?

Mr. MATHIAS. I yield.

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 PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. I thank the Senator.

ALLEGED OBSOLESCENCE OF THE CONSTITUTIONAL WAR POWERS OF THE CONGRESS

Mr. MATHIAS. Mr. President, there are two principal theories advanced to explain the alleged obsolescence of the constitutional war powers of the Congress.

One theory is that in the nuclear age wars may be too large and cataclysmic to be channeled through congressional processes. This may be true. But it is irrelevant to the constitutional question, since no one has challenged the Executive's authority to repel attack on the United States or to act in accordance with treaty provisions ratified by the Senate.

The other theory, beyond the belief that wars are now too big and sudden for congressional deliberation, is that in the nuclear age wars are also too small and intricate to allow a congressional role.

The big war theory has never been tested and we all passionately hope it never will be. In any case, if nuclear holocaust occurs, the survivors will not be much concerned with constitutional proprieties. The small war theory, however, has been repeatedly asserted as policy by the Executive in relation to Vietnam. And now it is being repeated in relation to the expanding conflict in Laos. Laos has become an arena for the repetition of the mistakes of our Vietnamese involvement.

The intervention in Laos has been prosecuted without congressional deliberation or authority beyond the Tonkin Gulf resolution of 1964. In fact, U.S. military activities in that country clearly violate the spirit of both the national commitments resolution—requiring specific congressional approval for every new engagement of American troops abroad—and the amendment to the Defense Appropriations Act prohibiting use of funds for American ground combat troops in Laos or Thailand. News reports from usually reliable publications indicate the presence of hundreds of ex-Green Berets, described as having joined the CIA in Laos because "they were fed up with having their hands tied in Vietnam." And military advisers are reported to be swarming over the country in numbers proportionately larger than the Kennedy administration commitment of advisers to the Saigon regime. The bombing of North Vietnam, which exceeded in intensity the highest levels of World War II, has now evidently been shifted to Laos.

These developments raise important questions of constitutional law. Can the reservation of war powers to the Congress be circumvented by redesignating soldiers as agents of the Central Intelligence Agency or as military advisers? Can such military actions by the CIA be accorded the clandestine status of authentic intelligence operations? By concentrating so many thousands of American officials in a small, beleaguered country like Laos—and exposing them to military peril—can the Executive in effect create an American military commitment without congressional approval and without the explicit engagement of ground combat troops? All these dubious disguises for military engagement are reportedly being used in Laos. If this is the case, each one subverts the constitutional powers of the Congress.

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

Mr. MATHIAS. Mr. President, I ask unanimous consent that I may continue for 3 additional minutes.

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

Mr. MATHIAS. Mr. President, I would further contend that Communist recapture of the Plaine des Jarres suggests that the intervention in Laos will not work. Every American escalation has been met by a North Vietnamese escalation. There are now said to be 50,000 North Vietnamese troops in the country. In recent weeks they were reportedly armed with antiaircraft missiles. They are evidently determined to keep open the Ho Chi Minh Trail and to counteract any substantial American gains in South Vietnam with further Communist entrenchment in Laos.

It would be a cruel disappointment of President Nixon's hopes for peace if success of Vietnamization in South Vietnam depended on escalation of the U.S. engagement in Laos. If that has become a new element of the conflict in Southeast Asia, then the American policy should be fully reappraised. For I believe that the American people—and the Congress—will not ultimately accept a withdrawal policy that entails merely a changing of uniforms and titles and a reengagement in Laos. It may well be that the weaknesses of our approach to disengagement in South Vietnam can be measured in part by the massiveness of our simultaneous military engagement in neighboring lands

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

Mr. MATHIAS. I am very happy to yield to the distinguished majority leader.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the distinguished Senator may be allowed an additional 5 minutes.

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

Mr. MANSFIELD. Mr. President, may I say that I had the opportunity to read the short, to-the-point speech just made by the distinguished Senator from Maryland. I believe he is performing a service in trying to pinpoint a situation in Laos which is becoming increasingly more dangerous. The possibility of our further involvement has increased and there has been brought about a decided enlargement of the number of sorties flown over Laos, either across the Ho Chi Minh Trail or on the Plaine des Jarres. In the latter area, I understand on the basis of news reports, B–52's have for the first time been used in the past week or so.

What the Senator is endeavoring to do is bring the Congress into any decision which may be made in Laos. That is in accord with the national commitments resolution passed by the Senate by a large vote last year, and with the Cooper-Church amendment to the Defense appropriation bill, which was passed overwhelmingly, and which, as I recall, had the approval of the administration as well.

The Senator notes in his speech that—

> Laos has become an arena for the repetition of the mistakes of our Vietnamese involvement.

I would only amend that to express a wish and a hope, by saying that this is a possibility and not a probability at the moment.

May I say that I was surprised at the Senator's statement that there are "hundreds of ex-Green Berets" who have joined the CIA in Laos, because, as the Senator points out, if that is the case, then it is a horse of a different color, but still a horse as far as combat units are concerned.

The Senator indicates also that the bombing of North Vietnam, which has considerably exceeded the bombing in World War II in both the Pacific and the European areas, has now evidently been shifted to Laos, along the trail, the Plaine des Jarres, and elsewhere, with the cessation of the bombing in North Vietnam itself.

The Senator also brings out the fact

that the Communists, the North Vietnamese, have been reportedly armed with antiaircraft missiles—I do not think there is any doubt about that—and that "they are evidently determined to keep open the Ho Chi Minh Trail and to counteract any substantial American gains in South Vietnam with further Communist entrenchment in Laos."

I would add to that the Kingdom of Cambodia as well, because it has been estimated that while there are approximately 50,000 North Vietnamese in Laos, backing approximately 25,000 Pathet Lao, there may be something on the order of 45,000 to 50,000 North Vietnamese and Vietcong in Cambodia, along the remote northern frontier extending from where the kingdom abuts on Vietnam over into the province of Battambang, which abuts on Thailand.

I have been extremely worried about the situation in Laos in recent weeks, or I should say recent months, because it is part and parcel of what is developing in Vietnam, and there has been a decided shift into Cambodia and Laos from Vietnam itself.

I was perturbed, for example, when Mr. Colby, who appeared before the Symington subcommittee last week, indicated that we would be in South Vietnam for a period of at least 5 years, and that we could possibly get out in 10 years, provided that certain circumstances occurred.

It would be my hope that a speedup in the withdrawal policy could be brought about, and that such a speedup would not be dependent upon Hanoi's stalling or Saigon's wishes, but on what would be in the best interests of this Nation.

What will happen in Laos is anybody's guess. We can either continue at our present extensive and expensive pace—I mentioned that the sorties into Laos from outside areas come in the hundreds—we can escalate, which would create a very dangerous situation; or we can withdraw, which would place the Kingdom of Laos at the mercy of other and outside forces.

I would suggest, hopefully—and I emphasize the word hopefully—that one way out of the dilemma in which we find ourselves in Laos would be, once again, to call upon the co-chairman of the Geneva accords, which in 1962 brought about the neutralization of the Kingdom of Laos by means of which the neutralists, the rightists, and the Pathet Lao would each be accorded one-third of the representation in the Laotian Parliament.

It is my understanding that the neutralists and the rightists have filled their seats and that, while the seats allotted to the Pathet Lao are vacant, the seats are still there for Souvanouvong and his followers to sit in, if they only will.

If the situation develops further as it is proceeding at the present time, it may well be that we are in for a more difficult period. If that is the case, then I think all the plans for Vietnamization and all else will go down the drain, and we will find ourselves in a most difficult and dangerous situation. I hope that will not be the case, because, as the Senator has indicated, Congress in no uncertain terms and on two occasions, has declared that it would not favor further interventions unless we were consulted—and that was one of the points which the distinguished Senator from Maryland has tried to bring out. We did so in the national commitments resolution, and under the Cooper-Church amendment, and furthermore, that we would not favor U.S. combat troops—in whatever guise—for use in Thailand and Laos.

My concern is not mitigated by the fact that casualties are accumulating week by week. I do not know how anyone can get any satisfaction out of the fact that the deaths are running under 100 a week, even though that is a reduction from what it was a year ago, when casualties were running in the hundreds a day.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MANSFIELD. I ask unanimous consent to proceed for 5 additional minutes.

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

Mr. MANSFIELD. The latest figures I have—and I get the sheet every week; this one is dated February 19, 1970—indicate that the casualties in Southeast Asia—I do not believe this applies only to Vietnam alone, but let us say it does, and leave aside the casualties which have occurred from various causes in Laos and Thailand—the figures show that up to this date, in Vietnam, 267,174 Americans had been wounded, 40,562 Americans had been killed in combat, and 7,458 Americans had died from other causes in Vietnam.

If we add those figures, we get a total of 315,194 dead and wounded, in an area in which we have no business, in a war in which we should not have been engaged, and in a conflict which is a continuing tragedy for this country and for its people, and from which, as far as I can see, no gain can be achieved.

So I am delighted that the distinguished Senator has raised the flag of warning on the situation in Laos. I would hope it would be possible, as a result of what the distinguished Senator has said, that there would be forthcoming shortly a Laotian report, sanitized and laundered, which would include the results of the hearings conducted by the Symington committee. If that report is not released shortly, it can only raise additional questions as to what we are doing in Laos. The people, if they are not told, are going to say, "Where there is smoke there must be fire."

Therefore, I think it would be in the best interests of all concerned if the report of the Symington committee were agreed to by both the State Department and the committee, released, and made available to the American public as well as to the Members of the Senate as a whole. As one who sat in those hearings, it is my opinion that there is very little in the record of those hearings which involves the security of this country. Anyone who reads the press assiduously and follows the information available therein will have a pretty good idea of just what has been happening in Laos, and will realize that this so-called secret war really has not been so very secret.

I commend the distinguished Senator for raising the question. I hope it will have an effect downtown, and I hope it will also serve as a warning, so that those who are in charge in the executive branch will be very careful as to what they do, and will not get this country involved in another Vietnam.

Mr. MATHIAS. I thank the distinguished majority leader for his very valuable contribution to this colloquy. He has not only added to our knowledge of the facts but, as is his custom, he has also made some very valuable suggestions as to practical steps that can be taken to deal with the situation in Laos. I am very grateful to him.

I am also grateful for the fact that I think he has correctly discerned my purpose in raising the question of Laos today, which is to engage the attention and the action, if need be, of the Senate on this developing situation. As the majority leader has stated, the reports which are appearing in the press, and which, when put together, cumulatively form quite a bit of information, should be brought to the attention of the Senate. If they are wrong, or if they are inaccurate, we should know that. If they are accurate, we need to weigh them with all the seriousness that they demand.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MATHIAS. I ask unanimous consent to proceed for 3 additional minutes.

The PRESIDING OFFICER. Without objection, the Senator from Maryland is recognized for 3 additional minutes.

Mr. MATHIAS. I thought it was impossible not to bring these reports to the attention of the Senate, because I thought it would be worse for us to ignore such reports now, after we have agreed to the national commitments resolution and to the Cooper-Church amendment, than it would have been had we sat silent in the first place. It would be totally quixotic to have made those gestures, and then, having charged at the windmills, to retreat into some imaginary La-Mancha of our own creation. I think the Senate cannot ignore the storm signals flying this morning.

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

Mr. MATHIAS. I am happy to yield to the Senator from Illinois.

Mr. PERCY. Mr. President, I commend the distinguished Senator from Maryland for bringing up this question.

We can say that the country has applauded the very clear-cut decision by the Nixon administration to draw down our forces in Vietnam. Further, the country has supported, and both parties have supported, the statement of the Nixon Guam doctrine which says that we will help others, but we will not so deeply involve ourselves in the future as we have done in Vietnam. Still I think there is a grave concern in the country as to where we are going in Laos.

I think the experience I have had is the same as that of the distinguished majority leader. When I have gone to Illinois on my last three trips, the first question put to me by almost any group was, "What is going on in Laos? We like the idea that we are withdrawing our forces in Vietnam. We like the idea that the

Guam doctrine says we are not going to become involved this way again. We will help, but not take over. But what is going on in Laos?"

I found myself in the painful position, having been briefed in Vientiane, in confidential briefings, and having participated in a secret session in this body, of not being able to be absolutely candid with these groups.

I would hope that we would have as much revelation as possible in the reports forthcoming from the Symington hearings and others, to see that we inform the American people to the greatest extent possible, so that we will not have a credibility gap once again. At a time when we are drawing down our involvement in Vietnam, the same kind of condition should not be allowed to develop in Laos. Before we get deeply involved, the American people and Congress have a right to speak their minds.

I commend the distinguished Senator from Maryland for raising his voice this morning.

Mr. MANSFIELD. Mr. President, I have indicated my fears, my worries, my concern, and my uneasiness about the situation which is developing in Laos. I have made the suggestion, hopefully and wishfully, but the suggestion nevertheless, that the cochairmen of the Geneva accords of 1962, to which the United States was a signatory, call a meeting of the signatories for the purpose of seeing if some way could not be found to maintain the agreement reached in 1962 which guaranteed the control of Laos and which called for a tripartite government made up of rightists, neutralists, and the Pathet Lao.

As I indicated, the neutralists and the rightists, so called—the names really do not really mean much so far as they are concerned—now have their proper one-third each of the seats in the Laotian Parliament. I also indicated, I believe, that the other third is vacant but the seats are waiting for the Pathet Lao to fill them, if they only would.

Under Prince Souphanouvong, the half-brother of Souvanna Phouma, they have declined to do so, although they maintain a company of approximately 100 men, under a colonel, in Vientiane, all the time, there is no governmental participation.

It may be that the reason why there is no participation is that the Pathet Lao, which number 15,000 to 20,000, are under the thumb of the North Vietnamese, who number somewhere between 50,000 and 60,000 in Laos at the present time. Thus, it is a serious situation and cause for concern, something which should be publicized.

I repeat, the hearings held before the subcommittee should be released, after proper sanitization, because there really is not too much that is new, if one has followed the public prints.

Mr. President, yesterday I noted an item on the news ticker, referring to the arrest of three newsmen by Laotian army officers.

According to the report, those detained were John Saar of Life magazine and Timothy Allman, a part-time employee of the New York Times. The third was connected with a foreign news agency, I believe the Bangkok Times. The ticker report indicates that the men were trying to get to a scene of military action. I find this morning that before they tried they were being conducted on a guided tour by the U.S. Embassy in Laos.

This morning's press carries a story on where they were headed. They were going to Long Chang, an airbase which has become very much a part of the war in Laos. As newsmen have been doing for as long as there have been newsmen, they were taking their chances.

Without knowing the full circumstances, I am not going to jump to conclusions about whether or not these men should have been where they were when arrested. In any event, they have been released. Nevertheless, I am deeply disturbed by a statement which is contained in the news item and which is attributed to the U.S. Ambassador to Laos, G. McMurtrie Godley. The Ambassador is quoted as saying that "the American mission has lost any interest in helping out the press whatsoever because of what has happened this afternoon."

I would suggest most respectfully that regardless of what happened that afternoon, the American Embassy in Vientiane should regain its interest in the press without delay. The Embassy in Laos has a responsibility to go on helping U.S. newsmen. It has a responsibility to assist them whenever and wherever they are in difficulties, whether or not the Embassy is pleased or displeased with what they may be doing. The American Ambassador does not have a choice in this situation. I repeat, he has a responsibility. He has an obligation.

The Ambassador to Laos might well be called upon, without delay, to explain his apparent washing of his hands of this responsibility. He owes that explanation to the President who appointed him and to the Senate which confirmed him. I would hope, therefore, that unless there is some clarification of Ambassador Godley's statement, committee inquiry would be initiated to determine the circumstances of its issuance.

May I say that the U.S. press almost alone, for a long time, has provided the American public with some clear light on the bizarre situation in Laos—this nonwar which, nevertheless, goes on destroying lives and property with increasing ferocity, this nonwar which has already cost the Nation many American lives in combat and billions of dollars.

Laos is not yet a second Vietnam. That it is not, may well be due to the persistent effort of the American press. It has put the spotlight on this obscure and remote tragedy. It has penetrated the veil of vague policy in which this involvement has been wrapped for too many years. It has flagged the dangerous drift for the President's attention, for the attention of the Senate, and for the people of the Nation—one would hope in time to prevent it from going completely out of control.

Mr. COOPER. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I am happy to yield to the Senator from Kentucky.

Mr. COOPER. I am glad to have been in the Chamber and to have heard the comments of the distinguished majority leader on the situation in Laos.

This subject has been a matter of concern to me for many months.

Last August, when the defense authorization bill was before the Senate, I found in the bill a section which I believed could be used to finance our forces to be used in the civil war in Laos.

I introduced an amendment to deny funds for the use of our forces in Laos in support of the local war there. It aroused a storm on the floor that day, which indicated to me that some Members of the Senate—although I was not one—knew we were engaged in a local war in Laos. The matter then went over until after the recess.

I introduced a similar amendment later. The Senator from Mississippi (Mr. STENNIS), the manager of the bill, and others said they understood and supported my objective—an objective which was supported by the majority leader. However, Senator STENNIS and others argued the amendment would not meet the end which I sought—the prevention of U.S. combat involvement in local or civil wars in Laos and Thailand.

They agreed with my objective to keep our country out of war in Laos.

The amendment was passed by a unanimous vote. But it had no effect, and our involvement in Laos has increased. I did not know the extent of our involvement in Laos when I introduced the first amendment.

When the defense appropriation bill came before the Senate in December last year, I could not be present because of illness in my family. The majority leader very kindly introduced the amendment for me and joined as a cosponsor.

The Senate went into closed session to discuss the situation and my amendment was modified to say in effect that "no American ground troops, should be used in Laos." And, of course, that amendment of Senator CHURCH and others had some effect. However, I insist that its prohibitions on the use of ground troops did not have enough effect to keep the United States out of an increasing military involvement in Laos. The facts which have become public since that time prove that what I had to say was correct. We are engaged in a war in Laos which is an internal war.

The question arises, upon what authority? There has been no declaration by the Congress of the United States that we should become involved in a war in Laos. There has been no statement by any executive of this or past administrations that there is some necessity for us to be involved in the war in Laos. There has been a declaration by the Senate, expressing its sense, through a national commitments resolution, that we should not become involved in another war and send troops to another country, without the consent of Congress.

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

Mr. COOPER. Mr. President, I ask unanimous consent that I be permitted to continue for 2 additional minutes.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator from Kentucky may have an additional 5 minutes.

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

Mr. COOPER. Mr. President, I can

only think of two sources of authority for our military involvement in Laos—and we are so involved in Laos.

One is the use of the Tonkin Gulf joint resolution. The Tonkin Gulf joint resolution provides authority to the President of the United States to take such steps as he might think necessary to protect the protocol states under the SEATO Treaty—one of the states being Laos. But surely with all of the trouble we have had with the Tonkin Gulf joint resolution and the opposition that has been expressed by so many, even though we voted for it, surely we would not use that resolution for a second military involvement—in Laos—without coming to the Congress.

The only constitutional grounds upon which I believe we might be involved is under the doctrine of military necessity. And that means, of course, that when a country is involved in war, as we are in South Vietnam, and situations arise which require the Commander in Chief in his judgment to take action which he believes to be necessary for the prosecution of the war and the security of our force, the laws of war hold that is permissible.

In the introduction of my amendment last August, I did not intend that it should forbid bombing of the Ho Chi Minh trail, which is a necessary element in the South Vietnamese war and so stated. But the amendment did not intend that we should be engaged in bombing in an internal war in Laos.

The only reason I can suggest for our involvement is that we are either acting under the Tonkin Gulf joint resolution or from military necessity. Whatever the reason may be, I think the issue must be answered by the administration. The American people and Congress should be given the facts.

I understand the very difficult situation we are in in South Vietnam. I know that the President is trying to find a means to get out of the situation, to end the war to achieve a true peace, and I support him. But I do not see how we can get out of that situation by becoming involved in another war in Laos and increasingly so.

I shall continue to insist by amendment as bills come before the Senate that we deny any funds for involvement in war in Laos—which is an internal war—not simply the use of ground troops, but also by the use of Air Force, naval, and civilian forces acting under authority of the United States. However occasioned it is an involvement in war which has not been authorized by Congress. It is an involvement whose extent we do not know.

This is a question which we must discuss and we must know. If there are strong reasons for our being involved there, such as its effect upon the war in South Vietnam, I think it would be of value to the administration and the country for the reasons to be known.

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

Mr. COOPER. I yield.

Mr. PERCY. Mr. President, I should like to evidence my great admiration and deep regard for the Senator from Kentucky who has done so much to bring this vitally important matter before the Senate.

This is a bipartisan approach to reassert the responsibilities of the U.S. Senate. I was very pleased indeed that the administration, following the overwhelming adoption of the distinguished Senator's amendment concerning our involvement in Laos and Cambodia, indicated that it supported and favored such an amendment. It was a clear indication to the American people of the intention of this administration not to become as deeply involved overseas.

I think the real importance of this matter is the question as to where the priorities of the United States should be. We know that we must remain militarily strong. We cannot tempt any outside power to attack us. That would endanger our own national interest and the interest of our allies. But we have to weigh that outside threat against internal threats.

I was very struck by the distinguished Commission on the Causes and Prevention of Violence, headed by Milton Eisenhower, when it concluded that through the ages, civilization generally has faced a greater threat from internal decay than from external assault.

I spent yesterday afternoon in Washington with Mr. Andrew Heiskell, Chairman of the National Urban Coalition. And I have spent hours with him, as I have with John Gardner. We have talked about the great threat we face from inside urban America. I think it is a question of priorities. Where do we put our resources?

I say further that I was very pleased that the administration thought through this whole concept of whether we should have a capability to wage one minor and two major wars simultaneously. This had been through a directive of the National Security Council.

In thinking through this particular premise, the administration concluded that we do not need such a capability to maintain the defense of this country. It was a wise decision.

I hope it will enable us to draw down our military expenditures so that we can alleviate the bitterness and despair that have caused riots in the streets once before and can again, if we do not measure up to our responsibility. The only way we can do it is to look carefully at our continued involvement in foreign situations which once again, like quicksand, could draw us in before we know what we are doing as a people and as a Congress.

Mr. President, I think the distinguished Senator from Kentucky has rendered a great service to Congress and to the people of this country in bringing this matter to our attention and urging full disclosure of what is being done in this area.

Mr. President, I ask unanimous consent to have printed at the conclusion of my remarks what the Eisenhower Commission on the Causes and Prevention of Violence had to say about nation building at home.

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

When in man's long history other great civilizations fell, it was less often from external assault than from internal decay. Our own civilization has shown a remarkable capacity for responding to crises and for emerging to higher pinnacles of power and achievement. But our most serious challenges to date have been external—the kind this strong and resourceful country could unite against. While serious external dangers remain, the graver threats today are internal: haphazard urbanization, racial discrimination, disfiguring of the environment, unprecedented interdependence, the dislocation of human identity and motivation created by an affluent society—all resulting in a rising tide of individual and group violence.

The greatness and durability of most civilizations has been finally determined by how they have responded to these challenges from within. Ours will be no exception.

Mr. GORE. Mr. President, any student of Southeast Asia knows that for not only generations, but for decades and perhaps centuries, there have been rivalries, animosities, and tribal divisions frequently resulting in local hostilities. The intervention of the great powers into such a volatile and explosive situation, with the ideological contest making the primitive people of this area the pitiless victims, and the furnishing of arms to both sides resulting in the slaughter of untold millions of natives, is not a pretty chapter in the history of the great powers.

What is happening in Laos now is tragic; another country being split in two. Will it be another Korea? Will it be another Vietnam?

Mr. President, last evening I reread President Johnson's Johns Hopkins speech. I reread it in light of his recent television appearance in which he said he never sought victory in the normal sense. I am not sure I am using his exact words. So I looked back at the objective when he first offered negotiations. His objective was an independent South Vietnam. There never had been such a national identity before.

Shall we now seek an independent South Laos, a dependency?

Recently President Nixon made some cogent remarks about the divisiveness of the Vietnam war and he indicated the people could not be expected to support a war they did not understand. What understanding is there about the Laotian war in which the distinguished Senator from Kentucky says we are engaged? Not only is there official silence, but there is the use of terms to mislead the public to divert its attention from the real facts. Moreover, the record of the committee hearings are withheld from the public. Why? There may be several reasons but one of them may be that our activity in Laos is in violation of the Geneva agreement, to which we were a party.

Indeed, the fact of our involvement has been concealed from the people by the use of terms, words of military art, and phraseology designed to conceal instead of to reveal.

There should be greater caution exercised, Mr. President, before the involvement of this great Nation into a conflict; and particularly is there a moral issue involved when the pitiless victims are made such pawns of the ideological rivalry of the major powers.

THE POLITICS OF THE EPITHET

Mr. PERCY. Mr. President, 3 years ago, and also in 1968, this Nation was wracked by racial strife. It became known as an era of the politics of confrontation.

But, Mr. President, this politics of confrontation was preceded by what can best be described as the politics of the epithet. Too many people substituted name calling for rationality. The dialog between committed people of all races and faiths was drowned out by the clamor that welled up in this country.

Many black Americans were frustrated by what they felt was inaction in meeting their very real and very pressing problems. The politics of the epithet fanned this frustration into ferment.

Many black Americans were bitter because of what they deemed a lack of concern for their problems. The politics of the epithet fanned this bitterness into rage.

Ferment and rage were fanned even hotter by the continued politics of the epithet. And parts of many of our cities burned. Some of our people died. Many more were ruined.

Then, a little over a year ago, the President of the United States, standing on the steps of this Capitol, called on Americans to lower their voices so they could hear each other speak. And the vast majority of Americans responded. It was our hope—and the hope, I am sure of responsible men in both major political parties—that we had seen the last of politics of the epithet. We began to get about the business of solving the problems that had become obscured by the noise and the rancor of name calling.

Now, however, I am shocked by the return to this politics of the epithet which was demonstrated yesterday by a few who appeared before the Democratic policy council to raise their voices to a high pitch.

I do not feel it serves any good or useful purpose for a man who once held a responsible post with the Government to call a high-ranking elected official of this administration, the Vice President of the United States, a racist. It serves no useful purpose to use a distinguished council of this type and a distinguished platform for this purpose. It serves instead to refuel the fires of hatred.

A racist is termed to be a man who believes that race is the primary determinant of human traits and capabilities and that racial differences produce an inherent superiority of a particular race.

There is not one iota of evidence that can be produced that the Vice President, who has spent a lifetime in public service, has ever held this belief.

Let it be noted here and now that all Americans—almost all Americans—are weary of raised and raucous voices and of irresponsible and ill-founded charges. We know that we cannot reweave the fabric of our society if there are those standing by who would do nothing but unravel it.

I am sure that the responsible men and women of the Democratic Party are as distressed as I am by this isolated incident of character assassination. It is my sincere hope that men of good will of all political colorations and all faiths will eschew the course suggested by yesterday's event and rather will bind themselves together in a rededicated effort to go about our important affairs of state, face up to our problems, and go about solving them.

In the dialog that should be carried on there is nothing wrong with expressing discontent about our institutions and pointing out ways in which they can be strengthened and made more responsible and responsive. There is nothing wrong with a person being criticized for his judgment or for the way in which he might solve a problem, or what he might say on a particular occasion. But it is irresponsible to brand as a racist a person holding high office who is devoting himself to the welfare of his Nation in the best way he knows how.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Jones, one of his secretaries.

PROPOSED U.S. CONTRIBUTION TO THE SPECIAL FUNDS OF THE ASIAN DEVELOPMENT BANK—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 91-260)

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which, with the accompanying paper, was referred to the Committee on Foreign Relations:

To the Congress of the United States:

In 1966, the United States—with strong bipartisan approval of the Congress—joined with other nations in the establishment of the Asian Development Bank. Since then this Bank has shown its ability to marshal funds from Asia, Europe and this continent for the purpose of economic development. In the short span of three years, it has effectively put these resources to work. It has demonstrated an ability to make a major contribution to Asian economic development. It gives evidence of a unique capability for acting as a catalyst for regional cooperation. And it can assist individual Asian countries find solutions to their problems on a multilateral basis.

Now it is time for the United States to reaffirm its support of the Asian Development Bank.

Experience has shown that effective Bank support of certain projects and programs essential to economic growth and development in Asia must involve some financing on easier repayment terms. The economic capabilities of some of the countries of Asia have not yet reached a level of development adequate to service needed loans on conventional terms. The Bank cannot furnish this needed financing out of its ordinary resources and the limited amount of special funds now available to it.

To measure up to its potential for assisting in the economic growth of Asia, the Bank must have adequate facilities and resources to provide concessional as well as conventional financing. I believe that the United States should now join with other donors in providing the Special Funds that will enable the Bank to meet a wider range of Asia's development needs.

The proposal I am submitting to the Congress would authorize the United States to pledge a contribution of $100 million to the Bank's Special Funds over a three-year period. It would authorize the appropriation of $25 million in the present fiscal year, and $35 million and $40 million, respectively, in the next two fiscal years.

This proposal is designed to assure that the United States contribution will have maximum impact on Asian development problems, that the Bank's Special Funds will constitute a truly multilateral financing facility, and that the United States contribution will take account of our own balance of payments position. To assure that other advanced countries provide their fair share of these funds, the United States contribution would not exceed that contributed by other donors as a group, nor would it constitute the largest single contribution to the Bank's Special Funds. The terms governing the use of the United States contribution are clearly set forth in the bill I am transmitting to the Congress.

This support by our country will enable the Asian Development Bank to more effectively perform its critical role in promoting Asian economic progress. The Bank is in a unique position to do this because:

—It is first and foremost *a bank*, applying sound economic and financial principles to the job of development.

—It is *Asia's own creation*, largely conceived, established, financed and operated by Asians to meet Asian problems.

—It embodies equitable arrangements for *sharing the burden* of providing development finance.

—It brings to bear on Asia's challenging development problems *the cooperative efforts of 33 nations*, with balanced representation among Asian and non-Asian members, and among developed and developing countries.

—Its progress to date gives promise that it will become the important focal point for Asian development efforts envisaged by its founders.

Other developed country members already have responded to the Bank's need for Special Funds resources.

Japan has earmarked $100 million of which $40 million has already been paid. Canada is contributing $25 million in five equal annual installments, while Denmark and The Netherlands have also contributed a total of $3.1 million.

The Governors of the Bank have supplemented these contributions by setting aside for Special Funds purposes $14.5 million of the Bank's own paid-in convertible currency capital resources, as permitted by the Bank's charter.

A United States contribution at this time will give additional needed strength to this essential supplement to the Bank's Ordinary Capital resources, and will encourage other developed countries to contribute to the Special Funds facility.

This proposal has been developed after careful study of the pressing development needs of Asia, of the ability of the Asian Development Bank to use Special Funds resources to help meet those needs, and of our own fiscal and balance of payments problems. I believe that it represents a sound and realistic balancing of those factors, and that it will serve the national interests of the United States in a number of ways.

—It will further demonstrate the strong United States interest in the economic development of Asia.
—It is responsive to the developmental needs of Asia and to Asian initiatives already taken to meet them.
—It will strengthen the Bank as a multilateral regional institution capable of dealing with current and future development problems in Asia.
—It will encourage other advanced nations to provide their fair share of concessional aid to Asia—a region heretofore predominantly dependent on United States aid.
—It takes account of our fiscal and financial problems and contains the necessary balance of payments safeguards.
—It constitutes another example of effective utilization of the multilateral approach to economic development.

I urge the Congress to give this proposal its wholehearted and prompt approval.

RICHARD NIXON.

THE WHITE HOUSE, *February 25, 1970.*

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

PROPOSED APPROPRIATIONS FOR THE ARMS CONTROL AND DISARMAMENT AGENCY

A communication from the President of the United States, transmitting a draft of proposed legislation to authorize appropriations for the Arms Control and Disarmament Agency (with accompanying papers); to the Committee on Foreign Relations.

PROPOSED LEGISLATION TO GRANT A SPECIAL 30-DAY LEAVE FOR MEMBERS OF THE UNIFORMED SERVICES WHO VOLUNTARILY EXTEND THEIR TOURS OF DUTY IN HOSTILE FIRE AREAS

A letter from the Acting General Counsel, Department of Defense, transmitting a draft of proposed legislation to amend section 703(b) of title 10, United States Code, to extend the authority to grant a special 30-day leave for members of the uniformed services who voluntarily extend their tours of duty in hostile fire areas (with an accompanying paper); to the Committee on Armed Services.

REPORT OF THE SECRETARY OF THE SENATE

A letter from the Secretary of the Senate, transmitting, pursuant to law, a report of the receipts and expenditures of the Senate for the period July 1, 1969, through December 31, 1969 (with an accompanying report); which was ordered to be printed and to lie on the table.

REPORT OF THE EXPORT-IMPORT BANK OF THE UNITED STATES

A letter from the Secretary, Export-Import Bank of the United States, reporting, pursuant to law, the amount of Export-Import Bank loans, insurance, and guarantees, issued in connection with United States exports to Yugoslavia; to the Committee on Banking and Currency.

REPORT ON PROPOSED HIGHWAY CONSTRUCTION IN THE DISTRICT OF COLUMBIA

A letter from the Secretary of Transportation, transmitting, pursuant to law, a report on proposed freeway systems in the District of Columbia, dated January 1970 (with accompanying papers and report); to the Committee on Public Works.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, without amendment:

S. 3427. A bill to increase the authorization for appropriation for continuing work in the Missouri River Basin by the Secretary of the Interior (Rept. No. 91-709).

EXECUTIVE REPORTS OF A COMMITTEE

As in executive session, the following favorable reports of nominations were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary:

Arthur F. Van Court, of California, to be U.S. marshal for the eastern district of California; and

Carl H. Slayback, of Illinois, to be U.S. marshal for the Southern District of Illinois.

BILLS INTRODUCED

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

By Mr. PROXMIRE (for himself, Mr. HARRIS, Mr. HART, Mr. HARTKE, Mr. HOLLINGS, Mr. HUGHES, Mr. KENNEDY, Mr. MAGNUSON, Mr. MCGEE, Mr. MCGOVERN, Mr. MCINTYRE, Mr. MONDALE, Mr. MOSS, Mr. NELSON, Mr. PELL, Mr. RANDOLPH, and Mr. WILLIAMS of New Jersey):

S. 3503. A bill to reduce mortgage interest rates charged middle-income families, and for other purposes; to the Committee on Banking and Currency.

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

By Mr. DODD:

S. 3504. A bill to increase the maximum mortgage amount insurable under section 242 of the National Housing Act; to the Committee on Banking and Currency.

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

By Mr. JACKSON (for himself and Mr. ALLOTT):

S. 3505. A bill to amend the Land and Water Conservation Fund Act, and for other purposes; to the Committee on Interior and Insular Affairs.

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

By Mr. RIBICOFF:

S. 3506. A bill to require all passenger-type motor vehicles now used by the Federal Government to be furnished with air pollution control devices; to the Committee on Government Operations.

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

By Mr. NELSON:

S. 3507. A bill to amend the Federal Water Pollution Control Act to ban polyphosphates in detergents and to establish standards and programs to abate and control water pollution by synthetic detergents; to the Committee on Public Works.

By Mr. SPARKMAN:

S. 3508. A bill to create a Federal Mortgage Marketing Corporation, and for other purposes; to the Committee on Banking and Currency.

By Mr. MONDALE:

S. 3509. A bill for the relief of Gholam-Ali Michel Mostajir; to the Committee on the Judiciary.

S. 3503—INTRODUCTION OF THE MIDDLE-INCOME MORTGAGE CREDIT ACT

Mr. PROXMIRE. Mr. President, on behalf of myself and Senators HARRIS, HART, HARTKE, HOLLINGS, HUGHES, KENNEDY, MAGNUSON, MCGEE, MCGOVERN, MCINTYRE, MONDALE, MOSS, NELSON, PELL, RANDOLPH, and WILLIAMS of New Jersey, I introduce, for appropriate reference, a Middle-Income Mortgage Credit Act.

The purpose of the bill is to channel low-cost mortgage credit to middle-income families during periods of tight money and high interest rates. The burden of fighting inflation has fallen almost exclusively on middle-income homebuyers, and it is time the Government did something about it.

Why should a young family just starting out pay through the nose for a mortgage loan while the large corporation gets all the credit it wants and passes the extra cost along to its customers?

The homebuyers of this country have not caused inflation. Yet they are expected to pay the cost of fighting inflation, and it seems to me that this is not fair.

ECONOMIC POLICIES NOT WORKING

I am not suggesting that we forget about curbing inflationary pressures. However, by now it should be painfully obvious that our current economic policies have not worked. Prices are rising faster than ever—by the end of 1969, consumer prices were increasing at an annual rate of over 7 percent, more than double the rate a year ago. At the same time, the housing industry has been dealt a crippling blow. Housing starts skidded from 1.8 million units in January of 1969 to a dismal 1.2 million in December, a drop of 33 percent.

This slowdown in housing has come at a time when housing vacancy rates are at their lowest levels since the end of World War II. We face a colossal housing shortage and instead of increasing production, we have cut it back by one-third.

Mr. President, how ridiculous can we get? Here we have a desperate housing shortage, unemployment in the construction trades, a situation that is rediculous, because we are not allocating resources that are idle. At the same time, large corporations increased their spending on plant and equipment by over $10 billion in 1969, an increase of 10 percent over 1968. This unsustainable corporate investment boom has occured despite the fact industrial firms are utilizing only 82 percent of their capacity.

Clearly, any reasonable concept of national priority would call for an increase in housing expenditures and a decrease in corporate spending for plant and equipment. However, we have done just the opposite. We need to reorder our national priorities—not only in the public sector—but in the private sector as well. We need to use all the tools of economic leadership available to the President and the Federal Reserve Board to restructure the flow of credit to where it is needed the most. We need an end to the "no can do" policies of the present administration.

MIDDLE-INCOME FAMILIES IGNORED

The Government's housing programs have ignored middle income families.

During the first three quarters of 1969, the sale of new homes priced under $25,000 dropped 18 percent while the sale of homes priced over $35,000 increased 23 percent. Also, during fiscal year 1969, federally subsidized housing for low-income families nearly doubled.

The main beneficiaries of Federal economic policies have been the rich and the poor. The middle-income family, who pays most of the taxes, has been forgotten.

My bill would permit middle-income families with incomes under $10,000 a year to obtain mortgage credit at 6½ percent interest instead of the 8½ or 9 percent they are paying today. A reduction to 6½ percent would lower a family's monthly payments by $30 and make it possible for many more hard-working Americans to own their own homes.

The money would be provided from the Federal Reserve banks and be channeled through existing banks and savings and loan associations. The Federal Reserve is right now making loans to commercial banks at 6 percent a year. I see nothing wrong, therefore, with making these same funds available to the American homebuyer. If a banker can borrow from the Fed at 6 percent, why should not a homebuyer be given the same opportunity?

I am happy to say that the new Chairman of the Federal Reserve Board, Dr. Arthur Burns, recently appointed by President Nixon, agrees with this and says that in principle he agrees that mortgage borrowers should be able to go to the discount window of the Federal Reserve and borrow at 6 percent.

Under my bill, the Federal Reserve would be directed to channel up to $3 billion per year of 6½-percent mortgage credit into the mortgage market. These funds would be diverted from other areas of the money market, hence there would be no net inflationary impact. Nor would these funds be treated as a Federal budget expenditure, since the operations of the Federal Reserve are outside the Federal budget.

My bill represents a practical method of enabling 150,000 middle-income families a year to buy their own homes at interest rates they can afford to pay.

HOW THE BILL WORKS

Mr. President, here is how the bill would work. The bill permits the Federal Home Loan Bank System to issue up to $3 billion a year in special housing certificates at a maximum interest rate of 6 percent. The bill also directs the Federal Reserve to purchase these certificates at the discount windows of the Federal Reserve banks. The Federal Reserve is already extending credit at 6 percent to commercial banks through the discount window, hence the purchase of housing certificates at 6 percent would not be a substantial departure from existing practice.

The Federal Home Loan Bank Board would deposit the proceeds of its housing certificates into a special middle-income housing fund. The fund would be used to make advances at a rate between 6 and 6¼ percent to savings and loan associations and other regulated mortgage lenders subject to the following conditions:

First, all of the funds so advanced be used for making mortgage loans for housing units costing less than $25,000;

Second, the income of the homebuyer be less than $10,000;

Third, the maximum rate of interest, including all points, not exceed 6½ percent a year; and

Fourth, adequate security for the advance be provided comparable to existing regulations.

Since the $3 billion would be provided by the Federal Reserve System, it would not be treated as a budget outlay. Nor would the purchase of $3 billion of housing certificates interfere with the Federal Reserve Board's monetary functions or its control over aggregate bank reserves. The purchase of housing certificates can easily be offset by reduced purchases of Treasury securities. For example, even during the record tight year of 1969, the Federal Reserve increased its Treasury security holdings by $5 billion. Hence it would have had ample flexibility to have included the purchase of $3 billion in housing certificates within its overall operations without changing the aggregate level of bank reserves.

The provision of $3 billion through this method can finance the construction of 150,000 homes at interest rates which middle-income families can afford to pay. A 6½-percent mortgage instead of an 8½-percent mortgage can save the average homebuyer $30 a month or more in interest payments.

By providing credit through existing financial institutions, the bill makes use of available expertise without setting up a new Federal bureaucracy. Also, the bill would establish the Federal Home Loan Bank System as an intermediary between the Federal Reserve discount window and the mortgage lending institution. This has been done because the Home Loan Bank Board is in a better position to judge the needs of the mortgage market and to vary the flow of credit to meet those needs.

I am sure that those who counsel inaction will find fault with this proposal. Anticipating some of the arguments, one may expect to hear the familiar cry that it is "inflationary"; that it "destroys the independence of the Federal Reserve System"; and that it involves "hidden subsidies" and "back-door spending." All of these charges are false. Let us examine them one by one.

THE INFLATIONARY BUGABOO

The bill in no way increases the aggregate level of demand nor does it add to inflation. If the Federal Reserve were to purchase $3 billion in housing certificates through the discount window, it has ample opportunity to offset this action by reducing its purchases of Government securities by an equivalent amount over the same period. Thus the aggregate level of Federal Reserve Bank credit, commercial bank reserves, and the money supply would remain the same.

Credit would merely be diverted from other areas to middle-income mortgages. The funds the Fed would have used to purchase Government securities would be used to purchase housing certificates. The extra supply of Government securities would thus have to be sold on the private market and would sop up funds which would have gone for other purposes.

FED POLICY FAVORS BIG BANKS

While the aggregate economic effect remains the same, the way the Fed injects credit into the economy does make a difference to large commercial banks. The purchase of Government securities on the open market gives big banks a chance to earn interest on the transaction. For example, most of the new Treasury issues are initially sold to commercial banks. Instead of paying for the issue with cold cash, the bank is permitted to credit the Treasury with a special demand deposit called a tax and loan account. Sooner or later the Treasury will draw upon its account and the funds will leave the bank. However, if the bank is nimble enough, it can earn the interest on the bond for a few days and then dispose of the issue to the Federal Reserve. As long as the Fed is a constant buyer in the Government securities market, commercial banks can take bonds from the Treasury, shuffle them to the Fed, and earn a healthy rate of interest in so doing. The procedure is not too dissimilar to a check kiting scheme.

This profitable game would be much more difficult if the Federal Reserve Board increased credit through the discount window rather than through open market security purchases. If the Fed reduced its Government security purchases, the big banks would have to scramble much harder to sell the bonds before the Treasury demanded payment. Thus, a profitable source of easy revenue would be foreclosed.

Moreover, if the Fed shifted its activity from the Government securities market to the discount window, the market for Government securities would tend to fluctuate more than it does. Large commercial banks who frequently trade in Government securities would incur a greater risk. As a result they would have to maintain larger reserves to guard against this risk with a resulting reduction in earnings.

Finally, a shift toward the discount window would tend to inject reserves more evenly throughout the banking system, whereas open market operations tends to supply reserves to the larger banks who deal more actively in Government securities. Thus, a shift to the discount window tends to benefit small banks at the expense of big banks.

Because of these factors, one may expect that large commercial banks will strongly oppose the bill I have introduced. Carrying the argument one step further, one may also anticipate Treasury opposition since so many top Treasury officials have a commercial banking background. Without for the moment implying a conspiracy theory of policymaking, one must conclude that it is only natural for Treasury officials to view this proposal from the viewpoints of their past training as commercial bankers.

THE MYTH OF FED INDEPENDENCE

A second argument might be made that the proposal destroys the independence of the Federal Reserve System. The bill does nothing of the sort. The Fed would be entirely free to determine the aggregate money supply and bank credit which it deemed proper for the economy.

There is nothing in the bill which prevents the Fed from slamming on the aggregate monetary brake or accelerator.

Moreover, there is ample precedent within the Federal Reserve Act itself for the type of selective credit intervention implied by my bill. Section 13 of the Federal Reserve Act authorizes the Federal Reserve banks to discount commercial paper "arising out of actual commercial transactions" for "agricultural, industrial, or commercial purposes." The entire legislative history of the Federal Reserve Act shows a clear intent to reallocate bank credit away from long-term, speculative, stock market purposes in favor of short-term commercial, industrial, and agricultural purposes.

Under section 13a of the Federal Reserve Act, the Fed is authorized to discount paper issued by the Federal intermediate credit banks and to exceed the maturity limits required of commercial paper. This is an obvious attempt to facilitate agricultural credit flows. Thus, we have a well established precedent within the Federal Reserve Act itself for discounting the obligations of a specialized Federal Credit Agency in furtherance of other policy objectives. My bill would merely extend this approach to the housing sector and establish some meaningful quantitative goals on the use of the authority.

THE PHONY SUBSIDY ARGUMENT

Finally, we may expect to hear that the bill involves "hidden subsidies" to homebuyers and constitutes a "back-door spending approach" for increasing mortgage credit. The cry of subsidy sounds a little hollow when commercial banks themselves have enjoyed access to 6-percent credit from the Federal Reserve. Why is there not a campaign to end these hidden subsidies to commercial banks? Why is credit at the discount window not a subsidy if it goes to a bank and why does it suddenly become a subsidy when it goes to a homebuyer?

As a matter of fact, there is no subsidy at all. Middle-income home buyers have not caused inflation, yet they are being asked to pay for it through superhigh interest rates. The proposal for extending this group low-cost mortgage credit is merely an attempt to alleviate part of the burden which the Federal Government itself has created.

Likewise, the proposal does not involve back-door spending. We are not using Government appropriated funds to extend credit directly to middle-income home buyers. Instead, we are using the facilities of the Federal Reserve System to redirect the flow of private credit. The loans to homebuyers would continue to come from savings and loan associations, commercial banks, and other private financial institutions.

Mr. President, last year Congress increased the Federal Home Loan Bank Board's Treasury borrowing authority by $3 billion. Unfortunately, when the President signed the act, he said he did so "reluctantly" and that he had no intention of using this new authority. Given the present disposition of the administration, I believe there is no alternative but to require that the Federal Reserve take effective action.

Mr. President, I send the bill to the desk and ask that it be appropriately referred.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3503) to reduce mortgage interest rates charged middle-income families, and for other purposes, was received, read twice by its title, and referred to the Committee on Banking and Currency.

THE MIDDLE-INCOME MORTGAGE CREDIT ACT

Mr. HARTKE. Mr. President, I am delighted to join with the distinguished senior Senator from Wisconsin (Mr. PROXMIRE) in sponsoring the Middle-Income Mortgage Credit Act.

The economic policies of the present administration are as sophisticated as a meat ax and just as brutal. Economic thought has apparently reached a state of knowledge and enlightenment comparable to the medieval practice of bleeding the sick. Perhaps if we recognized the primitive condition of contemporary economic thought, we might more readily acknowledge its limited accomplishments and its manifest failures. The economic policy of the present administration is simply killing the economy by excessive bleeding. Nowhere is this "witch doctor" form of economic therapy more apparent, nowhere is the bloodletting greater, than in the housing industry.

Housing construction is particularly sensitive to rising interest rates and the availability of funds in the credit markets. Housing, therefore, is bearing an unfair burden of the present high interest rate policy. The homebuilder and the homeowner bear this unfair burden, not because they in any way caused or contributed meaningfully to the present inflation, but because, like the innocent victims of a raging murderer, they were there.

The homebuilder is no stranger to hard times. In fact, the housing industry has suffered five recessions in 15 years. Most recently, during the severe restriction of the money supply in 1966, housing absorbed 70 percent of the inevitable cutback in lending. Reeling from this first blow in 1966, builders were hit again in 1969. On February 19, the Bureau of Labor statistics reported that housing starts for January stood at 1,166,000. This is a 6.5-percent decline from December, which was hardly a good month. Since January of 1969, housing starts have plummeted by 40 percent. Mr. President, that figure is accurate—a 40-percent decline. Our present level of housing construction has now declined to the level of 1946, when our population was approximately 140 million. Today, with a population of over 200 million and with many more young people, the present administration is building not homes, but a housing shortage of unprecedented severity.

In 1970 the situation will worsen, not improve. New building permits in January declined 23 percent from the previous month—the largest drop in recorded history. The 950,000 permits issued in January 1970 compare with 1,400,000 permits issued in January 1969. All housing analysts agree that a decline in permits foreshadows a further worsening of housing construction in the months ahead. The housing industry, having suffered recession in the past, faces disaster in the future.

THE FORGOTTEN AMERICAN MUST FORGET HIS DREAM HOME

The assumption of the present high-interest rates policy is that increased prices will decrease all demand; but this assumption overlooks those sections of the economy where demand is inelastic. The demand for housing is particularly inelastic because housing is not a luxury. Due to the high-interest policy, the prices of houses has risen almost twice as fast as the overall cost of living. The average new house in the United States now costs about $26,000 compared to $20,000 in 1966. And this is only an average figure—in many parts of the country prices are much higher. The end result of this policy is that the forgotten American must forget his dream house. If a man cannot purchase a home, then he must rent, and the policy that drives the prices of new homes up also pushes up rent. High-interest rates may force the young married couples not to purchase a home—but they will continue to live in an apartment at ever-increasing rent. By further following the Neanderthal policy of high-interest rates, we can force this young couple to live in a cave. Surely this is not our goal?

SUPPLY AND DEMAND—THE FUNDAMENTAL PROBLEM WITH THE HOUSING INDUSTRY

The present monetary policy not only misinterprets the character of housing demand but also bases itself on the assumption that excessive demand exists. This is clearly not true in the housing industry. In the past, prices for housing have risen because of inadequate supply, not because of excessive demand. The United States, the richest country in the world, is behind almost every big country in the level of construction per capita. Even Russia puts up more housing than we do. Secretary of Housing and Urban Development George Romney, estimated that new housing in the past 4 years has fallen more than 1,000,000 dwelling units behind the amount just needed to keep up with population growth and losses from fires, storms, and bulldozers. We will fall even further behind in coming years. From 1969 to 1999, the Census Bureau projects that our population could grow from 200 million to over 360 million. For this population growth, we will need to build on the average, 2.5 million units per year and yet we are limping along with only about 1.5 million units being built each year.

Mr. President, the United States must change a monetary policy which is so destructive to a basic industry and so costly for the American homeowner and homebuilder.

The Middle-Income Mortgage Credit Act which we introduce today offers some hope of breaking the juggernaut of the present economic policy. The purpose of the bill is to channel low-cost mortgage credit to middle-income families during periods of tight money. The act declares that the Federal Government has a responsibility to distribute the impact of tight money more equitably and to provide middle-income home buyers with

access to lower cost mortgage credit whenever interest rates are abnormally high because of monetary policy. The bill permits the Federal Loan Bank System to issue up to $3 billion a year in special housing certificates at a maximum interest rate of 6 percent. It further directs the Federal Reserve to purchase these certificates at the discount windows of the Federal banks. Since the $3 billion would be provided by the Federal Reserve System, it would not be treated as a budget outlay. Nor would the purchase of $3 billion of housing certificates interfere with the Federal Reserve Board's monetary function or its control over aggregate bank reserves. The purchase of housing certificates can easily be offset by reducing purchases of Treasury securities. In short, this bill channels the limited available credit to where it is needed, fights inflation, but does not destroy the basic fabric of our economic system.

S. 3504—INTRODUCTION OF A BILL TO INCREASE THE MAXIMUM MORTGAGE AMOUNT INSURABLE UNDER SECTION 242 OF THE NATIONAL HOUSING ACT

Mr. DODD. Mr. President, I introduce for appropriate reference a bill to amend section 242 of the Housing Act of 1968 to increase to $50 million the $25 million ceiling on guaranteed loans to nonprofit hospitals.

Public demand for hospital service continues to accelerate. Medicare and medicaid programs are bringing hospital services to persons who at one time could not afford proper treatment, and medical treatment becomes more technical and advanced each day, requiring equipment and techniques that can only be furnished by a hospital. Thus, many cases that were once treated at home or in a doctor's office now must look to hospitals for health care.

The resultant pressure on existing hospital facilities has constricted the operations of some of our finest institutions, and this situation can be alleviated only by the construction of new facilities or the expansion of existing plants.

The adoption in the Housing Act of 1968 of a guaranteed hospital loan program was a landmark provision.

There are a few cases, however, especially in our larger metropolitan areas, where hospitals which plan major rebuilding programs or construction of new facilities require more than a $25 million loan.

Improved hospital facilities in many communities across the Nation are being delayed, therefore, because of the difficulty in obtaining adequate financing. The $50 million ceiling proposed in the bill I submit today will enable these institutions to obtain the financing they need in order to proceed with their construction plans.

It should be pointed out that there would be very few of these instances, and there would be virtually no risk of default, because these larger hospitals are firmly established and responsibly administered.

Up-to-date hospitals are necessary to bring to Americans the health benefits that our medical technology makes possible. The public service performed by our hospitals is important to us all, and I hope the Senate will act on this bill at an early date so that hospitals can continue to meet our vital health needs effectively and efficiently.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3504) to increase the maximum mortgage amount insurable under section 242 of the National Housing Act, was received, read twice by its title, and referred to the Committee on Banking and Currency.

S. 3505—INTRODUCTION OF A BILL TO AMEND THE LAND AND WATER CONSERVATION FUND

Mr. JACKSON. Mr. President, on behalf of the senior Senator from Colorado (Mr. ALLOTT) and myself, I introduce, for appropriate reference, a bill to amend the Land and Water Conservation Fund Act of 1965 to provide a minimum annual appropriation authorization of $300 million for the purposes of the fund.

It is my belief that we must take action to insure that present and future generations of Americans are able to enjoy quality recreation in a quality environment. Providing for our Nation's outdoor recreation needs is an important responsibility which must be met.

It was with this in mind that I introduced, along with several cosponsors, the original Land and Water Conservation Fund Act—a measure designed to provide the funds to State and Federal agencies charged with the responsibility of meeting our growing recreational needs. Also, in 1968 it was my privilege to sponsor an amendment to the basic law which guaranteed an annual income of $200 million for 5 years into the land and water conservation fund. The availability of the fund in both acts was, of course, subject to appropriation action by the Congress.

Income to the land and water conservation fund is derived from admission and user fees from certain designated Federal recreation areas, income from the sale of surplus Federal real property, taxes paid on special motor fuels and gasoline used in motor boats. Under the 1968 amendment, to the extent the above income sources do not yield $200 million per year, the balance going into the fund to reach that amount is to be made up from appropriations from the general fund of the Treasury or from Outer Continental Shelf mineral receipts.

Moneys from the fund when appropriated have been available for the acquisition of certain Federal outdoor recreation lands, and for the planning, acquisition, and development of State, county, and municipal outdoor recreation properties on a 50–50 matching basis.

When the 1968 amendment was before the Congress, the Bureau of Outdoor Recreation had information available showing that a $400 million annual level for 5 years rather than $200 million was necessary to finance recently authorized new Federal acquisitions, needed Federal inholding acquisitions, a few prospective new Federal authorizations, and a fair share of the fund to the States and local governments. Even the $400 million level developed by the Bureau of Outdoor Recreation would not have made allowance for the inflationary escalation in real estate prices of recreation lands and waters that we all know is occurring.

At that time the Bureau of Outdoor Recreation had recently completed a recreation land price study showing a 10-percent average price increase per year in recreation properties as contrasted to 6 percent for most rural lands.

Despite these indicators, due to severe budgetary demands, the administration at that time recommended, and the Congress enacted, language to guarantee into the land and water conservation fund only $200 million annually for 5 years instead of the needed $400 million. This was an insufficient amount, but we recognized it as a stopgap, emergency funding measure.

Since that time the deficiency has been further aggravated by continuous recommendations by the administration of less than the $200 million per year. Congress also has appropriated each year substantially less than the total amount available in the fund.

I am highly pleased that it now appears we are prepared to move ahead with proper funding of this program. I was encouraged that the President's recent message on environment proposed full funding in fiscal year 1971 of the $327 million that has accumulated in the fund due to past underfinancing.

In the same message to Congress on the problems of our environment, the President proposed new legislation to possibly increase the fund. Secretary Hickel's letter of February 10 to the President of the Senate submitted the legislation recommended by the President. Its intent is to increase the fund above the $200 million level currently authorized by accelerating the sale of surplus property, the receipts from which now go into the fund. Although I applaud the goal of increasing the fund, I believe the method unnecessarily proposes a complicated and uncertain formula that may increase the fund by a small amount or might result in no increase at all depending on the sale of surplus Federal real estate in any given year.

Before the 1968 amendments neither the States nor the Federal agencies could predict with any real degree of certainty just how much would be available to them in each fiscal year. This, of course, complicated budgeting and planning for their recreation program. The guaranteed amount of $200 million remedied this fault, even though this is the first year we have been promised that the full amount will be requested. Under the formula proposed in the administration's bill introduced by the distinguished minority leader, once again we will be back where we were before without a certain set amount the States and Federal recreation agencies can depend on. That is why the Senator from Colorado and I believe it is better to tell the agencies and the States that "There will be an increase

in the fund, and you can depend upon at least a definite amount." We are proposing $300 million a year for the remaining life of the land and water conservation fund which expires in fiscal year 1989, only 19 years from now.

One other important defect in the bill proposed by the administration is that the section of the present law intended to be amended expires at the end of fiscal year 1973, only 3 years from now. This has to be modified or we will not begin to make a dent in the backlog of areas which are to be acquired, and, in the case of the States, developed to meet the requirements of the Nation.

Mr. President, I submit that the park and recreation needs of the American people are not anywhere near completed. In fact, I believe we are just now getting underway effectively if we are to responsibly prepare for the Nation's growth in the decades ahead. We have all seen the predictions for population expansion in this country. More of the burden for meeting these outdoor recreation needs will undoubtedly fall on the State and local governments. There may very well be fewer national areas set aside as such, but the demand will grow for urban or near urban parks and open spaces. This demand will have to be met locally. The States and local governments are now geared up to meet these needs, thanks largely to the machinery they have established to take advantage of the land and water conservation fund. Now is the time to move ahead. Both the Congress and the executive branch favor more revenue for the fund. The question is how best to proceed. The bill I am now introducing, in my judgment, is the most direct and positive way of meeting this shortage of funds. By providing a guarantee of at least $300 million annually for the life of the fund, we will remove any uncertainty as to the annual income to the fund and permit its continuance long enough to enable the Federal, State, and local governments to put their recreation house in order.

I sincerely hope that the Congress, the administration, and the advocates of an adequate conservation-recreation program for this country will support this effort to strengthen the land and water conservation fund. It will be an important contribution in our overall battle to protect and enhance our environment.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3505) to amend the Land and Water Conservation Fund Act, and for other purposes, introduced by Mr. JACKSON (for himsef and Mr. ALLOTT), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

S. 3506—INTRODUCTION OF THE FEDERAL MOTOR VEHICLE POLLUTION CONTROL ACT OF 1970

Mr. RIBICOFF. Mr. President, in his recent address to Congress, President Nixon proposed a broad program to improve the quality of our enviroment. To reduce air pollution he called for strengthened motor vehicle emission standards in 1973 and 1975. And earlier he ordered all Federal facilities to comply by the end of 1972 with the air and water quality standards established for the States and regions in which they are located.

The President has set some laudable goals for the future. But his message failed to recognize the primary cause of air pollution: the pre-1968 vehicle, which is not covered by existing emission standards.

The Government owns or operates more than 50,000 of these cars. Daily they pour tons of noxious substances into the air.

The Federal Government has a special obligation to curb pollution. It must do more than merely obey the law. It must provide leadership by setting an example for the Nation.

Accordingly, I introduce for appropriate reference the Federal Motor Vehicle Pollution Control Act of 1970. The bill authorizes the Administrator of the General Services Administration to establish pollution control standards for pre-1968 cars owned or operated by the Federal Government. It requires that within 1 year after the date of enactment all such Federal motor vehicles must be equipped with pollution control devices. Six months thereafter the Administrator of GSA will report to Congress on the cost and effectiveness of this program. The results will help Congress determine whether all pre-1968 cars should be equipped with such devices.

There are approximately 70 million cars on the highway which were manufactured before 1968. Few realize that the average car is nearly 6 years old.

The typical car unfitted for pollution control spills 405 pounds of hydrocarbons and 1,575 pounds of carbon monoxide—the total is 90 million tons—into the air each year.

The automobile is responsible for approximately 60 percent of all air pollution, up to 85 percent in some urban communities—including 90 percent of all carbon monoxide, 60 percent of hydrocarbons, 50 percent of nitrogen oxides, and 8 percent of particulate matter—includes most of the lead—in the atmosphere.

National emission controls were established for carbon monoxide and hydrocarbons in 1968. The controls have been tightened and broadened for 1970 and 1971; they will be expanded by the Secretary of Health, Education, and Welfare to cover nitrogen oxides in 1973 and particulate matter in 1975.

These initial regulations, limited in scope by considerations of cost and technology, reduced susbtantially carbon monoxide and hydrocarbon emissions for 1968 and 1969 automobiles.

Yet, air pollution continues to increase. Not until 1971 will there be a return to 1966 levels, and this relief will be temporary, as vehicle numbers and unit passenger miles move relentlessly upward. Air pollution will double in 30 years under existing circumstances.

Mr. President, the General Services Administration has been an important innovator and laboratory for auto safety in the past. Many of the 17 safety features mandatory in 1966 Government vehicles were later incorporated in the national safety standards set by the Highway Safety Bureau. The General Services Administration is already field-testing a pollution control device on a small number of its older cars. This effort should be expanded to cover all Government cars.

The President has allocated over $350 million to the Federal facilities effort. Air pollution from pre-1968 automobiles is a problem of magnitude sufficient to warrant the expenditure of the funds necessary to equip all Federal cars with emission control devices.

The Federal Government is the largest consumer of our resources and one of the worst polluters of the environment. President Nixon has recognized that the Federal Government must take the lead in the battle against pollution. His order regarding Federal facilities is a step in the right direction. This should now be extended to included Federal automobiles as well.

I ask unanimous consent that the text of the bill be printed at this point in the RECORD, and that following that a table showing the number of pre-1968 automobiles owned or operated by 13 departments and agencies of the Federal Government be printed in the RECORD. I also ask that the recent article concerning the General Services Administration experiment be printed in the RECORD.

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

The bill (S. 3506) to require all passenger-type motor vehicles now used by the Federal Government to be furnished with air pollution control devices, introduced by Mr. RIBICOFF, 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. 3506

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That after consultation with the Secretary of Health, Education, and Welfare with respect to standards promulgated by the Secretary under the Motor Vehicle Air Pollution Control Act, and the Secretary of the Department of Transportation, the Administrator of General Services shall establish standards for air pollution control devices for all motor vehicles which were acquired, by lease or purchase, prior to the enactment of this Act for use by the Federal Government and which are not furnished with air pollution control devices. The Administrator of General Services shall acquire air pollution control devices which conform to the standards established by him and within one year after the date of enactment of this Act install such devices on motor vehicles for use within the continental United States.

SEC. 2. As used in this Act—

(1) "motor vehicle" means any vehicle, self-propelled or drawn by mechanical power, designed for use on the highways principally for the transportation of passengers except any vehicle designed or used for military field training, combat, or tactical purposes; and

(2) "Federal Government" includes the

legislative, executive, and judicial branches of the Government of the United States, and the government of the District of Columbia.

SEC. 3. Not later than eighteen months after the date of enactment of this Act the Administrator of General Services shall furnish to the Congress a full report on the cost and the effectiveness of equipping motor vehicles with air pollution control devices as required by this Act. This Act may be cited as, "The Federal Motor Vehicle Pollution Control Act of 1970".

The material presented by Mr. RIBICOFF is as follows:

PRE-1968 CARS OWNED BY THE FEDERAL GOVERNMENT

Department or agency	1967	1966	1965	1964	1963	1962	1961	1960 and prior years
GSA	557	4,037	4,323	3,190	1,072	377	65	27
Interior	204	289	252	190	170	62	25	27
Commerce		1					2	
Treasury	428	441	192	125	126	57		
Post Office	3,597	471						
Agriculture	380	560	462	336	237	81	5	5
Justice:								
Bureau of Prisons	11	16	16	13	6	6	2	2
Bureau of Naturalization and Immigration	281	2	134	54	5	3		
Bureau of Narcotics and Dangerous Drugs	96	90	88	21	4	1		1
FBI	924	558	333	151	1	2	2	6
Transportation	2	3	12	4	1			1
HEW	5	9	10	14	1	1		
Defense[1]	7,065	5,719	7,036	7,801	9,492	945	622	
Total[2]	13,550	12,196	12,858	11,899	11,115	1,535	723	69

[1] Approximately 13,000 of DOD cars are overseas. [2] Total pre-1968 cars: 63,945.

[From the Washington Post, Feb. 22, 1970]

U.S. PLANS TO TEST SMOG KITS FOR AUTOS

(By Robert W. Irvin)

DETROIT.—Cape Kennedy, the launching area for the nation's mooon and space flights, may play an important role in the down-to-earth fight against automobile air pollution.

It is going to serve as a testing ground to see if it is practical to begin installing antismog kits on older cars that have no air pollution control devices.

New cars have antismog systems. But a major obstacle to quickly reducing total automobile emissions is the fact that about 60 million used cars now on the roads do not have any kind of controls.

Ford Motor Co. has developed a used-car air pollution control kit and is going to field test it on government vehicles used at Cape Kennedy. The U.S. General Services Administration (GSA) has 1,234 vehicles in service there. The cars, trucks and ambulances are used for various purposes at the space center and air base, which runs for about 20 miles along Florida's east coast and extends inland a good five miles.

Ford has developed a mobile emissions test laboratory—housed in a 40-foot customized semi-trailer—for use in the testing at Cape Kennedy.

The trailer's front section is an instrumentation lab, containing electronic emission measuring devices. The center section is expandable to a width of 30 feet, and the rear section contains service facilities, including two generators to supply auxiliary power for the mobile lab.

Ford engineering vice president Herbert L. Misch, in testimony recently in a Senate hearing, said the used-car antismog kit had already been tested on cars in the Ford fleet at the research and engineering center in Dearborn.

Misch said "installations and maintenance (of the kit) would be performed by GSA mechanics as they would be done in a garage, rather than by highly skilled engineers. This would permit realistic field evaluation of our attempts to reduce used car emissions."

Cape Kennedy was chosen as the testing area because the GSA fleet there is one of the largest anywhere and because weather conditions are considered good for emission control testing.

Henry Ford II has said "preliminary indications are that we could sell this kit at a price that might permit installation at a cost to the car owner as low as $50." He said it would reduce hydrocarbon and carbon monoxide emissions from pre-1968 Ford-built cars by as much as 50 percent.

But Ford admitted that "even if field tests should confirm our preliminary findings, it is doubtful that many owners of old cars would voluntarily pay to have emission controls installed.

"The primary purpose," he said, ". . . is to develop sound information that can be used by legislatures and government agencies in deciding whether or not to require installation of emission controls on older cars."

ADDITIONAL COSPONSORS OF BILLS

S. 1007

Mr. SMITH of Illinois. Mr. President, I ask unanimous consent that, at the next printing, my name be listed as a cosponsor of S. 1077, the late Senator Dirksen's antiobscenity bill.

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

S. 3466 THROUGH S. 3472

Mr. MATHIAS. Mr. President, I ask unanimous consent that, at the next printing, my name be added as a cosponsor of S. 3466 through S. 3472. These are the seven environmental bills.

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

HEALTH HAZARDS OF POLLUTION ACT

S. 3316

Mr. SMITH of Illinois. Mr. President, I ask unanimous consent that at the next printing of S. 3316, the Health Hazards of Pollution Act, the names of the Senator from Massachusetts (Mr. BROOKE), the Senator from Utah (Mr. BENNETT), the Senator from Alaska (Mr. STEVENS), the Senator from Vermont (Mr. PROUTY), the Senator from South Carolina (Mr. THURMOND), the Senator from Kansas (Mr. DOLE), the Senator from Arizona (Mr. GOLDWATER), the Senator from Iowa (Mr. MILLER), the Senator from Pennsylvania (Mr. SCOTT), the Senator from Illinois (Mr. PERCY), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Oregon (Mr. PACKWOOD), the Senator from Nebraska (Mr. HRUSKA), the Senator from New York (Mr. JAVITS), the Senator from Texas (Mr. TOWER), the Senator from California (Mr. MURPHY) be added as cosponsors.

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

Mr. SMITH of Illinois. Mr. President, I also ask unanimous consent that certain material relating to the act be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. SMITH of Illinois. Mr. President, I would briefly like to bring my colleagues up to date on the Health Hazards Pollution Act. I introduced this measure on January 21. That was before the President's state of the Union address and before his historical antipollution program was submitted to the Congress. I am proud to be a cosponsor of the Presidents program. The Health Hazards Pollution Act is in no way inconsistent with the President's program; it is, in fact, a complementary proposal. Addressed as they are to problems of pollution abatement, the Presidents proposals focus upon Federal support for local, State, and regional pollution control efforts. S. 3316 specifically excepts pollution abatement from the studies and recommendations required of the Secretary of Health, Education, and Welfare not because we are unconcerned about abatement—quite the contrary—but because the President's proposals certainly cover that field. S. 3316 focuses on the health hazards of the pollution that exists and will continue to exist until our abatement proposals take hold. It is meant to generate a report on what we know about the health hazards of pollution, what we can do to help those affected, what we can do to cut down on death and disease caused by pollution—while we are fighting to eradicate it.

S. 3316 has been referred to the Committee on Labor and Public Welfare. At this date, no hearings on the bill have been announced. On that score, I think it would be appropriate to reiterate something I said when I introduced the bill: I am certain that we need the study and report required by the bill; but I am not certain that we need the bill to get the study and report. I made that point rather clear in writing to Health, Education, and Welfare Secretary Robert Finch the day I introduced the bill, urging him to begin the three parallel studies required by the bill—immediately—without waiting for legislation. I ask unanimous consent that my letter to him

and his recent reply be printed in the RECORD.

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

JANUARY 21, 1970.

Hon. ROBERT H. FINCH,
Secretary, Department of Health, Education, and Welfare, Washington, D.C.

DEAR MR. SECRETARY: Although I have been in Washington a relatively short time, I have quickly come to admire your forthright approach to public health and safety problems, particularly as reflected in the anti-rubella campaign, the FDA reorganization, and the Pesticides and the Environment Report. I am writing to request that you once again take the lead in identifying and helping to resolve a vital public health problem.

This afternoon I will introduce "The Health Hazards of Pollution Act," a bill that would require the Secretary of Health, Education and Welfare to begin immediately three parallel inquiries: (1) a study of the nature and gravity of the health hazards created by air, water, and other common pollution; (2) a survey of the medical and other assistance available to persons affected by pollution, especially pollution at what might be called "emergency levels," and (3) a survey of the measures, outside of pollution abatement, that may be taken to avoid or reduce the health hazards that lurk in the polluted environment. At the completion of his inquiries and within nine months of the bill's enactment, the Secretary would report his findings, evaluations and recommendations to the Congress.

Mr. Secretary, you and I know that this Congress will surely see environment-related activity. I am introducing this bill because, while we in the Congress debate alternative methods of pollution control, while we haggle about how much money the Government ought to be making available to abate the fouling of our air and water, while we shuffle to the hopper with bills and resolutions of every variety, hoping to gain a consensus on a course of action, Americans will be suffering and perhaps dying for lack of information about the health perils of pollution. Someone ought to be informing them, warning them, planning to prevent or diminish the threat to their lives and health, while the pollution—and our debate—continues.

The Pesticides and the Environment Report, which I understand was produced without legislation, and in what must be record time for a Government study of such scope and authority, gives me every confidence in your good judgment and sense of responsibility on environmental matters. I will be referring to it in my remarks on the Floor, noting my conviction that we need the study and report contemplated in the bill, but that we may not need legislative action on the bill to get the study and report. I urge you to consider the appointment of a commission, similar to the Mrak panel, to begin work on a pollution and health report as soon as possible.

Sincerely yours,

RALPH TYLER SMITH.

THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE,
Washington, D.C., February 13, 1970.

Hon. RALPH T. SMITH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SMITH: Please pardon this belated response to your very timely letter of January 23.

I certainly share your concern for ensuring that health hazards caused by environmental pollution are adequately identified and prevented. As you know, several components of the Department of Health, Education, and Welfare are working to achieve this objective. These include the Environmental Health Service and the National Institute of Environmental Health Sciences.

I have asked my Assistant Secretary for Health and Scientific Affairs, Dr. Roger Egeberg, to fully explore your suggestion of a commission on pollution and health and to report his recommendations to me as soon as possible. I will be in touch with you as soon as his report is in.

I am very proud of the excellent work of the Commission on Pesticides and their Relation to Environmental Health. If our experience with that Commission can profitably be applied in other areas, I will not hesitate to do so.

Your interest in the environmenal health problems which are of great concern to this Department is most appreciated.

Sincerely,

ROBERT H. FINCH,
Secretary.

Mr. SMITH of Illinois. Mr. President, Secretary Finch's reply is cordial and encouraging. I am confident that he will welcome the knowledge that 15 distinguished Senators, including Senators of both parties, of diverse geographic representation, and various political philosophies—but all very much concerned about pollution and health—are prepared to support prompt action on his part to do the job without legislation. We certainly hope he will take that action.

Mr. President, a great many of the people of Illinois are working hard in war against pollution, housewives, scholars, union members, young people, professionals, "just average" citizens. We are very proud of them all. From time to time I will be sharing their views on the environment with my colleagues. Today, I thought that other Senators might be interested in a sampling of the fine responses I have received to a circulation of S. 3316 to the men who man the "front line" in the fight against the health hazards of pollution in Illinois, our dedicated public health officers.

EXHIBIT 1

AMERICAN MEDICAL ASSOCIATION,
Chicago, Ill., February 12, 1970.

Hon. RALPH TYLER SMITH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SMITH: This is in response to your letter of January 30, 1970, to John S. Chapman, M.D., Chairman of the Council on Environmental and Public Health, American Medical Association, regarding S. 3316 which was introduced by you on January 21, 1970. Since your inquiry relates to a legislative matter, both Doctor Chapman and the Secretary to the Council, Mr. Frank W. Barton, have asked me to respond.

As we understand it, S. 3316 would, among other things, require the Secretary of Health, Education, and Welfare to study and report annually to the Congress on the health hazards of environmental pollution and the availability of medical and other assistance to persons affected by such pollution, especially when such pollution reaches emergency levels.

The American Medical Association has long been concerned with the health hazards and implications from the pollution of our environment. Among principal activities in this area is our ongoing program of providing information and educational material to physicians and medical societies, encouraging them to take an active leadership role. In addition, the Association has sponsored each year beginning in 1964 an Annual Congress on Environmental Health, and, since 1966, a biennial Air Pollution Medical Research Conference. Striving for greater effectivenesss as called for by the AMA House of Delegates at the Association's Clinical Meeting in December, 1969, we plan an even more intensified program aimed at having the medical profession take a more active and vigorous role for the solution and prevention of environmental pollution probelms.

The American Medical Association shares with you concern for environmental pollution as a threat to man's health and well being. Accordingly, we can agree with the purposes and intent as expressed in your bill, S. 3316. However, in order to formally develop a policy posiiton on any specific bill, it is necessary that the measure be reviewed by our Council on Legislation. This will be done when the Council next meets in March.

Thank you for your interest in health matters and for your letter and expression of appreciation for the roles played by medical societies in the interest of the public's health. I will be happy to keep you informed of any policy we develop on S. 3316.

Sincerely,

BERNARD P. HARRISON.

FULTON COUNTY HEALTH DEPARTMENT,
Canton, Ill., February 11, 1970.

Senator RALPH TYLER SMITH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SMITH: "The Health Hazards of Pollution Act" is a step in the right direction. It is my belief that the Secretary of Health, Education, and Welfare should be moving in a similar direction without congressional action; however, if this bill will expedite the study, I applaud your action. Undoubtedly, this Act will also tend to lend credence to the results of the Secretary's study.

The results are what I am most concerned with. The parallel inquiries provide a means for gathering all existing knowledge regarding this subject into one study report. This input should allow for some major changes in both attitudes and policies of top-level individuals.

Without policy change and the willingness to expand the necessary resources of man, material, and money, the pollution problem will not be solved. This is a serious problem now and cannot be attacked in gradual steps. A massive effort is necessary now.

The environmental problem has not yet reached a crisis but this point is not far off. The United States is a crisis-oriented society, reacting with the necessary resources only at the time of crisis. We cannot afford to wait that long to solve the pollution problem.

Crash programs result in excessive, unnecessary spending. Control of this problem will cost enough without waste. Initiate a massive effort now to correct these problems. Establish criteria, develop priorities, and rectify the problems. The technology exists to solve these problems so, what are we waiting for?

The answer to this rhetorical question is that the States are awaiting Federal assistance. Right or wrong, I'm convinced this is correct. Federal, State, and local monies are needed to solve the problem—tremendous amounts. This money must be made available to both large and small communities. Small communities seem to be placed on bottom of assistance lists.

For example, Fairview, Illinois, passed a bond issue several years ago which, with federal aid, would have allowed them to construct a sewage-treatment plant. Fairview has not received this aid. Here are people ready to correct their problem but are unable to do so because of lack of funds. This is a small community which, I am sure, is not unique in this country.

The results of the parallel study must be made known to ALL. The study should not be shelved when completed but acted upon and implemented. The correction of the pollution problem should not be allowed to be-

come a part of partisan politics as it has recently.

I would hope that it does not go the route of President Nixon's Welfare proposal—defeat because of an election year. Environmental control, in all facets, is an absolute necessity. No man has the right to deny a pollution-free environment to any citizen. Any partisan political move to divert or withhold this action is absurd, and should be viewed as such.

We, the people, which includes presidents, representatives, and senators, defiled the environment. Now, we, the people, must provide restitution.

Sincerely,

GORDON POQUETTE, M.P.H.,
Public Health Administrator.

MORGAN COUNTY HEALTH DEPARTMENT,
Jacksonville, Ill., February 5, 1970.

Hon. RALPH TYLER SMITH,
Senator, U.S. Senate,
Washington, D.C.

DEAR SENATOR SMITH: Thank you for your letter of January 28th requesting comment and advice from local health departments in Illinois regarding air pollution and your proposal to congress. Having served the Illinois House so capably for many years, you are probably as much aware as we are of the Illinois Air Pollution Programs. We think it is tops. Unfortunately, you probably also know that air pollution knows no boundaries. No matter what we do in Illinois we will be subject to air pollution from our neighbors. It is also a fairly well known fact here in Illinois that if we are able to effectively control all our industrial pollution, automobile exhausts which now account for about 62% of our pollution, will account for more.

For these reasons alone, I am pleased to see your proposed act. It is only by recognizing that the problem involves all of us that any of us can work to solve it. This is why it must be done on a federal level. My only concern with your proposal is the time of nine months for the secretary's report. I believe that most states could assist the secretary and that it could be done in less time.

The other facets of your proposal, namely the survey of help available to persons and measures that may be taken are very fine. Morgan County is more of a rural type county and is not what I would call a polluter of air although even our county has its problems on fall days when leaves are being burned in combination with a stagnating high pressure front.

Very truly yours,

WILLIAM D. MEYER,
Acting Administrator.

SHELBY COUNTY HEALTH DEPARTMENT,
Shelbyville, Ill., February 6, 1970.

Hon. RALPH TYLER SMITH,
Senator from Illinois,
U.S. Senate,
Washington, D.C.

HONORABLE SMITH: The copy of your bill, S. 3316, was reviewed and carefully read. I congratulate you on the submission of this bill and hope action will be taken by proper authorities on passage of this bill.

Respectfully,

P. C. SUPAN, M.D.
Shelby and Effingham County Health Departments.

THE MADISON COUNTY MEDICAL SOCIETY,
Alton, Ill., February 5, 1970.

Senator RALPH TYLER SMITH,
Senate Office Building,
Washington, D.C.

DEAR SENATOR SMITH: I commend you on Senate Bill 3316—"The Health Hazards of Pollution Act." I wish you success.

Respectfully,

LEO R. GREEN, M.D.

STICKNEY TOWNSHIP PUBLIC HEALTH DISTRICT,
Oak Lawn, Ill., February 6, 1970.

RALPH TYLER SMITH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SMITH: I have reviewed your Bill S. 3316 and find it most timely and interesting. I wish to congratulate you on your forward thinking and I hope that this bill passes through Congress because the immediate danger to the health of the public is the Pollution of Air and Water and the environment in general.

Again I thank you for introducing such a bill that will have such broad benefits not only for the people of Illinois but throughout this great land of ours.

Very truly yours,

GENE J. FRANCHI, D.D.S., M.P.H.,
Health Director.

WINNEBAGO COUNTY DEPARTMENT OF PUBLIC HEALTH,
Rockford, Ill., February 10, 1970.

Re S. 3316.

Hon. RALPH TYLER SMITH,
U.S. Senate,
Washington, D.C.

DEAR SIR: We have examined with interest your S 252 "Congressional Record" proceedings and debates of the 91st Congress, 2nd session, S. 3316—*Health Hazards of Pollution Act.*

Any legislation which will aim towards the abatement or lessening of the air pollution problem, or decrease the complications that arise to the citizenry from the inhalation and/or ingestion of air pollutants will meet with our highest approval.

The medical profession is qualified to deal with the respiratory complications resulting from air pollutants, but could be aided by alerts from the qualified governmental agencies when stagnation, high pressure or air inversion conditions exist,—such as the alerts issued here in Illinois by the Executive Secretary of the Illinois Air Pollution Control Board when adverse conditions exists.

The study and survey of the situation by the Secretary of Health, Education and Welfare and the transmittal of the reports to congress would of course keep key governmental official and resultantly the medical professions constantly aware of the latest steps taken towards air pollution control and the necessary medical aids needed to persons adversely affected by the various incidences.

Any suggestions which you may have that will aid our department in the cooperation with both State and Federal Programs will be gratefully received.

Thank you for your letter of January 28, 1970, and your great concern in regard to one of the greatest Public Health threats with which our Nation has ever been confronted.

Very truly yours,

WINNEBAGO COUNTY HEALTH, DEPARTMENT,
ROBERT H. ANDERSON,
Acting Health Officer.

DEERE & CO.,
Moline, Ill., January 30, 1970.

Hon. RALPH TYLER SMITH,
Senate Office Building,
Washington, D.C.

DEAR SENATOR SMITH: I have read S. 3316, "Health Hazards of Pollution Act", and have the following comments.

I believe that completed research, and research in progress is giving us most of the information we need for Medical Control. The Department of Health, Education, and Welfare would, as I see it, have to collect the data from divergent sources, subject it to critical analysis, and publish their findings. They have already done much of this and have published some fine reports.

I believe the principal value would be the marked publicity that a high level report of this nature always receives.

Physicians should be informed when atmospheric testing and/or meteorological data indicate that a health hazard is imminent.

Thank you.

Cordially yours,

B. H. SHEVICK, M.D.

DU PAGE COUNTY HEALTH DEPARTMENT,
Wheaton, Ill., February 6, 1970.

RALPH TYLER SMITH,
Senator, Senate Office Building,
Washington, D.C.

DEAR SENATOR SMITH: I have received your letter of January 28th in which you asked for my "comments and advice on this and related matters", i.e., SB 3316. Please know that I was rather pleasantly surprised to be asked! For the past thirteen years problems of environmental pollution and their solutions have been one of the chief tasks of my staff and myself, therefore, I welcome this chance to write to you.

In my opinion, much is already known about the health hazards of pollution and about the assistance which can be given persons affected. No such further studies are needed! *What is needed* is the *abatement of pollution,* which your Bill excludes! It is exceedingly difficult to provide measures to avoid or reduce health hazards in a polluted environment, "outside of pollution abatement".

"Abatement of pollution" is the only certain way to avoid the health hazards. It is a costly and resisted way which I have had to enforce in the past—often through legal action—or its threat!! But in the long run, it is less costly than the damage done to people and human values.

In the interest of the public health.

Sincerely yours,

CHARLES A. LANG, M.D.,
Director.

MACON COUNTY HEALTH DEPARTMENT,

Hon. RALPH TYLER SMITH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SMITH: Thank you for calling my attention to your "Health Hazards of Pollution" Act. We do not, of course, have anything like the air pollution problems faced in the Chicago and East St. Louis areas. We do, however, have a water problem which is only now being brought to the attention of the public. I refer to that pollution occasioned by the very greatly increased use of nitrogenous fertilizers.

When you and I were growing up, farmers use to plant legumes, as an integral part of their rotation program. Then, because of the activity of "friendly" soil bacteria in the root nodules of these plants, atmospheric nitrogen, in the form of nitrates, was "fixed" and became an available nutrient for future crops. World War II changed all this by producing cheap nitrates for explosives and, later, fertilizers. The bacteria we used to praise are still there and now, no matter what form we put nitrogen on the soil, they immediately begin turning it into soluble nitrates, then if, before it becomes fixed in the roots of crops, a heavy rain occurs (this is not an unusual situation) all this soluble fertilizer runs off or soaks down below the root zone and is lost to the farmer. In the one case it enters water supply reservoirs and, in the other, ground water supplies. Lake Decatur, our water supply, drains some 960 square miles of highly cultivated, well drained crop land. It very commonly, in late spring and early summer, exceeds the standard of 45 mg/1 of nitrate nitrogen allowed for potable water.

I believe you will be aware of the fact that nitrates are changed to nitrites in the intestinal tract of infants and calves. These

nitrites react much as carbon monoxide does with hemoglobin, producing "Blue Babies." It can kill. I enclose a copy of a letter from our Chamber of Commerce to the Governor requesting studies somewhat along the lines your bill proposes. I might add the recommendations which are objectionable to farmers were lifted out of recommendations of the Illinois Water Survey report. A copy of their summary is enclosed. I also enclose a copy of a letter from the President of the local Farm Bureau protesting the Chambers request while professing an interest in environmental control.

This week there will be a two day meeting, at the University of Illinois, devoted to the problem of nitrates and water supply. I not only invited the President of the Farm Bureau to accompany us to this meeting but also offered to meet with him or his group to discuss the problem. Unfortunately he was unable to avail himself of either offer. I tell you this to give you some idea of the obstacles we have faced in a ten year program designed to protect our water supply.

It seems clear, Senator, that we have the "know how" to handle most problems with water (and perhaps air) pollution. We just have to make up our minds to pay for it. No such knowledge is currently available for the problems posed by farm operations. I solicit your aid in implementing studies, at either the State or Federal level, which will give us the answers.

Thanking you, I am

Very truly yours,

LEO MICHL,
Acting Director of Health.

HENRY COUNTY HEALTH DEPARTMENT,
Cambridge, Ill., February 19, 1970.

Mr. RALPH TYLER SMITH,
U.S. Senate, Committee on Aeronautical and Space Sciences, Washington, D.C.

DEAR MR. SMITH: Please continue with your efforts and the bill you introduced, "The Health Hazards of Pollution Act."

Many of us are aware of the serious problem of the various types of "Pollution" and what it can do to the health and welfare of our citizens. It is necessary to act before we destroy ourselves.

Thank you.

Sincerely,

GRACE VAN VOOREN, R.N.,
Acting Administrator.

MCHENRY COUNTY DEPARTMENT OF HEALTH,
Woodstock, Ill., February 17, 1970.

Hon. RALPH T. SMITH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SMITH: I am in receipt of your letter of January 28th and its attachment, Volume 116, No. 3 of the Congressional Record and concur in your introductory statements and the material which you have presented in S. 3316. It is a logical first step. I would however, point out to you that both Air and Water Pollution are summations of individual problems and cannot be attacked on a gross overall basis. Each individual problem must be resolved and then there will be a summation effect of the elimination of pollution. Therefore, I am somewhat concerned about the implications of Item C in your Section 3 of Senate Bill S. 3316.

I want to encourage your activity and not detract from it, however I believe the central thrust should be the elimination of pollution, not trying to determine how to live with it.

Thank you.

Sincerely,

WARD DUEL, M.P.H.,
Administrator.

Mr. PERCY. Mr. President, will my colleague from Illinois yield?

Mr. SMITH of Illinois. I am happy to yield to my colleague.

Mr. PERCY. I should like to commend the junior Senator from Illinois for the leadership he is providing in the area of environmental control. I was as impressed as he was at the meeting in which we participated in Chicago, presided over by the President and a Cabinet-level group. We worked 3½ hours with four Governors of Midwestern States on the problem of environmental control in the Great Lakes area.

We realize there is a distinct responsibility that exists within each State, but one State by itself cannot stop pollution that comes across State lines from another State, for example, air pollution coming into Illinois from Gary, Ind., or the pollution that comes from Wisconsin or Michigan. Likewise pollution from Illinois affects other States as Illinois pollutes Lake Michigan.

I believe that the leadership provided by the junior Senator from Illinois in this area of Federal responsibility is exceedingly important, and I commend him on his actions.

Mr. SMITH of Illinois. I thank my colleague from Illinois.

Mr. SCOTT. Mr. President, I have today joined as a cosponsor of Senate bill 3316, the Health Hazards of Pollution Act. This proposal would require the Secretary of Health, Education, and Welfare to begin immediately an in-depth study of the hazards posed by pollution to the Nation's health. It would also require study of what can be done, in the period before pollution can be abated, to reduce those hazards. I support this measure as one more positive way in which to focus the country's attention and resources on the serious problems engendered by the pollution of our air and water.

Pollution of all kinds not only threatens the environment around us, but also erodes our health as individuals. Our concern should be heightened by the realization that those who are affected the most, predominantly the aging and already ill, now often do not even perceive the threat that surrounds them. Even more tragically, we have persistently ignored the means within our grasp to help abate, not just the pollution itself, but also many of its terrible consequences to health.

It is well documented that both the ongoing presence of impurities, and serious and sudden pollution emergencies, can cause widespread disease and even death. Lengthy temperature inversions, trapping air with a high toxic content, typify one such emergency which could be better monitored and its effects better controlled. Furthermore, a study such as the one proposed in this bill may very well discover many other areas where the health dangers posed by pollution can be better understood and confronted.

Let me add a word of caution. Under no circumstance should any possible alleviation of the immediate health hazards of pollution be allowed to dull or dampen the broad national effort to abate pollution itself. We must save as many lives, and cure as much pollution-induced disease, as possible while the broader effort moves forward. But our lives and health, indeed the continuation of life on this planet, fundamentally depend upon winning the wider war to protect those natural processes and balances which sustain us all.

Mr. President, I understand that other Senators intend to join as cosponsors.

SENATE RESOLUTION 361—RESOLUTION SUBMITTED AND AGREED TO ELECTING THE MAJORITY PARTY'S MEMBERSHIP ON THE SELECT COMMITTEE ON EQUAL EDUCATIONAL OPPORTUNITY FOR THE 91ST CONGRESS

Mr. KENNEDY submitted a resolution (S. Res. 361) electing the majority party's membership on the Select Committee on Equal Educational Opportunity for the 91st Congress, which was considered and agreed to.

(The remarks of Mr. KENNEDY when he submitted the resolution appear later in the RECORD under the appropriate heading.)

AMENDMENT OF SECTION 8 OF THE FEDERAL WATER POLLUTION CONTROL ACT, AS AMENDED—AMENDMENTS

AMENDMENT NO. 518

Mr. MATHIAS submitted an amendment, intended to be proposed by him, to the bill (S. 3472) to amend section 8 of the Federal Water Pollution Control Act, as amended, and for other purposes, which was referred to the Committee on Public Works and ordered to be printed.

EXTENSION OF VOTING RIGHTS ACT OF 1965 WITH RESPECT TO THE DISCRIMINATORY USE OF TESTS AND DEVICES—AMENDMENTS

AMENDMENT NO. 519

Mr. SCOTT (for himself, Mr. HART, Mr. BAYH, Mr. BURDICK, Mr. COOK, Mr. FONG, Mr. KENNEDY, Mr. MATHIAS, and Mr. TYDINGS) submitted amendments, intended to be proposed by them, jointly, to the bill (H.R. 4249) to extend the Voting Rights Act of 1965 with respect to the discriminatory use of tests and devices, which were referred to the Committee on the Judiciary and ordered to be printed.

AIRPORT AND AIRWAYS DEVELOPMENT ACT OF 1969—AMENDMENTS

AMENDMENTS NOS. 520 THROUGH 523

Mr. DOMINICK submitted four amendments, intended to be proposed by him, to the bill (H.R. 14465) to provide for the expansion and improvement of the Nation's airport and airway system for the imposition of airport and airway user charges, and for other purposes, which were ordered to lie on the table and to be printed.

(The remarks of Mr. DOMINICK when he submitted the amendments appear later in the RECORD under the appropriate heading.)

AMENDMENTS NOS. 524 AND 525

Mr. SMITH of Illinois submitted two amendments, intended to be proposed by him, to House bill 14465, supra, which

were ordered to lie on the table and to be printed.

AMENDMENT NO. 526

Mr. JAVITS submitted an amendment, intended to be proposed by him, to House bill 14465, supra, which was ordered to lie on the table and to be printed.

(The remarks of Mr. JAVITS when he submitted the amendment appear later in the RECORD under the appropriate heading.)

AMENDMENT NO. 527

Mr. JAVITS (for himself and Mr. GOODELL) submitted an amendment, intended to be proposed by them, jointly, to House bill 14465, supra, which was ordered to lie on the table and to be printed.

(The remarks of Mr. JAVITS when he submitted the amendment appear later in the RECORD under the appropriate heading.)

AMENDMENTS NOS. 528 AND 529

Mr. COTTON submitted two amendments, intended to be proposed by him, to House bill 14465, supra, which were ordered to lie on the table and to be printed.

AMENDMENT NO. 530

Mr. COOK submitted amendments, intended to be proposed by him, to House bill 14465, supra, which were ordered to lie on the table and be printed.

ADDITIONAL COSPONSOR OF AN AMENDMENT

NO. 503

Mr. PERCY. Mr. President, on behalf of the Senator from Arizona (Mr. GOLDWATER) I ask unanimous consent that, at the next printing of amendment No. 503 to H.R. 4249, the name of the Senator from Kentucky (Mr. COOK) be added as a cosponsor.

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

ADDITIONAL STATEMENTS OF SENATORS

INTIMIDATION OF PUBLIC OFFICIALS

Mr. CASE. Mr. President, Frederick B. Lacey, the U.S. attorney for New Jersey, has been attacked through a member of his family.

Mr. Lacey, who was named to the U.S. attorney post by the President on my recommendation, will, I know, neither be intimidated nor deterred from cleaning up conditions that should have been attended to long ago.

The meanness of spirit of those who try to intimidate public officials or deter them from performing their duty by attacking the activities of members of their family is exceeded only by their stupidity.

Their meanness of spirit needs no elaboration.

Their stupidity lies in their failure to appreciate that the American public is neither stupid nor mean spirited. Such attempts will invariably boomerang against those who make them.

I am confident that the people of New Jersey will continue to support Fred Lacey. And I am sure he will not disappoint them.

Mr. President, an article about Fred Lacey, written by Fred J. Cook, was published in the magazine section of the New York Times of February 1, 1970. I ask unanimous consent that it be printed in the RECORD.

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

[From the New York Times Magazine, Feb. 1, 1970]

THE PEOPLE VERSUS THE MOB; WHO RULES NEW JERSEY

(By Fred J. Cook)

NEWARK.—The headline-making trial begins. U.S. Attorney Frederick B. Lacey—a commanding 6 feet 4 and 225 pounds, a man who walks at a trot—rises and asks Judge Robert Shaw: "Your honor, may I use the lectern? I have so many notes." The judge nods and Lacey wheels the lectern to a spot front and center, before the jury box.

The jurors are brought in. They settle themselves with the usual self-conscious bustle and look up at Lacey and the judge, the sober citizens composing themselves with an air of appropriate seriousness as they prepare to listen to a fantastic story of gangland intrigue and brutality.

The Federal prosecutor goes into his opening address, and it quickly becomes apparent that the business with the lectern was just a bit of expert stage-managing. Frederick Lacey does not need such a prop for his notes; his case is in his head. He speaks in a deep, resonant voice, clearly and distinctly, leaning casually across the lectern toward the jury. When he reaches an especially dramatic point, he rests his right elbow on a corner of the lectern, his lower arm and pointed finger stabbing at the jury. He captures and holds all eyes.

The tale that he unfolds is one that, varying only in details, is to be repeated again and again in the Federal Courthouse in Newark during the next two years. In a series of trials just beginning, jury after jury will be asked to decide cases which, in their cumulative effect, are expected to provide the most graphic study in American criminal annals of the complete subversion of a city—and, indeed, of much of a state—by the money and muscle of the underworld.

The case Lacey outlines to the Newark jury on this particular day deals with the international financial machinations of a shady Newark insurance broker, Louis Saperstein, who departed this world in late November, 1968, mysteriously loaded with "enough arsenic to kill a mule." It is a tale that involves literaly hundreds of thousands of dollars in an international stock scheme. The money for this gambit in high finance—all cash—had been obtained, Lacey says, from Angelo DeCarlo, variously known as "Ray" and "the Gyp," who is identified as a capo in the Jersey Mafia family formerly headed by the late Vito Genovese. DeCarlo's favorite racket over the years has been loansharking, and he and three associates are on trial for having tried to collect thousands of dollars a week in "vigorish" (the loan shark's term for usurious interest) from Saperstein allegedly beating him in the process "until his face turned purple and his tongue bulged out."

As Lacey speaks, there reposes in the courtroom behind the prosecution table what can only be described as a time bomb. It is an aluminum file cart, much like the kind used in supermarkets, and it is piled high with some 1,200 pages of white printed transcripts, the product of four years of industrious Federal Bureau of Investigation wiretapping and bugging of the phone and premises of Angelo DeCarlo. The transcripts are records of conversations in which DeCarlo and his associates brag about having a stranglehold on the city of Newark and much of New Jersey. Before the day is out, Judge Shaw will make the transcript public.

Throughout the drama of Lacey's speech, Angelo DeCarlo sits impassively, to all appearances the most unflappable man in the courtroom. He resembles nothing so much as a simple Italian *paisano*—67 years old, silver-haired, short and stocky, with an impressive paunch. He is wearing a shapeless gray suit with a light brown sweater under the coat to guard against the winter's chill. He has a heavy face, a long, sharp nose and a shelving chin; and when he waddles out into the corridor among his waiting henchmen, his lips curve around a big cigar in an almost cherubic smile. But there is nothing cherubic about him now. He swivels around in his chair at the defense table, turning his back on Lacey with a kind of bored indifference, his tight lips twisted in a hard travesty of a smile while the cold remote eyes, devoid of any trace of humor, stare out at the courtroom spectators with never a blink.

Such is the scenario. It is one that will be repeated almost endlessly in the coming months as U.S. Attorney Lacey and his young assistants wade through a mushrooming pile of indictments that, on their face, outline the most complete network of crime and official corruption that has yet to be brought to trial in an American courtroom. There has been nothing remotely comparable to this since the Murder, Inc., trials of 1940; and by comparison even Murder, Inc., was pallid stuff.

The late William O'Dwyer, who rode to glory on that exposé, contented himself with sending to the electric chair the expendable strong arms of gangdom; he never touched their bosses, Joe Adonis and the late Albert Anastasia. Nor did he disturb the political superstructure without whose complaisance the organized underworld could not exist. In this perspective, the current Jersey investigation harbors a far more explosive potential.

The potential began building almost half a century ago—from that time to this, to put it bluntly, Newark has been dominated by the mob—and it is a remarkable and notable fact of life in Newark that no underworld mogul of the first rank has ever suffered much more than a gentle slap on the wrist from the forces of the law. When a big-time mobster gets in deep trouble, something almost invariably happens.

The story goes back to Prohibition days, to the nineteen-twenties. Newark, New Jersey's largest city and only a short truck haul from the thirsting fleshpots of Manhattan, became virtually the bootleg capital of the Eastern seaboard. In the gangland wars of the era, a czar of czars emerged. He was Abner (Longie) Zwillman, a Newark Jew who came to rule one of the toughest mobs in gangland history. Zwillman's underworld rivals seemed to meet their Maker in the most gory fashion, but the mob ruler himself was always leagues removed from the awful deed.

His free use of muscle and a native organizational genius made Zwillman the most important bootlegger on the East Coast. In Port Newark, then far more isolated from the central city than it is today, his rum-running fleets operated on almost a regular ferry schedule; and all up and down the inlet-dented New Jersey shoreline, especially in Monmouth and Ocean Counties, Longie's men ran a gauntlet of unseeing Coast Guardsmen until they could reach haven in the arms of local policemen and sheriffs. The magnitude of the Zwillman operation may be gleaned from official estimates that his mob reaped a $50-million bonanza from bootlegging between 1926 and 1931, and that at the peak of its operation it was importing

about 40 per cent of the bootleg liquor flowing across the nation's borders.

Such rapidly accumulated millions catapulted Zwillman into a position of enormous (and not too secret) political power. He became known as the Democratic boss of Newark's old Third Ward and his money helped to finance many a state gubernatorial campaign. The scuttlebutt of the times was that Longie Zwillman requested just one little favor from gubernatorial candidates who benefited from his largesse—the right to name, or at least to approve, the new Attorney General. There was never any proof of such a deal, but events frequently lent credence to the rumors. Mobsters were rarely inconvenienced in New Jersey, and the state became increasingly a haven for gangsters.

The path of an underworld chieftain is never smooth, however, and so it was with Longie. As he rose in power, so did a rival, Ruggiero (Richie the Boot) Boiardo. Just as Zwillman became the political power of the Third Ward, Bioardo achieved dominance in the First. And there was no love lost between them.

They were oddly contrasting types. Boiardo was the flashy Prohibition mobster, complete with a $5,000 diamond-studded belt buckle. Zwillman was the suave businessman of crime, a strangely dual personality. He had married into society; he knew how to conduct himself like a gentleman, and his heart bled all over his public sleeve for the poor. In the blackest pit of the Depression, he reached into his bootleg millions and paid the cost of running a soup kitchen for the impoverished in Newark's Military Park. He later established a similar soup kitchen at a Catholic church. There was, however, nothing benevolent about him when the issue was a test of underworld power; and this fact Richie the Boot Boiardo was to learn at great expense.

The bloodletting was preceded, as is so often the case in the treacherous quicksands of the underworld, by a great show of fraternity. Longie and Richie the Boot announced in 1930 that they had composed their differences, and just to show how much they loved each other, they threw a bash that was to become the talk of Newark. The party roared into its second sunset and terminated then only because The Newark News had begun to show some interest in the merriment. It spoke much about the political climate in Newark that gangsters and politicians mingled indiscriminately; among the politicians present were a former U.S. Commissioner, a candidate for the State Assembly and—most unfortunately—Paul Moore, a Democrat who was running for Congress. Moore committed the indiscretion of having his picture taken with the Boot and his belt buckle. Moore's rival, the late Representative Fred Hartley, had thousands of copies of the picture distributed in the Eighth Congressional District, and Moore later lamented that the photograph had played a large role in his defeat.

If Richie the Boot thought that the two-day wassail had made Longie Zwillman his bosom pal, he was soon to be disabused of the notion. Shortly after the party the Boot stepped out into the daylight at 242 Broad Street and encountered a hail of bullets sprayed from a sniper's nest across the street. Sixteen slugs perforated Boiardo's anatomy, and his life was probably saved by his $5,000 diamond belt buckle. "The shot that almost certainly would have killed him, ripping through his intestines, hit that belt buckle and ricocheted away," says a man who remembers the incident.

When Richie recovered, he was sent to prison for 2½ years because he had been carrying a gun himself when he was put upon on Broad Street. But prison was not the tough ordeal for the Boot that it is for most. He was packed off to Trenton State Prison in March, 1931. However—though regulations provided that prisoners must serve at least one-third of their sentences before they could be considered for less rigorous confinement—Richie the Boot was whisked away to the minimum-security Bordentown Prison Farm after only four months. And rumors soon began circulating that witnesses had seen the Boot, as big as life, circulating in his old Newark haunts, especially at night and on weekends. The police investigated—but, of course, found no proof.

Freed after 16 months at Bordentown, the Boot returned to his old racket leadership in the First Ward, and he and Longie evidently agreed to divide Newark between them; the law remained a bystander.

Just how ineffectual the law was during this period was illustrated in 1939, when Richie got into difficulties with the State Alcoholic Beverage Control office. The A.B.C seemed to have the irrational notion that the Boot, as a convicted gangster, had no business operating a tavern called the Vittoria Castle. In the subsequent hearings, some high police officials testified to Boiardo's estimable character. Acting Capt. Joseph Cocozza of the Essex County Prosecutor's staff testified that he and his wife often dined with the Boot and the latter's wife, and he added: "We have never connected him with any gang in our work." The deputy police chief in Newark and the sergeant in charge of the morals squad added their voices to the chorus, testifying that Richie was simply "trying to earn an honest living."

Reality, of course, bore no resemblance to these official pronouncements. Last summer the Government released transcripts produced in four years of surveillance of Simone Rizzo (Sam the Plumber) DeCavalcante, who says the F.B.I. is a Mafioso of the first water. In the DeCavalcante tapes, the real story of Richie the Boot, still active at 80, began to emerge. The revelation came when some of the boys got together in Sam's office to talk over the finer points of murder. Participants in the conversation, according to the F.B.I., were Sam the Plumber, Ray the Gyp DeCarlo and Anthony (Tony Boy) Boiardo, Richie's son and heir. It went like this:

TONY BOY: How about the time we hit the little Jew . . .

RAY: As little as they are they struggle.

TONY BOY: The Boot hit him with a hammer. The guy goes down and comes up. So I got a crowbar this big, Ray. Eight shots in the head. What do you think he finally did to me? He spit at me and said, "You———."

The tapes released at DeCarlo's trial Jan. 6 add another startling dimension to the picture. Richie the Boot's private citadel is a great stone mansion (built in part with slabs his wrecking company crews had torn from the old Newark Post Office when it was demolished) that sits upon a wooded plot of several acres in Livingston, N.J. The mansion is approached by a drive at least two city blocks long, and at one turn the startled visitor comes upon a monument to megalomania. There, life-size and in full color on a lifesize white horse, sits a stone Richie in all his splendor, while around and below him, mounted on stone pedestals, are some nine busts—also in full, glorious color—of members of his family. The Boiardo castle, isolated behind a thick screen of trees at the end of the drive, is an erie place; and, according to the F.B.I.'s transcript, some shudderlingly sinister things have happened there.

On Jan. 7, 1963, according to the F.B.I. tapes, DeCarlo and Anthony (Little Pussy) Russo—a mobster who once bragged that he had Long Branch in his hip pocket—discussed some of the macabre events that had taken place on the Boiardo estate. Russo warned DeCarlo never to go near the place alone if Boiardo tried to lure him there. According to Russo and DeCarlo, there was an incinerator for human bodies at the rear of the estate, up behind the Boiardo greenhouse. ". . . Ray, I seen too many," said Little Pussy. "You know how many guys we hit that way up there?"

DECARLO: What about the big furnace he's got back there?

RUSSO: That's what I'm trying to tell you! Before you go up there . . .

DECARLO: The big iron grate.

RUSSO: He used to put them on there and burn them.

Little Pussy and Ray the Gyp agreed that Richie the Boot was "a nut" because he disposed of not only the bodies that resulted from his own business endeavors, but also those that any other mob chief chose to pass on. According to Russo, the late Thomas (Three-Finger Brown) Luchese, for years the ruler of one of New York's five Mafia families, used to turn over the bodies of his victims to Boiardo for burning. ". . . He'd give them to me and we'd take them up," Russo told DeCarlo.

The picture that emerges from the transcripts contradicts the bland contentions of Newark policemen that Richie the Boot was an estimable character trying to earn an honest living. Of course, back in 1939 the police did not have F.B.I. tapes to apprise them of the facts of life, but still there were events that seemed to speak for themselves. In the election of November, 1932, for example, the 11th District of Longie Zwillman's Third Ward gave all the Republican candidates except Herbert Hoover just eight votes; Hoover got nine. And the Democrats, almost to a man, registered 587.

The suspiciously stuffed ballot boxes were impounded but somehow managed to flit past bemused guards and out of the City Hall basement as if they had been carried on a witch's broomstick. Few people in Newark had any doubt that the witch who had performed this magical deed was Longie Zwillman, and there was a terrific hullabaloo that included a number of indictments. Then, of course, nothing happened. Nobody was convicted.

This "no conviction" refrain became familiar in Newark as scandal after scandal whimpered to a silent and forgotten end. More than 20 indictments have been returned against public officials over the years; officials have been criticized and censured; business firms and contractors doing business with the city have been indicted. But seldom has anyone had the misfortune to be convicted.

Perhaps it is just a coincidence, but during these decades when the law and the courts seemed unable to fight their way out of a paper bag, the buddy-buddy relationship of the underworld with Newark's politicians remained one of the world's worst-kept secrets. The love affair probably never received greater public exposure than at the wedding of Tony Boy Boiardo in 1950. More than 2,000 guests turned out, and among them were Mayor Ralph Villani, now president of the City Council; Hugh J. Addonizio, then a Congressman, now the indicted Mayor of Newark, and Rep. Peter W. Rodino, still a Democratic Congressman from the 10th District.

Such is the background of Newark. After decades of scandals, after the sputtering of innumerable exposés that have fizzled like pieces of punk in a cloudburst, Newark has once more been propelled into the spotlight as a graphic study in mob rule and political corruption.

The reasons go back to the Newark riot of 1967. On July 12 of that year the predominantly Negro Central Ward exploded in one of the worst race riots in the nation's history. The outburst lasted four days, left 26 persons dead and inflicted property damage estimated at $10.4-million. Even today, large sections of the Central Ward stand in blackened, boarded-up ruins, resembling nothing so much as

the gaping chasm left in a city destroyed by war.

In an effort to determine the causes of the Newark outbreak, Gov. Richard J. Hughes appointed a commission headed by Robert D. Lilley, executive vice president of American Telephone and Telegraph. The Lilley commission's report in February, 1968, was a shocker. It found that an important underlying cause of the 1967 riot was "a pervasive feeling of corruption" in Newark, and declared: "A former state official, a former city official and an incumbent city official all used the same phrase: 'There is a price on everything at City Hall.' "

Though the commission did not go into specifics, its blast at Newark touched off widespread reaction. Essex County Prosecutor Joseph P. Lordi began an 18-month grand jury investigation, and state legislative hearings were held. Prof. Henry S. Ruth, who had been deputy staff director of the President's Commission on Law Enforcement and the Administration of Justice, touched sensitive political nerves when he declared that, in his opinion, "Official corruption in New Jersey is so bad that organized crime can get almost anything it desires." Another expert witness assured flabbergasted officials that Professor Ruth was absolutely right. And, capping all, William J. Brennan 3d (the son of the Supreme Court Justice) remarked in a speech in December, 1968, that a number of legislators were entirely "too comfortable" with organized crime.

Brennan's remark almost prostrated the New Jersey Legislature, but events were to vindicate the young prosecutor. The Nixon Administration came to office on the cry of law and order and a pledge to fight crime. A new U.S. Attorney for New Jersey was to be appointed, and Senator Clifford Case, for years the best Republican vote-getter in the state, recommended Frederick Lacey.

At 48, Lacey was a partner in the law firm of Shanley and Fisher. His roots go deep in Newark. His grandfather was at one time a Republican Freeholder in Essex County; his father was Newark police chief for eight years; his mother still lives in the Vailsburg section of Newark, where he was born and went to school. A Phi Beta Kappa graduate of Rutgers University and a graduate of the Cornell Law School (where he was editor of the Law Review), a lieutenant commander in the Navy, a former city councilman in Glen Ridge, Lacey had moved at a furious pace to the top of his profession and was considered an expert on cases involving aerial and medical law. He specialized in trial work, was generally considered brilliant at it and represented some of the largest corporations in the nation in especially difficult cases.

When the bid came from Washington, he went down to the capital to discuss the proposition with Attorney General John N. Mitchell. "I was making big money, really big money at the time," he says, and he didn't see how he could take the $29,000-a-year U.S. Attorney's post. He was about to reject the offer when he received a call from William Sutherland, a 73-year-old lawyer.

"When you're my age," Lacey says Sutherland told him, "and you look back on your life, your pride will not be the size of the estate you are going to leave, but what you have accomplished. I know that you have an extremely lucrative law practice, but when you get to this point the money you didn't make won't seem to matter so much. What you might have accomplished in a few years as U.S. Attorney could well be the one thing in your life you would be proud of."

This conversation with Sutherland, Lacey says, "pried my thinking and had a lot to do with changing my mind."

There was another consideration. Lacey, as a young lawyer, had had one direct and shocking confrontation with big-league New Jersey crime. Throughout the nineteen-forties and into the fifties—until the Kefauver investigation threw a wrench into the machinery—the Mafia families of New York and New Jersey had run a veritable capital of crime in Duke's Restaurant, opposite the Palisade Amusement Park. Here a working crime council held daily conclave. It consisted of Joe Adonis, Frank Costello's partner, as chairman of the board; Albert Anastasia, the enforcer; the Moretti brothers, Willie and Solly, and Anthony (Tony Bender) Strollo, the right arm of Vito Genovese. On Tuesdays, the council met with some of the top czars of the national syndicate. Longie Zwillman might come up from Newark; Frank Costello from New York; Meyer Lansky from Florida. When Zwillman wasn't present, his proxy was voted by Gerardo (Jerry) Catena. After Zwillman committed suicide in 1959, Catena rose in power and is now reputed to be the ruler of the Jersey wing of the Genovese family. New York detectives, Internal Revenue agents and Federal Bureau of Narcotics agents were aware of the pivotal importance of Duke's Restaurant, but when they tried to go over to New Jersey for a little sleuthing, they were often chased out of town by local policemen.

When the lid finally blew off, under the threat of a Federal investigation, it caused a scandal that rocked the New Jersey State House. The charge was that the Adonis-Moretti combine had paid Harold John Adonis, a clerk in Gov. Alfred E. Driscoll's office and no relation to gangdom's Joe, $228,000 over a period of 19 months for protection at the state level. Frederick Lacey, a young assistant U.S. Attorney, inherited the chore of prosecuting both Harold Adonis and Albert Anastasia, and he got convictions against both.

"In that case," Lacey says now, "I found conditions shocking—and I hadn't considered myself at all naive. But I had never encountered the broad evidence of corruption of public bodies, business and labor unions. It became my fixed and firm conviction that organized crime was taking us over. And everything that I have seen so far in this office reinforces that conviction."

When he decided to accept the U.S. Attorney's post, Lacey says, he had a firm understanding with Attorney General Mitchell. First, he explains, there is one theory that a U.S. Attorney should simply prosecute the cases handed to him by Federal investigative agencies; Lacey thinks a U.S. Attorney should be aggressive and actively develop cases if the situation seems to warrant it. The Attorney General agreed. "Next," Lacey continues, "I was assured I would have a free hand in selecting my staff and in the direction we would go. Wherever our leads take us, that's where we will go."

Lacey believes that the public, so long apathetic about syndicated crime, must be shocked and aroused, must be made to understand that when it places a $2 bet with a bookie or plays the numbers it is feeding the treasury of the underworld—and paying for the corruption of its own officials. In a speech to a bar association gathering at Seton Hall University in South Orange on Nov. 29, some three weeks before his investigation exploded in a rash of indictments, Lacey told his audience: "I want to challenge you—indeed, to goad you—to accept obligations, to assume responsibilities . . . unless you, as leaders, arouse an apathetic public to stem the tide of crime in this nation, our society as we know it is doomed."

He added: "Organized Crime is, in the vernacular, taking us over. First, it corrupts law enforcement and office holders. Second, it corrupts unions an makes a mockery of the collective-bargaining concept. Third, it corrupts the businessman. Organized crime . . . cannot operate without corrupting law-enforcement personnel. I flatly state that it will not even go into a municipality unless and until it has bought its protection against raids and arrests."

This was the reasoning that led Lacey to commit his most controversial act so far, his advocacy of the release of the DeCarlo tapes. Though he stood mute in open court as the DeCarlo defense fought public disclosure, he is known to have strongly favored full publicity. Governor Hughes, who left office Jan. 20, and many legal experts and concerned citizens have been aroused by this action, appalled at the damage that may be done to innocent persons through the publication of the chitchat of gangsters. Lacey, however, feels that the public good outweighs any possibility of individual harm. He takes the attitude that the only way the public can be made acutely aware of the reality of the criminal menace is by publication of the recorded words of the mobsters themselves.

The man who takes these attitudes remains something of a conundrum to many. "I don't think they know what they're letting themselves in for, he's a dynamo," said one of his law partners when Lacey was appointed. The prosecutor is the kind of man who does his push-ups every morning to keep in shape. He has worked for years on a 60-hour-a-week schedule. He likes to drop remote classical allusions into routine press conferences, perhaps quoting Alexander Pope or some other favorite authority. One day baffled newsmen had difficulty getting the point, and one of them said: "Oh, don't mind him. He's a Phi Beta Kappa and he has to show off his learning." This leads some people to think Lacey a bit pompous, but he tells the anecdote himself, chuckling about it in high good humor.

As for the future, he says flatly: "I do not entertain any political ambitions. When I took this job, I gave a commitment to Senator Case and Attorney General Mitchell that I would stay as long as I could afford to do so financially, or until I felt I had the office organized and matters well in hand. Then all I want to do is to return to my private trial practice in New York and New Jersey."

Law enforcement, Lacey feels, is primarily the responsibility of the localities and the states; it is not a job for Federal authority alone. Federal prosecutors, he believes, can set standards, can goad and stimulate, but in the final analysis the bulk of the burden must be borne by local and state agencies. And so he has proposed a series of remedial laws for New Jersey.

One proposal that goes to the roots of the gangland structure would impose a stiff jail sentence upon anyone convicted in connection with organized gambling—the bookie or the numbers runner, for instance. In the past, all too many judges have considered such offenders to be small fry of little consequence and have imposed only minor fines; but Lacey argues that their activities are basic to the system that pours an estimated $50-billion into the coffers of the crime syndicate each year.

Lacey's other proposals include the adoption of a state antitrust law modeled after the Federal Sherman Antitrust Act; it would give the state the power to act in cases in which gangland money has infiltrated legitimate business and then, by extortion and threat, driven out all competition. Another cardinal Lacey proposal calls for the creation of an organized crime unit in the State Attorney General's office. The unit would be under the direction of a Deputy Attorney General and would have the authority to investigate anywhere in the state—a provision that should make it more difficult for the underworld to establish its customary fixes on the local and county levels.

All of this, however, will represent no final solution, Lacey feels, unless the public can be aroused from apathy. In a recent interview, he explained his philosophy.

"In our schools and colleges," he said, "we teach political science in terms of defining

the powers of various offices and officeholders, the requirements to vote and so forth—and all of this is largely irrelevant. Relevant instruction in political science today is going to have to be aimed at getting at the roots, at showing and explaining the decaying moral fiber of those who are elected to office, those who are in law enforcement.

"If the younger generation and the university groups finally come to the terminal point in their thinking—that any government that is so corrupted isn't worthy of survival—then we who have done nothing to stop this, we who have consented to the existence of such a system by our inaction, will have only ourselves to blame. This is the evil of organized crime. It corrupts and it destroys. It destroys the officeholder, and therefore destroys the confidence of the public in its government and representatives.

"This is what I think is happening in our society today."

So the vital question raised by the current Newark probe is this: Will the public be stirred from its decades-long apathy by the flood of indictments and the inside-the-mob revelations?

The answer is mixed. There is indignation in Newark, and there is also indifference. A two-month public-opinion poll in which a group known as Focus on Newark questioned 4,000 persons indicated that if Mayor Addonizio had been running for re-election in November or December he would have been favored, 2 to 1, over his nearest rival. Newsmen interviewing Newark residents came up with some who expressed shock and indignation, but others were like the man who shrugged his shoulders and said: "This has been going on for a long time. Frankly, I don't care. I don't really care."

If the impact of the more damaging DeCario tapes or the upcoming trial of Mayor Addonizio (who's been indicted in an alleged kickback scheme involving mob-dominated businesses) should change this attitude, the Newark municipal election this year will probably revolve itself along racial lines. In that event, City Councilman Anthony Imperiale, the karate instructor and white militant in the heavily Italian North Ward, is seen as the probable white candidate against Kenneth A. Gibson, the Negro former city engineer. Though this shabby industrial city of some 407,000 is estimated to be more than 60 per cent Negro and Spanish-speaking, there are many who feel that Imperiale just might win in such a contest—a result that would certainly intensify the racial polarization of Newark.

Even Lacey concedes that the reaction to his probe falls short of the universal cry of outrage he might have wished. On the one hand, he has been highly praised by responsible citizens, and an encouraging number of tips have come from the public. "We have received many letters and telephone calls offering information," he says. "Most of these are anonymous, but in cases where people are willing to identify themselves we keep their identity absolutely confidential, of course. Some of the tips obviously come from crackpots, but there have been nevertheless, what I would regard as a starting number of good leads."

This is encouraging. For less so is the old bromide that Lacey hears time and again: "You are always going to have crime and corruption." The implicit corrollary to that is, of course, "So why are you getting so excited about it?"

The prosecutor shakes his head in vexation and retorts:

"To that, I say, 'Yes, but you are always going to have to have people who are willing to fight it. It is true that there always have been and always will be people who have frailties and who yield to temptation, but that is only part of the story. If our system is to survive, there must also be people who are willing to fight, willing to oppose, this kind of corruption.' "

TRIBUTE TO SENATOR RANDOLPH ON PASSAGE OF H.R. 14944

Mr. MANSFIELD. Mr. President, yesterday, the Senate passed H.R. 14944, the measure that is designed to protect the Executive Mansion and the embassies. Upon the adoption of that proposal—the sixth District of Columbia anticrime measure to pass the Senate—I made some brief comments on the bill. In those comments I had wished to pay a well-earned tribute to the distinguished Senator from West Virginia (Mr. RANDOLPH) for his outstanding contribution to the passage of the measure. As the chairman of the Committee on Public Works his magnificent cooperation and assistance were vital to its swift and efficient disposition. In reviewing the RECORD of yesterday's proceedings, I noted again Senator RANDOLPH'S articulate explanation. In doing so, I was reminded of the commendation he deserves, along with the many other Senators who joined the discussion. The Senate is deeply grateful.

TOWARD A BETTER ENVIRONMENT

Mr. MATHIAS. Mr. President, at times of historic congressional decision in the past, our former minority leader, the late Senator Everett McKinley Dirksen, was wont to invoke "an idea whose time has come."

This year the time of conservation has arrived. As we enter a new decade, Americans are taking a hard look at their environment. There is a new public appreciation of the natural assets and amenities of our crowded continent. There is a new general interest in the complex processes of life and death embraced by the science of ecology. There is a new sensitivity to the environmental consequences of technological progress, human carelessness and governmental myopia.

There is a new nationwide commitment to protecting our resources, reversing the trend toward ugliness and decay, and combating the massive pollution of our waters, air, and land.

Through the important legislation enacted in the sixties, Congress has built a strong foundation for the seventies. President Nixon, in his landmark message to Congress on environmental quality, has pledged his administration to the cause of saving our surroundings. He has proposed a very impressive 37-point action program which includes both legislative recommendations and new initiatives by the executive branch.

Major themes of the President's program include the strict enforcement of present Federal antipollution laws; expansion of Federal and State air and water quality standards, and improvements in the means of enforcing these standards; better methods of financing the construction of effective waste treatment facilities; new controls over pollution from vehicles; and intensive research into water pollution and the problems of disposing of solid wastes, including junked automobiles.

I ask unanimous consent that I be listed as a cosponsor of the seven bills, S. 3466 through S. 3472, submitted by the administration and introduced by the Senator from Pennsylvania (Mr. SCOTT) and other Senators. I feel that these bills, which implement the President's recommendations, are extremely constructive and deserve prompt congressional consideration.

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

Mr. MATHIAS. I also submit today an amendment to S. 3472, the bill to extend Federal support for the construction of waste treatment facilities. My amendment would guarantee that the States will be fully reimbursed for funds they have advanced since 1966 to prefinance the Federal share of waste treatment projects where Federal funds have been inadequate. The amendment would further insure that this reimbursement can be accomplished without reducing or stretching out State and local programs for constructing additional high-quality treatment plants.

The principle behind this amendment is a simple one: that Federal commitments should be kept. In enacting the Clean Waters Restoration Act of 1966, Congress provided special incentives, in the form of additional Federal aid, to States which participated substantially in the financing of needed waste treatment facilities. Maryland has been a leader among those States which have not only accepted this invitation, but have gone beyond it by advancing additional State funds to cover the full Federal contributions where Federal appropriations have been inadequate. Given the failure of Congress to appropriate the full authorized amounts for this program, prefinancing has been the only way for States such as Maryland to keep their own pollution control programs on schedule.

The assumption behind prefinancing was, of course, that the States would be repaid by the Federal Government. Over the past 4 years that bill has grown, so that the Government is now some $814 million behind in reimbursement payments to a total of 18 States. Maryland alone is owed $54.5 million for projects prefinanced to date, while the total to be prefinanced under current State plans will reach about $91 million.

There has been some question about the ability and intention of the Federal Government to make these reimbursements during the course of the new construction assistance program proposed by the administration. In response to my inquiry, Mr. Brian F. LaPlante, Associate Commissioner of the Federal Water Pollution Control Administration, wrote me on February 20 that "reimbursement should present no problems" under this plan. Mr. LaPlante further stated:

> Projections of anticipated construction rates indicate that all Federal anticipated reimbursement liabilities should be paid by the end of FY 1973.

I ask unanimous consent to include the text of this letter at the end of my remarks.

The PRESIDING OFFICER. Without any objection, it is now ordered.

(See exhibit 1.)

Mr. MATHIAS. Mr. President, I am very glad to have these assurances that the administration recognizes the need for full reimbursement and has taken

this debt into account in calculating our overall construction needs. I do feel, however, that new legislation should include a stronger legislative commitment to reimbursement. Accordingly, my amendment to S. 3472 would give greater priority to reimbursement payments in the allocation of funds among the States. It would also authorize the appropriation of additional funds, above the $4 billion requested by the administration, to the extent necessary to complete full reimbursement payments.

Let me emphasize that what is at stake here is more than $814 million or the financial integrity of a single Federal grant-in-aid program. The basic issue is the creditability of Federal commitments.

In case after case during the 1960's, the American people saw the Federal executive propose and the Congress enact impressive domestic programs, intended to meet urgent national needs through Federal-State-local partnerships. Commitments were made, ambitious goals were set, and substantial Federal aid was authorized not only for water pollution control, but also for education, housing, model cities, antipoverty programs, health care and law enforcement.

In virtually every case enthusiasm has been eroded and local and State planning undermined by Federal funding which has been too little or too late. It is true that some of the expectations of the sixties were unrealistic, that problems have proved to be more complex or stubborn than anticipated, and that some attempts to revitalize the bureaucracy have only succeeded in resnarling it. But the fact remains that in all of these policy areas there has been a serious gap between Federal promises and Federal performance.

As a result I sense among State and local officials and the general public a certain skepticism about Federal intentions and a certain fatalism about Federal followthrough. President Nixon is aware of this problem, and has tried to counteract it by tempering this administration's rhetoric and emphasizing, for example, the inability of the Federal Government to increase domestic spending greatly until inflation has been curbed.

In the field of environmental quality, the administration has moved promptly to implement the President's important messages to Congress. In addition to submitting the legislation I am cosponsoring today, the administration has, for example, filed suits to halt pollution by industries in several major metropolitan areas. Prompt and full reimbursement of the States for their pollution control initiatives would be another major step in this same vein.

Mr. President, Congress must also recognize its role and responsibility in enacting new programs and providing the funds. In this instance, the basic source of the reimbursement problem has been congressional failure to appropriate the full sums authorized by the Clean Waters Restoration Act of 1966. For fiscal years 1968 through 1970, for example, authorizations totaled $2,150 million, but appropriations have totaled only $1,217 million. Clearly the Congress has a "credibility gap" of its own to bridge.

The lesson of the past is that we must be realistic about the problems which we face and the programs which we debate. The challenge of cleansing and protecting our environment is a massive one. We have a tremendous backlog of unmet needs for public investment. We are paying now for our persistent failure to anticipate the environmental implications of change, including such changes as intensive oil drilling and transport, fast-spreading metropolitan growth, the invention of new types of packaging, and the expansion of air travel and transport.

Even if the legislation I recommend today is promptly enacted, fully funded, and vigorously enforced, it will not do the job by itself. Additional programs will be required, involving all levels of government, to master the specific problems of such great resources as the Chesapeake Bay and the Potomac Basin. Continuing citizen support and initiatives will be crucial.

In the coming weeks, I will be making additional recommendations on specific environmental problems. I trust that the appropriate committees will pursue their work expeditiously. We cannot afford to let the time for conservation pass us by.

EXHIBIT 1

U.S. FEDERAL WATER POLLUTION CONTROL ADMINISTRATION,
Washington, D.C., February 20, 1970.

Hon. CHARLES MCC. MATHIAS, Jr.,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MATHIAS: This will confirm Miss Johnson's conversation with members of our staff on the question of eventual reimbursement of funds which the States and communities have expended for prefinancing anticipated Federal aid for construction of waste treatment plants.

Reimbursement should present no problems under the presently proposed construction assistance program which will provide a $4 billion Federal commitment over Fiscal Years 1971 to 1974, inclusive, in addition to the $800 million of Federal funds already available for the current fiscal year. The Federal Water Pollution Control Administration estimates of needs for this period amount to $10 billion, of which $4 billion will be the Federal contribution. To this need must be added the outstanding reimbursement balances, amounting to about $800 million. Thus, Federal funding intentions, combined with this year's appropriations, will provide funds over the five years to satisfy the present level of reimbursement liabilities.

Whether funds allotted to a State are used for funding reimbursement projects or for new projects is entirely up to the individual State. Under the proposed legislation, therefore, the States will be able to liquidate their reimbursable expenditures out of allotted funds. Projections of anticipated construction rates indicate that all Federal reimbursement liabilities should be paid by the end of FY 1973.

We hope this information answers your question. If not, or if we can be of further assistance at any time, please do not hesitate to contact us.

Sincerely yours,

BRYAN F. LAPLANTE,
Associate Commissioner.

CONSUMER SACRIFICED TO OIL

Mr. PROXMIRE. Mr. President, today's New York Times carries an editorial that succinctly sums up President Nixon's failure to take immediate steps to curb inflation when such steps might lower the Government subsidies of the largest campaign contributors—the oil barons.

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

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

THE POLITICS OF OIL

President Nixon has bowed to the oil industry in shelving the recommendations of the majority of his Cabinet-level task force on Oil Import Control.

The oil industry has hailed Mr. Nixon's decision as a triumph, which it certainly is for them. As the task force report shows, one-third of the $6 billion in profits the oil industry got from domestic operations in 1968 resulted from the protection afforded by oil import quotas.

The cost of oil quotas to American consumers is much greater and will go on growing. The task force report, which is a model of clear and competent economic analysis, concludes that the oil quota system is presently costing United States consumers $5 billion a year and will reach $8.4 billion a year in 1980.

Thus, an Administration that prides itself on being a great inflation fighter when it comes to trimming outlays for health, education and welfare does not mind letting consumers pay out more than $60 billion in extra oil bills over the coming decade.

The panel, headed by Secretary of Labor Shultz, would not have wiped out those extra costs overnight. On the contrary, the report recommended a gradual switch to a tariff system in order to avoid too disruptive an effect on the oil industry or any danger to national security which, it stressed, is the only legitimate justification for oil quotas.

Far from ignoring the danger of a prolonged Middle Eastern oil boycott as a result of the present turmoil there, the report proposes means of increasing the security of United States oil supplies over the coming decade by promoting closer ties between this country and Western Hemisphere oil exporters.

The five-man majority of the seven-member panel included not only Secretary Shultz but also the Secretaries of Defense, State and Treasury and the director of the Office of Emergency Planning. Their joint conclusion was that national security would be adequately protected by control system based on tariffs.

As a first step the report favored a tariff of $1.45 per barrel to be imposed next Jan. 1. If further "objective and independent professional analysis" showed that reserves in North American frontier areas, especially the north slope of Alaska, would be sufficient to meet or exceed 1980 production estimates, the report recommended further liberalization of tariffs in January of 1972. If no tariff liberalization were undertaken then, the report urged the same tests be applied in succeeding Januaries, with full review no later than 1975.

However this very cautious approach was not good enough to quiet the concerns of the United States oil industry that some significant share of its profits resulting from oil quotas would be lost eventually if the existing system were changed.

Secretary of the Interior Hickel and Secretary of Commerce Stans, together with an official observer, John N. Nassikas, chairman of the Federal Power Commission, filed a separate report disagreeing with virtually everything in the majority report. President Nixon in effect has adopted the views of the task force's two minority members and of his Federal Power Commissioner.

The President seems determined to file and forget the majority report. Those concerned about the public interest will be well advised not to let that happen for, aside from its policy recommendations, the report should become a classic in exposing the costs to the nation of a system of extreme protectionism in the guise of defending national security.

Commendable as it is that the report could be made at all, the summary rejection by the President of its basic recommendation that the oil quota system be ended tells much about the politics of oil and the real sources of influence in this Administration.

MILITARY-INDUSTRIAL COMPLEX

Mr. PEARSON. Mr. President, on August 11 of last year I spoke in some detail on the Senate floor about the so-called military-industrial complex—what it is, the problems it presents for American society, and some of the steps that could be taken to overcome these problems and potential dangers.

Two areas were given particular emphasis: The first had to do with the fact that the Congress was really rather poorly equipped to decide upon many of the great defense policy questions which are often so extremely complex and difficult.

The second had to do with the impact of defense spending upon our economy and, in particular, the relationship between defense spending and the economic welfare of local communities.

At that time, I recommended action on a number of policy proposals, and the statements yesterday by Defense Secretary Melvin Laird served to remind me again of the pressing necessity of taking action in these areas, therefore, I want to review those proposals again today.

First, the Defense Secretary's request for an expansion of the Safeguard antiballistic-missile system serves to remind us that there will again this year be an extended debate within Congress and between Congress and the Defense Department over what is the proper course to pursue in this exceedingly complex area.

It seems to me that Congress and, therefore, the Nation would be much better off if it were more properly equipped to deal with complex issues of this type. Therefore, today I again urge the passage of Senate Joint Resolution 50, introduced by the distinguished Senator from Texas (Mr. TOWER), to create a Joint Committee on Security Affairs. This committee would not have legislative authority, but would be concerned with the broad, long-range questions of national security policy and through a program of contract research and investigative hearings could significantly improve the ability of Congress to pass judgment on complex weapons systems. The creation of such a committee would not eliminate debate and differences of opinion, but it would help to elevate the quality of debate and more sharply delineate the real policy issues.

Second, Secretary Laird's statement that "within the next 30 days we are going forward with massive base reductions and force reductions of over 100 bases in the United States" dramatizes the critical relationship between the defense activity and the economic welfare of local communities. In my statement last fall I argued that the natural concern and fear on the part of local communities over the loss or reduction in defense spending in their areas was one of the factors which tended to generate pressure to maintain unnecessary and inefficient defense activities. But on the other hand, I stressed that we were poorly equipped to ease the concern of these local communities and to assist them in making the economic adjustment necessitated by the reduction in defense activity.

The force reductions of last October and November at a number of military bases around the country served to illustrate this very point and certainly I anticipate now the same situation will occur in the wake of the Secretary's announcement of yesterday.

Therefore, it is all the more urgent that we move forward with the adoption of policies aimed at dealing with this type of situation.

First, I would again emphasize the need for adoption of legislation along the line of S. 1285 which would create a National Economic Conversion Commission. However, again as I stated in my August 11 speech, I would suggest that the sponsors of this bill consider modifying the proposal to the extent that the Commission would deal not only with the type of economic adjustment which would occur in an overall reduction of defense spending, but also with the types of readjustments of changing defense needs; changes which are made regardless of the overall level of defense spending.

The desirability of such a modification is, I think, clearly pointed out by this announcement of reduction in forces and closing military bases on the one hand, while we expand other types of defense activities.

Also, at that time I expressed the hope that the Secretary of Defense would act to significantly expand functions and activities of the Office of Economic Adjustment. This small office was originally established to provide assistance to communities during the difficult readjustment period following the curtailment or closing of a defense activity. This is an extremely valuable function within the Defense Department. However, it has never been given sufficient authority and capacity to operate with full effectiveness.

Therefore, I am today writing to Secretary of Defense Laird, asking him to provide me with a report of his plans for expanding or modifying this office so that it may more effectively serve to assist the affected local communities.

I have indicated in this letter that should he feel that he needs additional legislative authority to properly develop this function, I will be happy to introduce whatever legislative proposals he might suggest. The creation of a national commission along the lines proposed in S. 1285 would also generate several legislative proposals.

Mr. President, the Federal Government has the obligation to assist local communities and all the individuals affected to make the adjustment necessitated by a reduction or curtailment in a particular defense activity. It also has the resources to provide that assistance. Unfortunately, it is not properly organized to marshal those resources so as to best assist the affected communities.

DIFFICULTIES OF SAVINGS AND LOAN ASSOCIATIONS

Mr. HOLLINGS. Mr. President, the savings and loan institutions of our Nation are facing major difficulties in properly serving the needs of our economy due to certain monetary policies invoked by the Federal Government. Traditionally, savings and loans have served the promotion of thrift and homeownership. All of us are aware of the grave problems facing our Nation concerning adequate housing, and the impact of these monetary policies on the savings and loans and, in turn, our housing needs is being felt throughout the Nation. If savings and loans cannot attract savings and, consequently, are not able to provide funds for the financing needed by home buyers, we are impeding construction progress that is desperately needed.

I believe it is our duty to review this situation most carefully. I ask unanimous consent to have printed in the RECORD a letter from William N. Bowen, executive vice president of the South Carolina Savings and Loan League, addressed to special counsel to the president Harry S. Dent. The letter succinctly states the problem and offers some excellent suggestions to alleviate the situation.

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

FEBRUARY 6, 1970.

Hon. HARRY S. DENT,
Special Counsel to the President,
The White House,
Washington, D.C.

DEAR HARRY: Thank you for receiving our delegation on Monday and for the opportunity of filing this summation. As we told you, our business is in a desperate situation and urgently needs consideration. Any help you can give us in directing this to the proper levels will have our deepest appreciation.

The viewpoints expressed here are those of the South Carolina Savings and Loan League as we do not have the authority to speak otherwise. However, we are finding it difficult to meet the demands for mortgage money to provide housing for the citizens of our State and we know that the difficulties that face us are being experienced by Savings and Loan Associations all over the country.

Our business was formed to serve in the promotion of thrift and home ownership. Because we were specialized institutions, the Federal Government saw fit to grant us certain tax advantages and the authority to pay higher rates to our customers than do other financial institutions so that we could attract money to the housing market of this country. Now those tax advantages have diminished and the rate advantages are questionable.

The FED recently gave commercial banks an increase in the rate they are permitted to pay savings customers and the FHLB responded with a compensating jump. Because of inflation and an earnings squeeze, however, we find ourselves somewhat at a loss as to where we can earn enough income to pay these higher rates. The average interest rate on the entire loan portfolio of all South

Carolina Savings and Loan Associations is 6.18 per cent.

Before the announced increase in permissible dividend rates by the FHLB, we were paying up to 5¼ per cent on savings invested with us, and 7¼ per cent on money borrowed from the Federal Home Loan Bank System. You can see then that we were operating on a thin margin of profit before the increase was announced by the FHLB. I would venture to guess that the commercial banks, on the other hand, have average earnings on their portfolios of well in excess of 10 per cent making them better able to afford higher rates of return to savers.

In any event, it is imperative that we have a rate advantage over other types of financial institutions as imposed by Regulation Q or we cannot survive. And the FED, holding the very existence of our business in its hands, must set competitive rates low enough for us to pay a higher but reasonable return to our savers commensurate with our ability to make sufficient profits to pay our savers and to provide sound reserves for our business.

We estimate that we have lost $30 million from the housing market of this state in one month—January of 1970.

We have met with the Home Builders and Realtors of our state and they are as concerned as is our industry over the fact that we are not able to attract savings and consequently are not able to provide funds for the construction of housing and the financing needed by home buyers.

It has been our experience that most of the money we are losing is flowing to the Treasury where a person can invest large or small sums of money and earn 8½ per cent or more on their investment. This outflow of funds from Savings and Loans will continue to increase in intensity unless the Treasury places a $25,000 minimum on the purchases of these government obligations. This will take the small investor, the one upon whom we have built our business, out of that market and will undoubtedly result in a slow down in this drain of funds from the housing market.

I cannot emphasize too emphatically the urgency of getting money into the housing market of this country. The Treasury has been authorized by the Congress to put $4 billion into this market but there seems to be some question as to the proper manner. It has been the position of our business that the FHLB, through its network of Savings and Loans throughout the country, can best accomplish this end through a secondary mortgage market.

From an ideal point of view these funds could be apportioned throughout the Savings and Loan Business and the old, low yield loans purchased on the understanding that all funds would go into new loans. This would have an immediate impact on housing both from the construction of new homes and the marketability of existing ones.

This would also help the earnings of the Savings and Loans and help them out of the predicament to which they have been pushed with these new higher depositor rates and the profit squeeze.

The suggestions made thus far in this communication relate to actions which the Administration can take immediately to relieve the situation which the housing market faces today. Congress, on the other hand, can offer a tremendous boost to the entire economy of our country by acting favorably on a Bill which is presently before the House to exempt from taxation the first $750.00 of earnings in savings placed in institutions catering to the financing of housing. In the face of the forecast of terrific housing needs, such a Bill would do much towards making the necessary funds available.

There are many things we would like to say, but this has already lengthened beyond expectation.

These are the main items. They actually are problems extremely critical to the life of our business and those we serve.

Thank you again for your kindness and your offer to place these facts on the proper doorsteps.

Very truly yours,

WILLIAM N. BOWEN,
Executive Vice-President.

HYPOCRISY OF SCHOOL DESEGREGATION ISSUE

Mr. TALMADGE. Mr. President, the Atlanta Constitution of February 23 contains an excellent editorial column written by the distinguished writer William S. White on the hypocrisy of the school desegregation issue. Mr. White particularly calls attention to the important roles played by the Senator from Mississippi (Mr. STENNIS) and the Senator from Connecticut (Mr. RIBICOFF) in attempting to bring about more uniform application of the law, throughout all the 50 States, North and South. As he points out in his column:

Under existing law, the south is singled out for special—and punitive—treatment.

I believe the Senate has made a significant breakthrough in calling this hypocrisy to the attention of the entire country and in pointing out that the education of the Nation's children is far too important to be made the political football that it has.

I bring Mr. White's column to the attention of the Senate and ask unanimous consent that it be printed in the RECORD.

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

[From the Atlanta (Ga.) Constitution, Feb. 23, 1970]

TWO SENATORS STAND TALL

WASHINGTON.—Not for a long time now has the Senate, the historic breeding place for the big men of American politics, been hospitable to that tradition. Indeed, for some years it has tended rather to reward the small and to punish the large; to promote the headline-grabber and to forget the fellow who simply does his work responsibly and well.

All this has now changed, and two authentically large-minded senators—one of them from that dreadful conservative deep Southern "establishment" and the other a liberal "minority-group" type from New England—are emerging high above the ruck.

Between Sen. John Stennis of Mississippi and Sen. Abraham Ribicoff of Connecticut there lie many points of disagreement—but between them also lies a profoundly responsible common determination to do a very strange thing, indeed. This is to introduce a quality called fairness into the school integration program in this country.

Ribicoff, in short, has taken the incredible step across the wide ocean, for a man from the Northern liberal side of this issue, in joining Stennis' efforts to require that federal desegregation sanctions hereafter apply equally to North and South. Under existing law, the South is singled out for special—and punitive—treatment.

This has been justified by the Senate on two grounds. The first is that the South has been both more resistant and more openly resistant to integration—and this is true enough. The second ground is that anyhow the South practices what is called de jure segregation, meaning as a matter of deliberate public policy, whereas the North practices only de facto segregation. De facto segregation comes to this: They just do it that way in the North, and especially in white suburbia, without admitting it and certainly without candidly defending it.

Now, this law was passed in the first place not in any wide spirit of Northern vindictiveness—though in unpleasant fact there was a small element of just that—but rather because it was felt that only a special toughness could handle what was seen as a special Southern problem. But it was also approved, in a predominantly Northern Congress, in an atmosphere of total hypocrisy that every man open to reason knew was there but every sensible politician from outside the South chose sedulously to ignore.

The poor old Southerners, of course, cried out in anger and anguish—but few would listen. It was all too easy anyhow to wave them all off as more diehard "segregationists"—as some indeed were, though others were not and are not now. The simple fact is that Ribicoff finally got enough of this double-dealing and double-talking. He had always been a politician of special candor; now he became as well a politician of special conscience.

The inevitable consequence is that the professional civil rights liberals are even now intoning the solemn opening rites leading to his expulsion from their church, even though he has done more for civil rights than any half dozen of his critics. His central heresy is in his rejection of the high dogma that de jure and de facto segregation must be seen as two vastly different things.

It would be interesting to hear his detractors explain this immense distinction to two black school children, one of whom had only been defactoed, so to speak, out of the right to attend a white school whereas the other was being villainously dejured from the same school.

The little black chap who had only been defactoed would surely feel comforted no end that at any rate he had not really been dejured.

GOVERNOR McKELDIN HAILS NIXON ADMINISTRATION SUPPORT FOR ISRAEL

Mr. MATHIAS. Mr. President, on February 13 the first annual awards luncheon of the America-Israel Society was held in Baltimore. At that luncheon Hon. Theodore R. McKeldin, the disguished former Governor of Maryland and former mayor of Baltimore, spoke briefly and presented the society's award to Mr. William Randolph Hearst, Jr.

Governor McKeldin has long displayed an active interest in the State of Israel and the maintenance of sound American policies toward the Middle East. During his first term as Governor, he invited a group of outstanding Americans, all vitally concerned with the then young State of Israel, to Government House in Annapolis for the purpose of organizing what became the America-Israel Society, a nationwide organization. Governor McKeldin served as the society's first president.

In his recent speech, Governor McKeldin reviewed the Nixon administration's Middle East policies and concluded that Israel "has an understanding, committed ally in our President." I ask unanimous consent that his remarks be printed in the RECORD.

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

REMARKS OF THEODORE R. MCKELDIN, AMERICA-ISRAEL SOCIETY ANNUAL AWARDS LUNCHEON HONORING WILLIAM RANDOLPH HEARST, JR.

Ibn Ezra, the great Jewish poet, said it most aptly when he wrote, "My deeds shall both my witnesses and judges be."

Ibn Ezra's statement has great import today when we assess the Nixon Administration's relationship with Israel. For the deeds of the Nixon administration are a testament to a government working in behalf of the true interests of Israel. There have of course been times when a diplomatic statement has sent rumbles through Israel, but we must remember that Richard Nixon is a President who upon assuming the Presidency asked that he be judged not by words, but by deeds. In the murky world of diplomacy, a choice of words can shake kingdoms, but it is still actions that speak louder than words. Richard Nixon is showing that with his administration actions speak loudest of all.

Just some of the actions of the Nixon administration in support of Israel that can be cited are: The sale and continued supply of 50 phantoms, the defense of Israel in the halls of the U.N., the gracious and warm welcome by the President of Prime Minister Meir, the official distaste over France's cynical actions with the Arabs, the rebuke to the Soviet Union over violations to the cease fire, the present earnest consideration of substantial economic and arms aid, and the President's recent strong statement that "Israel is one of the United States' friends."

But why, we might ask, is the Nixon administration such a strong supporter of Israel? After all, in blunt political terms, President Nixon received only 20% of the Jewish vote. Contributions to his campaign from Jewish people undoubtedly represented only a small percentage. I think the answer to this lies in the nature of Richard Nixon, the man. He is first of all a great fighter of communism. He has no love for or delusions about the Communists. He has no sense of innocence concerning what the Communists are about—in the Mideast or elsewhere in the world. I believe, also, that Mr. Nixon is a great lover of the oppressed minority, of the battling under-dog.

Israel has a staunch friend in the United States and she has an understanding, committed ally in our President. I see this in the record so far of this administration, and I see it in the future course upon which this country is being guided. I recently was briefed by our State Department on the Mideast policy of our government, and I can tell you I found an over-riding sense of interest in, concern for and commitment to the State of Israel.

Thus, in judging the Nixon administration we must judge it upon deeds, not talk. What must stand as a final judge is the Nixon actions on the now pending question of the favorable trade terms being asked by Israel, the economic loan assistance, and the sale of more defensive weapons to Israel.

These decisions are the tell-tale signs of this administration's posture—not speeches, not diplomatic fencing in the nether world of striped-suits.

As Spinoza said, "We can judge a man faithful or unfaithful only by his works." So far, the record is clear about Richard Nixon's faithfulness to his campaign pledge to support Israel. And his deeds since becoming President stand as both "witnesses and judges" to his continued devotion to the cause of peace in the Middle East and the safety and security of Israel.

This is why I believe—by viewing the man himself—that the future may well prove Richard Nixon to be one of Israel's greatest friends.

THE DISPOSITION OF OKINAWA

Mr. HOLLINGS. Mr. President, during the last session of Congress I expressed my concern over the question of the commitment of the United States to Japan regarding the disposition of Okinawa. Since we obtained Okinawa under article 3 of the Peace Treaty of 1954, it was my judgment that any disposition of Okinawa required the advice and consent of the U.S. Senate. Although such Senate action would seem to be required, the issue was somewhat clouded in June of 1968 when President Johnson returned the Bonin Islands which were secured under the same article to Japan without benefit of congressional approval. Due to the importance of Okinawa under our present treaty commitments and considering the problems of seeking and maintaining peace in the Far East, it is my feeling that Okinawa, bound by a treaty with the advice and consent of the Senate, can only be disposed of with the advice and consent of the Senate.

Senators may recall, on November 5, 1969, the Senator from Virginia (Mr. BYRD) offered an amendment to the State Department appropriation bill which stated:

It is the sense of the Senate that any agreement or understanding entered into by the President to change the status of any territory referred to in Article 3 of the Treaty of Peace with Japan, shall not take effect without the advice and consent of the Senate.

This amendment was agreed to by a vote of 63–14.

Subsequently, President Nixon met with Premier Eisaku Sato of Japan on November 19, 20, and 21, 1969, "to exchange views on the present international situation and on other matters of mutual interest to the United States and Japan." On November 21, 1969, they issued a joint communique which stated in relation to Okinawa that they agreed "to expedite the consultations with the view to accomplishing the reversion during 1972 subject to the conclusion of these specific agreements with the necessary legislative support."

In view of the Senate resolution agreed to earlier that month, I was extremely concerned that the word "support" did not necessarily mean "advice and consent" and so stated on the floor of the Senate on November 25, 1969. On that same day I addressed a letter to the President of the United States requesting a clarification. At this point in the RECORD, I ask unanimous consent that this letter be printed in its entirety.

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

NOVEMBER 25, 1969.

Hon. RICHARD M. NIXON,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I would appreciate your understanding as to the responsibility of the Legislative Branch of government in the disposition of Okinawa.

It appears that Okinawa, bound by a treaty with the advice and consent of the Senate, could only be disposed of with the advice and consent of the Senate. Accordingly, to reaffirm this requirement, the United States Senate recently enacted the Byrd Resolution expressing the sense of the Senate to this effect. Feeling still that you have adherred to this requirement in your talks with Prime Minister Sato, Senator Harry Byrd of Virginia has just commended the language of the Communique between the Prime Minister and yourself. And Senator Byrd commended you for recognizing this role of the Legislative Branch. However, I have just returned from Japan and a conference with Prime Minister Sato. It is my impression that Prime Minister Sato's view is best expressed in the *Japan Times* of November 11 in the article entitled "Sato Tells Opposition U.S. Will Okay Reversion Under 1972 Formula" in which the Prime Minister discounts the necessity for ratification of any agreement affecting Okinawa. Senator Byrd interprets the language under Section 6 of the Communique ". . . with necessary legislative support" as recognizing the necessity under the Constitution for ratification by the United States Senate. On the contrary, the use of the word "support" rather than "advice and consent" leads me to the conclusion that as long as substantial support is obtained you do not believe that a ratification by a two-thirds vote of the United States Senate is necessary. Specifically, I am sure you would receive substantial support for the return of Okinawa without the uninhibited right of launching combat operations from members of the Democratic leadership and the Foreign Relations Committee. But this does not constitute "advice and consent."

As a result of my discussion with our commanders in the Far East, I do not believe that we can fulfill our commitments with the restrictions of the 1972 formula. I believe our commitments in the Far East and to world peace transcend the domestic and political problems of Japan, the textile problems here at home and other considerations that have been confused into the "Okinawa question." I believe in the ultimate return of Okinawa, but not now.

Accordingly, I would like an opportunity to vote on any agreement or treaty made affecting Okinawa. Please tell me whether or not Senator Byrd is correct in his understanding. Please tell me whether or not you believe that I, as a Senator, have this right on the Okinawa question.

Most respectfully, I am

ERNEST F. HOLLINGS.

Mr. HOLLINGS. Mr. President, on January 9, 1970, the President answered my letter and stated in part:

Let me assure you that the Executive Branch will continue to maintain close contact with the Legislative Branch in order to work out mutually satisfactory arrangements for handling the problems of Okinawa reversion, including the appropriate form of Congressional participation in this matter.

I am reassured by this statement. Obviously, we do not seek to control the land or the people of Okinawa and we are certainly interested in maintaining friendly relations with Japan. However, I do believe in view of our commitments in the Far East the role of Okinawa is vital and I believe the Senate's role in this foreign policy issue is important. Consequently, I am pleased that the President has erased any doubt as to the Senate's participation which should eliminate any confusion on this point on the part of the people of the United States or Japan.

Mr. President, I ask unanimous consent that the letter from the President be printed in the RECORD in its entirety.

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

THE WHITE HOUSE,
Washington, January 9, 1970.

Hon. ERNEST F. HOLLINGS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HOLLINGS: Your thoughtful letter of November 25 has been given careful consideration.

With regard to Congressional action on any

agreement negotiated with Japan on Okinawa, I want to say that I am fully cognizant—as is Secretary Rogers—of the implications of the Senate vote on Senator Byrd's resolution of November 5. We intend to stay in close touch with the Congressional leadership and appropriate committees as our negotiations with Japan go along. As you know, we have already discussed Okinawa reversion with many members of the Congress and have benefited from your views.

It was because of the importance of Congressional judgment that we inserted into the Joint Communique of November 21 the statement that consultations with Japan would be expedited with a view to accomplishing the reversion during 1972 subject to the conclusion of specific arrangements with the necessary legislative support.

Let me assure you that the Executive Branch will continue to maintain close contact with the Legislative Branch in order to work out mutually satisfactory arrangements for handling the problem of Okinawa reversion, including the appropriate form of Congressional participation in this matter.

You also expressed concern, as a result of your discussion with our commanders in the Far East, that we could not fulfill our commitments in the Far East with the restrictions of the 1972 formula. I want to assure you that I gave the fullest consideration to this most important aspect of my talks with the Prime Minister. He and I agreed, as the communique stated, that it was important for the peace and security of the Far East that the United States should be in a position to carry out fully its defense treaty obligations in the area and that reversion should not hinder the effective discharge of these obligations.

As a result of my talks with the Prime Minister, I am convinced that the arrangements we will make for reversion will not impair our ability to meet our security commitments in Asia. This belief is shared by my senior military advisers. I also feel strongly that resolution of the Okinawa question is essential to healthy relations over the long term with a most important Asian ally, the Government and people of Japan.

I appreciate your writing to me about this important matter.

Sincerely,

RICHARD NIXON.

AMERICAN BAR TO COSPONSOR LAW CONFERENCE WITH ISRAEL BAR IN TEL-AVIV

Mr. GURNEY. Mr. President, I ask unanimous consent to have printed in the RECORD a news release from the American Bar Association concerning a forthcoming 3-day conference—March 30–31, April 1, 1970—on the "Legal Aspects of Doing Business in the United States and Israel" which is jointly sponsored by the American Bar Association and the Israel Bar.

The conference is designed to provide meaningful and practical legal information to American and Israel lawyers, business executives, and managers on how to export to, sell in, or manufacture within the United States and Israel.

The American Bar Association is asserting a new leadership in a positive allied program of economic cooperation with Israel. I wish to express my admiration for the American Bar Association and my high esteem for its officers and members for their great contribution to the expansion of American-Israel trade relations.

I think it appropriate to speak out at this time also concerning the mindless and indiscriminate murderous acts directed against civil aviation by Arab terrorists in recent days. The Soviet agitators in the Middle East and their Arab puppets are apparently insensitive to world public opinion. They should know, however, that civilized people deplore these acts of premeditated murder and that they are revolted by them. These insane tactics cannot be allowed to continue. In this connection, I ask unanimous consent to have printed in the RECORD an editorial from the New York Times, Sunday, February 22, 1970. The Times' suggestion contained in the editorial, seems most appropriate:

The appropriate response lies in a worldwide cut-off of air traffic to and from the Arab states by all carriers of all nations until such time as there is assurance that a way has been found to end the Palestinian threat to unoffending planes, passengers, and crews.

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

AMERICAN BAR TO COSPONSOR LAW CONFERENCE WITH ISRAEL BAR IN TEL AVIV

CHICAGO.—An international conference on the legal aspects of doing business in the United States and Israel will be held in Tel-Aviv March 30, 31 and April 1 under the joint sponsorship of the American Bar Association and the Israel Bar.

In announcing ABA participation in the conference, President Bernard G. Segal said it was part of a continuing effort to foster closer cooperation between the U.S. legal profession and lawyers of other nations.

The conference will be open to any interested U.S. lawyer. It will bring together recognized legal authorities of both countries as speakers, panelists and workshop leaders exploring legal problems and solutions affecting trade and investment between the two nations. Topics will include taxation, import-export regulations, and foreign investments. The sessions will be held at the Hilton hotel in Tel-Aviv, Israel.

The American Bar Associations Section of International and Comparative Law is arranging U.S. participation through a committee under the chairmanship of Charles R. Norberg of Washington, D.C. The ABA Section is headed by David M. Gooder of Oakbrook, Ill.

Program, registration and travel information may be obtained by writing to Foreign Tours, Inc., 500 Fifth Avenue, New York, New York 10036.

ARAB AIR OUTRAGES

The death of 47 persons as the result of a bomb explosion aboard a Swiss airliner bound for Israel is the ultimate outrage in the murderous campaign Palestinian terrorists have been conducting against innocent air travelers. The response must come from the world, not from Israel alone.

The boundless nature of the peril as well as its recklessness is made plain by the fact that only a miracle kept 38 other persons from going to their death when another bomb went off in a mail sack aboard an Austrian airliner over Germany. Even though no official determination has been made, there is no reason to question the boast of a fanatical guerrilla organization in Beirut that it was responsible for the fatal explosion.

A competition in murder has apparently developed among these groups of ultra-militants, each trying to outdo all the others in the monstrosity of its excesses. They are an abomination to whatever is legitimate in the cause of the Palestinian refugees, profaning their aspirations to national recognition.

The destruction of a planeload of people, among them one of Israel's most distinguished chest specialists, is an unspeakable horror. Now come warnings of more "incidents" and a special concern over the safety of Israeli Foreign Minister Abba Eban, scheduled to arrive in Munich today for a visit to the memorial to the Jewish dead at Dachau. There is a kinship in bestiality between the indiscriminate killing practiced by the Palestinian extremists and that of Hitler's Nazis.

The answer lies in effective action by responsible Arabs to punish and restrain these fanatics, but it is clear that no will to act will develop in the absence of the most severe external sanctions. These must not take the form of punitive bombings directed against Arab civilian centers by the Israelis, great as is the provocation. The appropriate response lies in a worldwide cut-off of air traffic to and from the Arab states by all carriers of all nations until such time as there is assurance that a way has been found to end the Palestinian threat to unoffending planes, passengers and crews.

CARSWELL: OPINION OF HIS FELLOW JUDGES

Mr. ALLOTT. Mr. President, I have decided to vote in favor of the confirmation of the nomination of Judge Carswell. In doing so, I have been particularly impressed by the high opinion in which he is held by his fellow judges of the U.S. Court of Appeals for the Fifth Circuit. I think it is just a matter of commonsense to say that it is much easier to fool people at a distance than it is at close range. If you are an athlete, you may be able to fool the spectators in the stands as to how good a player you are, but you cannot fool your teammates. By the same token, the best and most critical evaluation of a judge ought to come from his fellow judges, with whom he works year in and year out. Here is what three of his fellow judges from the Fifth Circuit have said about him to the chairman of the Senate Judiciary Committee:

Judge Carswell is a man of impeccable character. He is dedicated in his work and vigorous in its application. As a member of our court, his volume and quality of opinions is extremely high . . . Judge Carswell has the compassion which is so important in a judge.

Those are the words of Circuit Judge Homer Thornberry. Here is what Circuit Judge Warren Jones said about Judge Carswell:

I regard Harrold Carswell as eminently qualified in every way—personality, integrity, legal learning and judicial temperament—for the Supreme Court of the United States.

Judge Elbert P. Tuttle, for many years Chief Judge of the Fifth Circuit, also advised the Judiciary Committee of his opinion of Judge Carswell:

I have been intimately acquainted with Judge Carswell during the entire time of his service on the federal bench, and am particularly aware of his valuable service as an appellate judge, during the many weeks he has sat on the Court of Appeals both before and after his appointment to our court last summer. I would like to express my great confidence in him as a person and as a judge.

The opinion of distinguished judges such as these fortifies my conclusion that Judge Carswell will serve his country well as an Associate Justice of the Supreme Court.

A NEW LOOK AT THE FIFTH AMENDMENT

Mr. DODD. Mr. President, I invite the attention of Senators to an article captioned "Let's Restore the Fifth Amendment," which appears in the current issue of the weekly newspaper Human Events. The article was written by Eugene Methvin, one of our ablest young analytical writers, who serves on the Washington staff of the Reader's Digest.

The article recounts the history of the fifth amendment, and traces the successive interpretations which have extended the meaning of this amendment far beyond anything the Founding Fathers had in mind.

The fifth amendment is simple, brief, and direct. It says that "No person shall be compelled in any criminal case to be a witness against himself."

Mr. Methvin points out that for more than a hundred years the Supreme Court made no ruling on the fifth amendment which extended its protection to anyone who was not himself a defendant in a criminal case. The first blow came in 1892, in the so-called Counselman case, when the Court for the first time ruled that the privilege also extended to witnesses.

Said Mr. Methvin:

> Since 1950, the justices added destructive new privileges that were never even remotely a part of the very limited rule the framers elevated to constitutional status.

Mr. Methvin also points out that although congressional witnesses now regularly invoke the fifth amendment, "the Constitution itself so clearly exempts legislative hearings from the fifth amendment's application that no case of a congressional witness invoking it reached the Court in its first 159 years."

Recently the Supreme Court upheld a witness who refused to tell a Philadelphia grand jury what his occupation was. The Court ruled that the interrogators "should have considered that the chief occupation of some person involves evasion of Federal criminal laws."

The Supreme Court has been anything but united in these decisions. For example, when the Court ruled that a witness must be permitted to refuse information unless "it is perfectly clear" that his answer "cannot possibly tend to incriminate him," a strong dissent was written by Justices Harlan and Clark. They said that this interpretation converted the fifth amendment into a general privilege "against answering distasteful questions."

The most recent and dramatic expansion of the interpretation of the fifth amendment was incorporated in the Miranda ruling of 1966. In this ruling, the majority of the Court found that policemen cannot even ask an unwilling suspect in custody questions in a criminal investigation. In the words of Chief Justice Warren, police custody must be considered "so inherently compulsive" that any answer given in such custody would automatically fall within the fifth amendment's prohibition against compelled testimony.

Mr. Methvin quoted a recent statement made by one of our most distinguished Federal judges, Judge Henry Friendly of the U.S. Court of Appeals for the Second Circuit. Judge Friendly, in this statement, said that the Supreme Court has expanded the fifth amendment far beyond anything that went before so that it "seriously impedes the state in the most basic of all tasks: to provide for the security of the individual and his property. It is necessary to vindicate the rights of society against what has become an obsession with the privilege."

Mr. Methvin argues that we do not need to amend the fifth amendment; we simply have to restore it to its original meaning.

I agree with Mr. Methvin that the 1970 Organized Crime Control Act, which has already been passed by the Senate, would, if enacted, make a serious contribution in this direction.

Under this act, the privilege of invoking the fifth amendment, in keeping with the clear intent of the language, would be limited to criminal suspects at their own trials. A witness who was not himself on trial for a crime would be compelled to testify but he would be granted immunity from having his testimony, or other proof it revealed, used as evidence against him in a later prosecution.

Mr. President, I consider the article by Mr. Methvin to be an exceptionally significant contribution to the current discussion of the fifth amendment. I ask unanimous consent that it be printed in the RECORD.

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

LET'S RESTORE THE FIFTH AMENDMENT

(By Eugene H. Methvin)

President Nixon, in a special message to Congress, has declared unconditional war on organized crime, the 5,000 members of 24 gangs who suck an estimated $50 billion a year from the bloodstream of America and leave behind a wake of corruption, violence, dope addiction and street crime.

To wage this war, the President asked for a new and vital weapon for law enforcement: a new statute redefining and carefully limiting the constitutional 5th Amendment privilege against self-incrimination.

His proposal is included in the omnibus "Organized Crime Control Act" already approved by the Senate, 73 to 1. House prospects, however, are cloudier. There, the Judiciary Committee has not yet considered the proposal.

Regardless of what the House does, President Nixon's approach to limiting the 5th Amendment has already been approved by the California, New York and New Jersey supreme courts, so the issue is headed directly for an early U.S. Supreme Court test.

In tackling head-on the problem of restoring the dangerously tilted balance in our criminal procedures, the President will have the help of a new chief justice, Warren E. Burger, who has warned: "Our system of criminal justice was based on striking a fair balance between the needs of society and the rights of the individual. To maintain this ordered liberty requires a periodic examination of the balancing process, as an engineer checks the pressure gauges of his boilers."

And the gauges read trouble. Crime in America is growing six times as fast as population, and public surveys reveal that nearly half the people living in our cities are afraid to venture outside their homes at night. From the halls of Congress to state legislatures and corner drugstores across the nation, Americans are protesting that expanded rights for persons accused of crime are destroying everyone's right to security and public safety.

The Nixon Administration proposal goes to the heart of one of the most bitter and far-reaching constitutional controversies in the nation's history: the scope and nature of the 5th Amendment privilege against self-incrimination, 15 words that have been used, abused and misunderstood more than any other single provision the Founding Fathers wrote. It says simply: "No person shall be compelled in any criminal case to be a witness against himself."

Here is how it is being interpreted:

Item: In Chicago Mafia boss "Teetz" Bataglia, free on bond, goes home every night during his extortion trial. His blackmail victims go to jail—for their own safety, since they have been threatened with baseball bats because they refuse to "take the 5th" to avoid testifying about Mafia operations.

Item: In Washington the secretary of the U.S. Senate, Bobby Baker, dodges behind the 5th scores of times when his Senate superiors ask questions about pay-offs for political favors, hidden ties with underworld figures, even prostitution and abortion procurement under the very Capitol dome.

Such cases would have been unthinkable to framers of our Constitution. They arise because in recent years Supreme Court justices by narrow majorities have allowed these few words in our Bill of Rights to become a fetish.

Says Prof. Robert G. Dixon of the George Washington University Law School: "In charting wise legislative reforms that preserve the essence of the privilege for its truly vital purposes, we must understand how judicial elaboration has stretched the 5th Amendment and created new hurdles in criminal investigations."

As adopted, the 5th Amendment privilege represented a practical compromise between an accused individual's need for protection against overzealous interrogators and the public's equally vital need for effective law enforcement. But through the years U.S. Supreme Court interpretations have destroyed this balance and bloated the 5th far beyond its intended constitutional limits. Indeed, in 1966 as five justices extended to it still new extremes. Justices Byron White and John Harlan declared that the new rulings have "no significant support in the history or language of the 5th Amendment."

The privilege against self-incrimination arose in English common law in the 1640s from Puritan protests against King Charles I's Star Chamber inquisitorial prosecution for political and religious crimes. The landmark cases establishing the privilege had nothing to do with common crime. They concerned the religious heretic, the noncomformist or the critics who irritated royal ministers, not the murderer, rapist or bagman.

Even in Puritan Massachusetts, whose citizens fled England to escape the hated interrogations, a magistrate investigating ordinary crime was expected to "sifte ye accused and by force of argument to draw him to an acknowledgemente of ye truth." The interrogator might be provoking and forcing to wrath," but he might not so much as tweak the suspect's *nose*—that was all the privilege meant.

This was precisely the commonsense, balanced compromise Congress adopted when in 1789 it wrote the Bill of Rights—the first 10 amendments—for our Constitution.

To its framers the 5th Amendment's 15 words meant only what they clearly say: that a man on trial for a crime could not be called to the stand and compelled—that is, by threat of punishment—to testify to his own guilt. They clearly did not mean an accused should escape all pressure and inducement to tell the truth. Magistrates were expected to question promptly to take ad-

vantage of the impulse to confess that frequently fades after an accused wrongdoer has opportunity to invent false defenses. If he refused to answer questions, the jurors at his trial could be told so and draw their own conclusions.

The framers went to extraordinary lengths to so limit the self-incrimination privilege. Rep. James Madison proposed in his Bill of Rights an unlimited version extending not only to defendants on trial but witnesses in any proceeding. Rep. Lawrence of New York objected that was too broad. Thereupon Congress on August 17, 1789, inserted the words "in any criminal case," making this crucial limitation to an accused at his trial an integral part of the 5th Amendment privilege.

Lawrence's restriction of the scope of the absolute constitutional privilege had these crucial consequences: A man accused of receiving stolen goods, for example, had a clear constitutional right to refuse to testify at his own trial. He could not be jailed for his silence. But neither could he prevent the prosecutor from arguing and the jury from concluding that his refusal to answer questions, plus other evidence, adds up to "guilty." Nor, if called as a witness at the thief's trial, could he claim a constitutional privilege. He shared the centuries-old duty, accepted without question by the 5th Amendment's framers, of all citizens to give evidence. Congress and state legislators were free to decide—by simple statute in the light of experience—how much privilege he should have in grand jury proceedings, legislative investigations or other proceedings beyond his own trial.

Legislators in the 19th Century generally exercised this authority wisely to maintain a balance. They extended limited testimonial immunity to persons not actually on trial, permitting compelled testimony of witnesses but restricting the use to which that testimony could be put. Under such a rule any criminal who seeks to increase his effectiveness in any criminal enterprise by taking in a confederate also increases his risk of exposure and conviction before the bar of justice because he risks that his accomplice may be compelled to testify against him.

Organized criminal conspiracies become risky, indeed. A government purchasing agent accused of taking kickbacks might be hailed before a grand jury or legislative body and compelled to answer all questions. But if he incriminated himself, his testimony could not be introduced against him in any later prosecution. However, if his testimony led to a secret bank account or witness who had conspired with him, prosecutors could present such independent evidence against him.

"That," said one senator, "is all that a rascal ought to have at the hands of justice—even more than he ought to have."

This compromise worked fairly for decades. Grand juries and prosecutors were able to call implicated persons as witnesses and pry open conspiracies involving corrupt public officials, racketeers or corporate robber barons scheming to cheat the public.

For over a hundred years the Supreme Court made no rulings on the taut line the Founding Fathers drew on the 5th Amendment. Then in 1892 the justices struck the first blow. A federal grand jury investigating Interstate Commerce Act violations asked a Chicago grain dealer named Counselman what he knew about secret monopolistic railroad offers of freight rates below their published tariffs. He refused to answer, citing the 5th.

The court thereupon created the "Counselman rule" extending the 5th to witnesses in the face of overwhelming legal authority to the contrary. It was, says Lewis Mayers, a foremost historian of the privilege, a classic case of judicial law-making in clear defiance of the Constitution and legislative prerogative: The justices simply repealed the clause limiting the 5th to "any criminal case." Today's "constitutional" privilege for witnesses thus comes not from those who wrote the Bill of Rights.

It is the legacy of corporate lawyers who sat on the high bench in the gas-light era and waged war against the common citizen's right to curb industrial robber barons cheating the public. And it vastly aided the mammoth 20th Century growth of "The Syndicate," whose bosses are beyond reach of criminal prosecution, thanks largely to the extension of the privilege to witnesses.

Ironically, that very year Canada's parliament adopted the discarded American rule of limiting the witnesses' immunity to preventing his compelled testimony from being used against him later. Today, after 78 years of experience, the Canadian bar and bench accept this rule as operating with complete fairness. Canadians may thus compel testimony from implicated witnesses to convict racketeers, conspirators and corrupt officials who in the United States are untouchable.

Meanwhile, Supreme Court interpretations not only continued but sharply accelerated their expansion of the 5th. Since 1950 the justices added destructive new privileges that were never even remotely a part of the very limited rule the framers elevated to constitutional status.

Moreover, not until a scant five years ago did the court apply its new and expanded federal rules to the states, which have the vastly more difficult task of enforcing fundamental criminal laws such as robbery, murder and rape that have never concerned federal enforcers because they are not federal crimes. By this extension the justices in Washington smashed with a stroke the delicate balances worked out over generations by state legislatures, trial judges and supreme courts. Among the new privileges smuggled in on the coattails of the old:

Witnesses may falsely claim fear of self-incrimination. When a Philadelphia grand jury asked a witness, "What is your occupation?" the man took the 5th. Ordered to answer, he refused—and the U.S. Supreme Court upheld him: The interrogators "should have considered that the chief occupation of some persons involves evasion of federal criminal laws," said the justices.

Originally witnesses could stay silent only if their answer would establish some element of a crime that the prosecution would have to prove to convict. They also had to show, in addition, that the danger of self-incrimination was "real and substantial."

In recent years a majority of justices developed a new rule that a witness must be permitted to refuse information unless it is "perfectly clear" he is mistaken and his answer "cannot possibly" tend to incriminate him. This, Justices Harlan and Clark protested, converts the privilege into "a general one against answering distasteful questions," really a privilege of alleging fear of self-incrimination to dodge a duty of citizenship.

Adds Judge Edward Lumbard of the U.S. Court of Appeals for the Second Circuit, "Court decisions have made it virtually impossible to secure testimony before grand juries and government bodies where there is any claim of 5th Amendment privilege, no matter how far-fetched."

Moreover, such rulings effectively destroy another vital constitutional protection: an accused person's 6th Amendment right to have compulsory process for obtaining favorable witnesses.

An Illinois man was convicted of a rape-murder even though his landlady knew he was in his room aseep at the time of the crime. The prosecutor told her she had "a constitutional right to silence," and so she refused to testify. Convicted, the defendant came within six hours of being electrocuted before a crusading radio station discovered the truth.

A judge or prosecutor cannot comment on a defendant's silence, and a jury cannot consider it as an indication of guilt. In a California murder case witnesses testified they saw the defendant and his date go into an alley, and later the woman's battered body was found there. "She can't tell you her side of the story," the prosecutor told the jury. "The defendant won't." That, the Supreme Court decided in 1965, amounted to "compulsion" to testify forbidden by the 5th Amendment!

Philosopher and social critic Sidney Hook brilliantly illustrates the folly of such a rule in his book, *Common Sense and the Fifth Amendment.* Innocent men are usually very quick to proclaim their innocence, while silence creates a legitimate presumption of guilt, he declares: "If a child left alone with the cat refuses to reply to the question whether he locked it in the refrigerator, the refusal certainly has some evidential weight that he did. In any case, it is not likely that in the future we would leave him alone with a cat and a refrigerator."

That giant of the federal bench, Judge Learned Hand, growled, "The law rises to a supreme height of foolishness when it compels a judge in all solemnity to instruct a jury it should indulge in no unfavorable inferences" against a silent defendant.

Six states adopted a more logical rule. California's constitution was typical: the judge and prosecutor could comment on the defendant's "failure to explain or deny by his testimony any evidence or facts in the case against him." The American Bar Association endorsed such comment, and the respected American Law Institute's proposed Mo'el Code of Evidence authorized it.

But the court's 1965 edict forbade all such commonsense compromise. Justices Stewart and White protested that the ruling "stretches the concept of compulsion beyond all reasonable bounds. No constitution can prevent the operation of the human mind." The sad spectacle moved Justice Harlan to despair: "I hope the court will eventually return to constitutional paths which, until recently, it has followed throughout its history."

Witnesses may claim the 5th Amendment privilege in legislative hearings. Americans were shocked in the late 1950s at the long parade of union officials, empowered by Congress with monopoly bargaining powers over thousands of workers, defiantly dodging behind the 5th to avoid accounting to Senate investigators. Of one, Chairman John L. McClellan asked: "Are you married?" Answer: "I decline to answer under the 5th Amendment." "Do you have any children—legitimate children, I mean?" Same answer. "Do you know anything that you can tell us about that might not tend to incriminate you?" Same answer.

Sen. McClellans's efforts to gather sufficient evidence to convince Congress to pass tough legislation protecting rank-and-file union members against exploitation by labor racketeers largely hit this 5th Amendment curtain. "Had we been able to present the whole lurid story, we could have marshaled the votes to pass our safeguards undiluted," Sen. McClellan told me. "Instead, the opposition by a narrow vote knocked the teeth right out."

Ironically, the Constitution itself so clearly exempts legislative hearings from the 5th Amendment's application that no case of a congressional witness invoking it reached the courts in its first 159 years. Then in 1955 Chief Justice Earl Warren upheld such a claim with glittering words that the privilege was so much a "part of our legal heritage" that it "soon made its way into various state constitutions."

The most extensive expansion of those 15 words in the Bill of Rights occurred in 1966. Five justices in the court's *Miranda* ruling read them to mean: Policemen cannot even ask an unwilling suspect in custody questions

in a criminal investigation. If they do so, announced Chief Justice Warren, the justices will consider police custody "so inherently compulsive" that any answer falls automatically within the 5th Amendment prohibition against "compelled" testimony.

Police must tell the suspect he can remain silent, warn him anything he says can be used against him, offer to get him a lawyer if he cannot afford one himself, and let the lawyer sit in on any interrogation. If the suspect "indicates in any manner" that he does not want to answer questions, "interrogation must cease."

Prophetically, Justice Harlan warned: "This court is forever adding new stories to the temples of constitutional law, and temples have a way of collapsing when one story too many is added." And indeed, today this and other Supreme Court "interpretations" are collapsing justice and crippling law enforcement all across America.

One despairing lawman asked me: "Chief Justice Warren said if the suspect 'indicates in any manner' he doesn't want us to question him, we must stop. But if he 'indicates in any manner' he wants to confess, shouldn't our system of justice let him? Does the Constitution require us to provide a lawyer to clamp a hand over a suspect's mouth at the moment he's most willing and talkative?"

All across America police are so powerless criminals are thumbing their noses at the law. In Philadelphia, two-thirds of the suspects read the *Miranda* rule and refuse to answer questions. Amid growing homicides, Chicago's police have experienced a 50 per cent drop in the number of confessions and statements they obtain from arrested suspects. New York's police, unable to question suspects, have seen unsolved murders climb to a record high.

Two University of Pittsburgh law professors found that the proportion of robberies the Pittsburgh detective bureau was able to solve fell by almost a third in the first 13 months after *Miranda*. The proportion of suspects making statements in homicides, robberies, burglaries and rapes dropped by almost half; the two researchers estimated that confessions would be necessary for conviction in about a fifth of such cases.

Nationally, the FBI reports that in 1968 the police rate of solving the seven most serious felonies fell a shocking 15.8 per cent below the 1964–5 (pre-*Miranda*) clearance rate, while their rate of solving robberies plunged 26.8 per cent.

Worse, *Miranda* has thrown a catastrophic burden on our already clogged courts, as judges must spend days listening to lawyers wrangle and "trying the police" over proffered confessions.

The Massachusetts Supreme Court protested in March 1969 that a single 10-day trial spent half the time, occupying 500 of the 1,004 transcript pages, taking evidence on the *Miranda* warnings. Such cases amply demonstrate "why there is heavy and constantly increasing congestion in the jury trials of criminal cases," the Massachusetts judges complained.

With trials growing longer and rates of appeal climbing toward 100 per cent, orderly administration of criminal justice is becoming impossible because memories fade, witnesses die or move away, and criminals roam free on appeal bonds.

Congress already has moved timidly and ineptly to dilute the Supreme Court's absolutist interpretation in the *Miranda* case. As part of the 1968 Omnibus Crime Bill, Congress ordered that no federal judge shall exclude a confession deemed otherwise voluntary solely because police interrogators fail to give the full warning commanded by the Supreme Court. Atty. Gen. John Mitchell has announced that federal policy will continue to be to give the full *Miranda* warning, but if officers inadvertently fail to do so and confessions are otherwise "voluntary," federal prosecutors will attempt to introduce them in evidence.

Declares the Justice Department policy memorandum: "Congress has reasonably directed that an inflexible exclusionary rule be applied only where the constitutional privilege itself has been violated, but not where a protective safeguard system suggested by the court has been violated in a particular case without affecting the privilege itself."

But the 1968 congressional act applied only to federal courts. Congress did nothing to relieve state courts of the worst effects of the Supreme Court's inflexible exclusionary rule. And yet it is the states that must deal with violent street crimes where police interrogations are frequently essential, a type seldom seen in federal courts.

It is also in the area of state criminal proceedings that the Congress has the clearest constitutional mandate to prescribe procedural rules and require the Supreme Court to respect them. The 14th Amendment, from whose due process clause the court claimed power to apply its *Miranda* rule to the states, clearly declares: "The Congress shall have power to enforce by appropriate legislation the provisions of this article."

Responsible voices across the nation have called for amending the 5th Amendment to undo the damage done by the absolutist Supreme Court interpretations.

In November 1968, Judge Henry Friendly of the U.S. Court of Appeals for the Second Circuit, one of the nation's most scholarly jurists, declared that the court under Chief Justice Warren "has pressed the amendment far beyond anything that went before" so that it "seriously impedes the state in the most basic of all tasks; to provide for the security of the individual and his property. It is necessary to vindicate the rights of society against what has become an obsession with the privilege."

Attorney Percy Foreman, renowned defender of 750 murder defendants, startled a Senate Constitutional Amendments subcommittee by proposing such a change. Too many criminals would go free unless judges or magistrates could question them under non-coercive circumstances, says Foreman: "Justice does not mean that every defendant should be acquitted. It means nobody should be coerced to testify against himself by the muscle or boot of the constabulary."

Says Chairman Birch Bayh of the Senate Subcommittee on Constitutional Amendments: "It's inconvenient to sit in the police station and answer questions. It's also inconvenient to sit on a jury, to register and vote, to pay taxes or serve in the Army. If you are a suspect in a police case, interrogation is an inconvenience that is the price of citizenship and civilization."

Seven members of President Johnson's National Crime Commission, including three past presidents of the American Bar Association, declaring that Supreme Court decisions have drastically tilted the scales of justice "in favor of the accused and against law enforcement and the public," have recommended amending the 5th if necessary to restore the balance. So have House Minority Leader Gerald Ford and former Republican presidential nominee Thomas E. Dewey, who launched his career as an outstanding pioneer prosecutor of organized crime.

But we do not need to amend the 5th Amendment. We need only restore it—to the balanced, very limited commonsense rule the framers actually elevated into our Constitution.

President Nixon's recommendation that Congress pass a new general testimonial immunity statute, incorporated in the Senate-Organized Crime Control Act, is a fair-minded and courageous begininng, and our elected representatives have ample constitutional authority to act without resort to the cumbersome amending process.

Article I emphatically empowers Congress "to make all laws which shall be necessary and proper for carrying into execution all powers vested by this Constitution in the government of the United States." Article III further empowers Congress to make "exceptions and regulations" to the Supreme Court's appellate jurisdiction. And finally the 14th Amendment specifically names Congress the guardian of the constitutional rights it creates.

The pending Organized Crime Control Act would limit the privilege of silence to criminal suspects at their own trial, as was clearly the purpose of the 5th Amendment's authors. As proposed originally in March 1969 by the National Commission on Reform of Federal Criminal Laws, appointed during the Johnson Administration and chaired by former California Gov. Pat Brown, the new statute would apply to congressional hearings and to all cases involving violations of federal law.

A witness not on trial himself for a crime would be compelled to testify even after claiming his testimony might incriminate him, but he would be granted immunity from having his compelled testimony or other proof it revealed used as evidence of his offense in any later prosecution. But he would not, as under present laws, receive an "immunity bath" against prosecution on the basis of other independent evidence.

Once investigators identified individuals involved in any criminal conspiracy, prosecutors could hail them before a grand jury or judge, grant testimonial immunity, and force them to choose between going to jail for criminal contempt of court and identifying and testifying against other partners-in-crime. Thus prosecutors could pry apart conspiracies and use the small fry to convict the big fish.

As Atty. Gen. Nicholas Katzenbach in 1966 told Congress in pleading for a broader immunity statute, "we cannot make progress in fighting organized crime other than by getting the testimony of people involved." By protecting the silence of subordinates as investigators try to trace organized crime to the men who direct it, "we are authorizing protection of the people within the organization."

One thing is clear: Congress must act, and soon. "It is one of the misfortunes of the law," said Justice Oliver Wendell Holmes, "that ideas become encysted in phrases and thereby for a long time cease to provoke further analysis." But today evidence is inescapably mounting that we have indeed added too many stories to the temple of justice and that millions of innocent citizens are suffering as respect for law crumbles under the weight.

The beauty and simplicity of those 15 words of the 5th Amendment is that they said what they meant. President Nixon's proposal gives Congress an unprecedented opportunity to move toward restoring that meaning.

CRIME IN WASHINGTON

Mr. MATHIAS. Mr. President, we have once again been made aware of the severe crime problems of the District of Columbia. Yesterday's newspapers carried the report of a Senate employee—a 20-year-old secretary to one of our colleagues—being raped in her apartment.

This is just one of the scores of serious crimes reported daily in the Nation's Capital. The scope of this problem is illustrated each day in the pages of the Washington Post in its detailed listing of serious crimes reported to police.

In just the past 2 days, according to the Post, more than 50 thefts, robberies, assaults, and other incidents of serious

crime have been reported. These reports dramatize the importance of making every possible effort to build up the metropolitan police force, both in numbers and in quality, and at the same time making every effort to cope with the serious social problems of the district which are in themselves a major contributing factor to the conditions which breed crime.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the Washington Post's report of the rape of a Senate secretary and its listings of other serious crimes in the past 2 days.

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

SENATOR'S SECRETARY RAPED

A 20-year-old secretary for a U.S. Senator was raped in her apartment last night, police said.

The victim told police she went to sleep about 10:30 p.m., and was awakened shortly thereafter when the lights, which she had left on, were turned out. A man had entered her room, she told police, and demanded money.

When she said she had none, she was forced to disrobe and was raped. As the unarmed man was leaving, the secretary's roommate and an escort entered the apartment and were ordered to stand to one side of the room while the man made his escape, police said.

The victim was treated at D.C. General Hospital and released.

SUSPECTED INTRUDER SLAIN

An off-duty reserve metropolitan policeman told police he shot one of three men attempting to break into his home early yesterday. The shooting victim died later at the Washington Hospital Center.

Police identified the dead man as Claude J. Wilbanks Jr., 48, of 1801 Calvert St. NW., who died 11 hours after the reported 2 a.m. break-in attempt.

Police gave this account:

Joseph S. Brooks, of 1842 Ontario Pl. NW, was awakened by his son, who told him someone was trying to break into the house. Brooks got his pistol and went out on a second-floor balcony in the rear of the house.

Once there, Brooks saw two men running out of the yard and heard another man at the kitchen door. Brooks leaned over the balcony and yelled at the man to leave.

The man turned toward Brooks and raised his arm. Brooks fired several shots.

Police said a hearing with the U.S. attorney has been scheduled for today.

Reserve policemen, who have no official authority, frequently serve as volunteers during such occasions as parades, demonstrations, etc. No weapons are issued to reserve policemen.

In other serious crimes reported to area police by 6 p.m. yesterday:

STOLEN

Four American Standard commodes, a Remington stud rivet gun, two vanity cabinets and two local tool boxes valued at $500 were stolen from the English Village Co., 5010 Wisconsin Ave. NW., between 5 p.m. Sunday and 7 a.m. yesterday.

Two sterling silver wine pitchers, one sterling silver water pitcher, two sterling silver chalices, and a sterling silver dish valued at $925 were stolen from St. Thomas Church, 1772 Church St. NW., between 5 p.m. Saturday and 7:05 a.m. Sunday.

Edward Rooney, of Annandale, was robbed at 1:35 a.m. by two men who beat him about the head and body while he was inside 1424 W St. NW.

Larry Chin, of Washington, was robbed at 8:30 p.m. Sunday by two men who approached him in the 800 block of 12th Street NW and took his wallet at gunpoint.

Robert Goodwin, of Washington, was robbed at 8:20 p.m. Sunday by two men, one armed with a pistol, who took his combination record player and radio while he was standing at 1st and H Streets NE.

Donald Day, of Washington, was robbed at 6:30 p.m. Sunday by two men who grabbed him while he was standing at 15th and Savannah Streets SE. The men also cut Day with a razor when he struggled with them. Day was treated at Cafritz Hospital and released.

Jerry Ann Little, of Washington, was robbed at 10:35 p.m. Sunday by four juveniles who beat her and took her purse in the 2900 block of Sheridan Road SE.

ROBBED

High's Dairy Products Store, 5911 Central Ave., Capital Heights, was robbed by a man armed with a pistol about 8:30 p.m. Sunday.

Jo Ann Murata, of Washington, was robbed at 5:15 a.m. Sunday by two men, one armed with a pistol, who took her purse while she was standing in front of 1514 Newton Sts. NW.

Juan Gilberto, of Washington, was robbed at 10:55 p.m. Sunday by three men who grabbed him, cut him on the right hand and took his wallet while he was standing at Mt. Pleasant and Irving Streets, NW.

Jean Shepler, of Forrestville, Md. was robbed at 9:50 p.m. Sunday by three men who took her purse while she was walking in the 100 block of 18th Street SE.

Rands Restaurant, 1712 Connecticut Ave. NW., was robbed at 8:15 p.m. Sunday by a man who pulled a gun on the cashier, Joe Harris, and forced him to empty the cash register.

Gulf service station, 5120 Georgia Ave. NW., was robbed at 9:05 p.m. Sunday by two men, one armed with a pistol, who forced the owner, William Brooks, to hand over the contents of the cash register.

Cherie P. Blumenthal, of Bethesda, was robbed of her purse and car keys by an unarmed man while she was sitting in her car in an alley near the 100 block of 11th Street N.E. at 9:55 a.m. yesterday.

Catherine Spriggs, of Washington, was robbed at 7 p.m. Sunday at 14th and Rittenhouse Streets by two men, one armed with a pistol, who warned her not to scream and then took her purse.

ARRESTED

Eugene Robert Tillman, 27, of 1843 Lamont St. NW., and Jimmie Nickelson, 20, of 1364 Columbia Rd. NW., were arrested and charged with robbery in connection with the holdup of two Northwest Washington women in their apartment on Feb. 12.

NORTHWEST WASHINGTON MAN SHOT RESISTING HOLDUP ATTEMPT

A Northwest Washington man was shot in the leg Monday night when he resisted an attempted holdup at North Capitol and O Streets NW, police reported.

Oscar J. Seegers, of 14 O St. NW, told police he and a friend, Eric Singletary, were approached about 10:30 p.m. by a youth who drew an automatic and demanded, "I want all the money you have got."

When Seegers refused to hand over his money, the gunman fired one shot at him and fled east on O Street.

Seegers was treated at Washington Hospital Center.

In other serious crimes reported by area police by 6 p.m. yesterday.

ROBBED

James Waiters, of Washington, a driver for the Taylor Biscuit Co., was held up about 4:05 p.m. Monday while he was unloading his truck in the 1800 block of 7th Street NW, by a man brandishing a gun who held the weapon at Waiters' back and demanded money.

Jean L. Thomas, of Washington was held up about 7:30 p.m. Monday while she was standing by her car at Pennsylvania Avenue and 33d Place SE. Two youths ran up to Miss Thomas and said, "This is a holdup." When she began to scream, one of the youths warned her, "If you scream, I will blow your head off." Grabbing her pocketbook, the pair fled on foot.

George R. Ross, of Washington, was beaten and robbed about 12:10 a.m. yesterday in the 1400 block of Harvard Street NW, near his home. Three men attacked Ross, hitting and kicking him in the head and body, then escaped with his wallet containing $2 and papers.

Lenora M. Luciano, of 2918 8th St. NW, was held up about 6:30 p.m. Monday by a young man wielding a knife who ransacked her house and fled with 70 cents and an electric stove.

Grocery store, 1136 Florida Ave. NE, was held up about 10:15 p.m. Monday by a young man who asked the clerk for a beer. As she was getting the beer for him, the man yoked her from behind and carried her to the cash register. Removing the money from the register, the man released the clerk and ran out the front door.

Gino's Carryout, 3645 Benning Rd. NE, was held up about 9:40 a.m. yesterday by a man who forced his way into the shop when an employee answered his knock on the rear door, assuming an employee wanted the door opened. Holding a brown paper bag over his hand as if he had a gun, the man forced the clerk to open the safe saying, "This is a holdup." Taking $2,500 in bills and change, the man escaped in a light colored car.

Lonnie McNair, of Capital Heights, a driver for Capitol Cab, was held up about 7 a.m. yesterday by a young man who hailed his taxi at 14th and Harvard Streets NW. At 12th and O Streets NW, the passenger drew a knife from under his coat and forced the driver to hand over his cash.

Leroy C. Conrad, of 3228 Hiatt Pl. NW, was robbed about 9:30 p.m. Monday by three men who forced their way into his apartment, cut him on the side of the face and escaped with his money, watch and television set.

Julio Rodriguez, of Washington, was held up about 11:15 p.m. Monday in the 3400 block of 16th Street NW, by two men, one armed with a gun, who said to him, "Give me your money." At the same time, Susan Erena, also of Washington, was robbed of a billfold.

John Allison Kindred, of Washington, was robbed and briefly abducted by a man who hailed his taxicab in the 4400 block of G Street SE about 10:35 p.m. Sunday. He directed Kindred to drive to 9th and L streets NE, where he pulled out a gun and ordered, "Turn left." "Which way?" the driver asked. "Left," the gunman repeated and told Kindred to stop in an alley between 7th and 8th Streets. After forcing the driver to climb into the trunk and taking his money and keys, the gunman drove the taxi to where two or three other men joined him. The gunman warned them not to address him by name because the driver was in the trunk, then fled in the rear of the unit block of Benning Road NE. Kindred was able to free himself from the car trunk.

New Hampshire Pharmacy, 5001 1st St. NW., was held up about 3:40 p.m. Monday by a youth who asked the clerk for change for a dime. As the clerk opened the register, the youth drew a gun from his coat pocket and said, "This is a holdup." The clerk grabbed the gun and after a struggle, the gunman broke away, grabbed the money and fled.

Kenneth Washington, a driver for Bergmann's Laundry, was held up aobut 8:25 a.m. Monday as he was walking to his truck. Two young men with guns in their pockets ordered Washington to enter the truck. "Lie

on the floor for five minutes or we will shoot," they warned. Washington complied and, after five minutes, discovered the man had escaped and the money from his cash box was missing.

Karl L. Schlegal, of Arlington, an employee of Bergmann's Laundry, was held up about 9:30 a.m. Monday by three youths, one armed with a revolver, who approached him while he was parked in his truck in the 5100 block of Fitch Place SE. "Don't turn around. This is a stickup," the gunman warned. "Help yourself," Schlegel replied and the trio fled on foot with the money bag.

Richard A. Ensor, of Washington, was held up about 9:25 p.m. Monday by three youths who approached him at 1st and E Streets SE, and ordered, "Stop, you. . . ." They then removed Ensor's wallet, took the bills and returned it, saying, "Thank you, sir," then fled south on 1st Street toward M Street SE.

Vernon Helvey, of Falls Church, and Ahmad Ardroudi, of Washington, were held up as they were taking money from the Safeway food store at 2060 L St. NW. to deposit in a bank at 21st and M Streets NW. about 2 pm.. Two armed men approached them at the bank deposit window and ordered, "Get against the window." Pointing his pistol at the men, one of the gunmen threatened, "Give me the green canvas bag or I will kill you." Taking the canvas money bag, the gunmen fled east on M Street and drove off in a dark car.

David Riley, of 1483 Newton St., NW., was held up about 6 p.m. Monday by four young men who approached him in the lobby of his apartment building and warned, "Stand by or I'll blow your head off." While the gunman held Riley at bay, his companions removed the money from him and ran into an alley.

Arthur T. Downey, of Washington, was held up about 9:40 p.m. Monday when he stopped for a traffic light at 19th Street and Biltmore Avenue NW. A youth opened the door of his car, climbed in and pulled out a revolver, "Keep driving and don't look back," the gunman ordered and told Downey to stop in the 1500 block of Marion Street NW. Taking his watch and money, the gunman jumped from the car and ran into an alley in the middle of the block.

Mary Lee Reid, of Washington, was held up just after midnight by three men who surrounded her in the 3300 block of 4th Street SE. One of them drew a shotgun from under his coat and forced Miss Reid to give them her pocketbook. Taking the bag containing $4, the trio escaped east on 4th Street in a white car.

ASSAULTED

Lloyd Junior Hudley, of Washington, was treated at Cafritz Hospital for head wounds he suffered when seven men attacked him about 6:45 a.m. Monday in the rear of the 500 block of Lebaum Street SE. The men beat him in the head and body, then made their escape.

Fanny Lou Brand, of 1334 Ridge Pl. SE., was admitted to D.C. General Hospital for burns she suffered when a man entered her home about 4:10 a.m., poured a green substance on her abdomen and fled.

James Preston, of no known address, was treated for nose and head injuries he suffered when he was beaten with a pipe. Preston was discovered in semi-conscious condition by a clerk in a store in the 900 block of 10th Street NW.

Harrison Godfrey Jackson, 22, of Washington, was treated at Cafritz Hospital for eye injuries he suffered following a verbal exchange with a man armed with a pistol. Jackson told police he stopped for a traffic light about 8 p.m. Sunday while he was at Stanton Road and Suitland Parkway SE., and called to a man who pulled up beside him in a red car, "Hey, dummy." "Who is a dummy?" the man replied, and struck Jackson in the face with his weapon.

James Matthews, of 606 12th St. NE., was beaten about 12:40 p.m. Monday by three men who attacked him as he was leaving his house with his wife, Pushing Mrs. Matthews aside, the trio struck Matthews over the head with a lead pipe and with their fists.

William Raymond, of 1024 10th St. NW., was beaten with an iron rod by two young women who entered his apartment about 5:05 p.m. Monday and attacked him while he was in bed, then fled out the front door.

Wesley Fuller, of Takoma Park, was admitted to D.C. General Hospital with three gunshot wounds. Fuller was shot in both legs and his left arm during a fight about 11:10 p.m. Monday with a woman armed with a gun inside an apartment at * * *

STABBED

Clarence Briscoe, of 1217 Alabama Ave. SE., was admitted to D.C. General Hospital for stab wounds. He was injured in the abdomen and arm by a man carrying a knife who also lived in his apartment building.

Stanley R. Johnson, of Washington, was wounded about 11:30 a.m. Monday by a youth who attempted to rob him while he was standing at 6th Street and Southern Avenue SE. "Loan me five cents," the youth said to Johnson. When he replied that he had only a $5 bill, the youth drew a knife from his coat pocket and ordered, "Give me that." As Johnson jumped away from the armed youth, he was stabbed in the face.

STOLEN

A hi-fi set and a tape recorder with amplifiers and speakers, with a total value of $600, were stolen on Thursday from the home of Martha Morgan, 37 Adams St. NW., when her house was broken into.

An overhead projector was stolen between 12:30 a.m. and 1 p.m. Monday from the closet in the principal's office at St. Teresa School, 1409 V St. SE.

A box of television tubes, a cash box, 14 watches, three wedding rings, a walkie-talkie, a radio, a clock radio and a razor, with a total value of approximately $500, were stolen from the Parkview Pharmacy, 3501 Georgia Ave. NW., sometime between 9 p.m. Sunday and 8 a.m. Monday when the store was broken into through a storage chute.

Three cameras, four camera lenses, six camera filters, a man's suit, a man's coat and other personal items, with a total value of $1,600, were stolen between 9:30 a.m. and 3:30 p.m. Monday from Ray Rizos, of Montreal, Canada, and Radzimir Kiselew, of Washington. The equipment and clothing was taken from Rizos' car, which was parked in the 1200 block of Massachusetts Avenue NW.

Assorted merchandise including cigarettes and candy was stolen about 10:30 a.m. Monday from Federal City College, 425 2d St. NW.

FIRES SET

A fire classified as arson by fire inspectors was reported about 8:25 a.m. Monday. The blaze caused major damage to a vacant house at 1046 44th St. NE.

A fire was set about 11:30 p.m. Monday inside a furniture store at 2325 18th St. NW., when a flammable liquid was ignited.

VANDALIZED

The recreation department building at Trinidad and Childress Streets NE., was ransacked sometime between 3:30 p.m. Sunday and 7:30 a.m. yesterday after the lock on the front door was forced.

Several classrooms inside Garnet-Patterson Junior High School, 10th and U Streets NW., were ransacked when the school was entered through a side window about 6 p.m. Monday.

Mr. MATHIAS. Mr. President, Congress not only is the supreme governmental authority in the District of Columbia by the terms of the Constitution, but it has stubbornly retained power and responsibility for day-to-day operation of the municipal government. Congress cannot, therefore, avoid the correlative obligation to remove fear from Washington streets. So that we shall neither forget nor neglect this primary duty of Government I shall place in the RECORD on a regular basis the daily reports of Washington crime.

RETURN CONTROL OF EDUCATION TO THE STATES

Mr. HOLLINGS. Mr. President, recently the senate and house of the General Assembly of South Carolina adopted a concurrent resolution calling for a constitutional convention for the purpose of returning the control of public education to the States. The resolution points out the fact that there has been a gradual erosion of State control and direction of the public educational system and institutions by a usurpation of power by the Federal Government. Clearly, this resolution evidences a concern of the people of my State and, I am sure, people throughout the Nation.

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

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

A concurrent resolution memorializing Congress to call a Constitutional Convention for the purpose of returning the control of public education to the States

Whereas, the heretofore gradual erosion of State control and direction of the public educational system and institutions has now accelerated into a wholesale usurpation of power by a federal oligarchy; and

Whereas, under the aegis of the federal courts banning prayers and abrogating freedom of choice, federal administrative agencies have been obsessed with creating an omniscient and ubiquitous Federal Board of Education capable of deciding in the smallest and most remote school districts of our land problems peculiar to that district; and

Whereas, these Federal innovators have placed in grave jeopardy the public educational system of every school district in every state in the Nation, and have wrought havoc, confusion and frustration; demoralized school officials and made a travesty of the education of our children. Now, therefore,

Be it resolved by the Senate, the House of Representatives concurring:

That the Congress call a constitutional convention for the purpose of returning the control of education to the states.

Be it urther resolved that copies of this resolution be forwarded to Senator James P. Mozingo, each United States Senator from South Carolina and each member of the House of Representatives of Congress from South Carolina.

THE ALL VOLUNTEER ARMY

Mr. SCHWEIKER. Mr. President, on Saturday the Gates Commission report on the all-volunteer Army was presented to the President.

As a supporter of the all-volunteer Army concept, I was pleased to see this excellent presentation which will be beneficial to all persons interested in studying our armed services. In addition,

I am sure the report will help to spark intelligent debate, not only on the subject of the all-volunteer Army, but also on the question of reform of the Selective Service System.

Early this year, the New York Times published an editorial critical of advance reports of the Gates Commission's conclusions, to which I responded with a letter to the editor, which was printed last week. I ask unanimous consent that the editorial and my letter be printed in the RECORD.

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

[From the New York Times, Jan. 15, 1970]

A VOLUNTEER ARMY

The conclusion of a Presidential commission that an all-volunteer military force can and should replace the draft raises questions that go beyond the proposal's feasibility in terms of the manpower supply. The impact of the military establishment on a democratic nation's way of life is too serious to allow fundamental policies to be guided primarily by technical concerns. The potential effect on the relationships of civilian and military sectors requires careful assessment.

Even on the matter of manpower itself there appears to be room for considerable disagreement. President Nixon's commission, headed by former Defense Secretary Thomas S. Gates Jr., is reportedly confident that—given $2 billion to $4 billion in added defense funding—the required numbers could readily be recruited, without creating a heavy overdependence on Negroes. But earlier studies have disputed this conclusion. Former Defense Secretary McNamara, Gen. Mark Clark and Burke Marshall, as spokesmen for a variety of panels on the practicality of total-reliance on volunteers, have warned that such an approach is not only costly but lacks flexibility to meet emergencies.

These earlier appraisals, moreover, underscored the risk of creating an unhealthy gap between the military and civilians in American society. The true meaning of a departure from the tradition of an essentially citizen-staffed defense force must not be obscured by the use of the term "volunteer army"; in reality the issue is creation not of a volunteer force but of a large professional army with its own interests and outlook.

This is quite different from the maintenance of a relatively small nucleus of professional officers and noncommissioned officers. It inevitably entails the creation of a massive lobby. To the already existing power of the military industrial complex would be added the continuing pressure of a large body of men whose loyalties would naturally be linked to the aims and fortunes of that complex.

The concept of large professional armies is not readily reconciled with the life style of democracy. The momentary hostility toward the draft, sparked by revulsion against the war in Vietnam, must not be allowed to obscure the long-term effects of a move that will subject the nation to more, rather than less, military influence.

[From the New York Times, Feb. 20, 1970]

ALL-VOLUNTEER ARMY

WASHINGTON, D.C.,
February 11, 1970.

TO THE EDITOR:

In thinking about your Jan. 15 editorial critical of the all-voluntary army, I have arrived at different conclusions, and would like to take exception to a number of your points.

First, my understanding of the Gates Commission, whose report will be released soon, is that the social implications of an all-volunteer force have been thoroughly investigated, as President Nixon instructed, and thus your implication that this report is based solely on "technical concerns" is not correct.

There is no doubt that initial costs will be higher. But we have imposed a hidden tax on servicemen for years by requiring them to serve at considerably less than they could earn as civilians. Increasing first-term pay scales, to encourage volunteer enlistments, is long overdue even without an all-volunteer force. Reduction of the present high costs of training new recruits and manpower turnover will help balance the costs of an all-volunteer force.

As for "flexibility to meet emergencies," our first line of defense has always been our reserve forces. Maintenance of a strong reserve and a stand-by draft system can insure prompt mobilization if that is ever necessary.

INCENTIVES FOR VOLUNTEERS

I would not favor an all-volunteer force if I felt it would create a "professional army," in the worst connotation of that phrase. But so long as we provide the proper incentives for volunteers. I feel an all-volunteer army will represent the same balance of society as our mixed army of volunteers and draftees currently has.

I do not feel the "massive lobby" you envision will result, so long as we retain civilian control of the military establishment, maintain the same officer corps we now have, and provide the proper incentives for enlistments.

Conscription as a normal fact of life for Americans is not part of our democratic tradition. To the contrary, it has only been used prior to World War II during emergencies.

Therefore, in evaluating our military system in connection "with the life style of democracy," elimination of the draft, while still maintaining forces necessary for our defense, should be a prime concern.

I look forward to studying the full report of the Gates Commission, and will give its evaluation and recommendations serious attention. Indeed, the President's desires, in creating the commission, are entirely in concert with your primary concern, that there be less, not more, military influence. I feel this report will prove to be a valuable source for all who share this goal.

RICHARD S. SCHWEIKER,
U.S. Senator from Pennsylvania.

PROF. PHILIP B. KURLAND AND "THE NEW AMERICAN UNIVERSITY"

Mr. ERVIN. Mr. President, I commend to the Senate an address by Philip B. Kurland, professor of law at the University of Chicago and editor of the Supreme Court Review. His remarks, given at the quarterly meeting of the Chicago Bar Association on January 22, 1970, are entitled "The New American University."

For those of us who care about the quality of scholarship in our universities today, Professor Kurland's address should be profoundly disturbing. Those of us who know Professor Kurland, and have the pleasure of working with him, realize that he does not arrive at his observations casually.

Professor Kurland has surveyed the condition of higher education today and has concluded that it is moving in the wrong direction: toward politicization, egalitarianism, and the rejection of reason. And, without assuming the position that our traditional university systems are above fault, he has concluded that these three movements are at the expense of the central purpose of education; to communicate ideas so that society may progress.

Mr. President, Professor Kurland does not ascribe the malignancy in many of our universities today wholly to the students; he understands that faculty members and administrators as well are involved. And he believes—in this one instance, I sincerely hope that he is wrong—that the destructive elements in our universities may well prevail.

Professor Kurland is a man with a consuming dedication and respect for learning, and I think every Member of Congress should pay heed to the wisdom of his remarks. I urge that all Senators take the time to read this address—it is not long—and to consider the points which Professor Kurland has raised. We should ask ourselves whether we are prepared to allow irrationality in our universities to overthrow scholarship.

Mr. President, I ask unanimous consent that the complete text of Professor Kurland's remarks be printed at this point in the RECORD.

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

THE NEW AMERICAN UNIVERSITY

(By Prof. Philip B. Kurland)

Those who invited me to speak tonight were unkind enough to leave the choice of topic to me. When I accepted the invitation, I thought I would talk about the "new" Supreme Court of the United States. That exalted body, however, has proved uncooperative. The Burger Court has been most reluctant to render any decisions worthy of comment, I have chosen instead, therefore, what is for me an equally distressing subject: the "new" American university. The similarities of the two problems of the two American institutions that I most revere should become patent to you as I proceed. For my essential concerns about both are with the effects of three recognizable trends. These are the tendencies toward politicization, toward egalitarianism, and toward the rejection of reason. And I should emphasize that what I shall have to say tonight about the new university is offered more in sorrow than in anger.

For a snapshot—not a full-blown portrait—of the new American University, I offer an item from the *New York Times* of about a week or so ago. With your indulgence, I shall read the entire news story. The dateline is West Berlin, Germany:

"Twenty-eight professors of the Free University of West Berlin went on strike today in protest against what they described as 'student terror.' They called a one-week halt to all lectures and other university work.

"The strike closed the entire department of economic and social sciences. It followed a series of disruptions at the lectures of Professor Bernard Bellinger, an economist whom radical student groups have charged with spreading the doctrine of capitalism.

"When the groups disrupted Professor Bellinger's classes again this morning, he walked out and 27 colleagues followed. Last night they had threatened to do so in the case of new harassment.

"Caught between the students and the faculty, was Rolf Kreibich, the University's new 31-year-old president, who has pledged to seek reforms. Both sides charged the president, in office since November, with having failed to take action to avert the confrontation.

"In an emergency session this afternoon, Mr. Kreibich declared that he was opposed to the practices of the students, but he urged

the faculty to meet some student demands, such as appointing as 'tutor' a left-wing representative chosen by the students. Professor Bellinger and the other faculty members said that they would resist such a move."

These events in Germany do not reveal a new phenomenon there. For it was probably the parents of these very students who so effectively engaged in these very same tactics toward similar goals in the 1930's. But for American universities, this is a relatively new practice. You must not be deluded by the silence or apathy of the press into a belief that this can't happen here. Similar student behavior, similarly motivated, has recently occurred at Columbia, at Yale, at Harvard, even at the University of Chicago. (It was just the other day that a so-called "moderate" student leader congratulated faculty representatives at one of these universities because the students hadn't brought guns with them to assist their otherwise limited persuasive capacities.)

A certain mythology has developed about the new student movement that is the catalyst in the transformation of American universities, a mythology that derives essentially from the sap that so readily pours forth at commencement exercises. Some of it is classic and can be traced back through commencement speeches for generations past. And, as with most myths, there is an element of truth in it.

We are told that this, i.e., the current student generation, is the best informed group of students that we have ever known. It's a generation with lots of new scientific data and almost no knowledge of history. It is an amnesic generation. And to the extent that they are better informed, it is through information provided them by their predecessors. As has been noted before, even a pygmy can see further than a giant, if he is standing on the giant's shoulders.

It is said that this is the student generation whose morality is somehow higher than those who preceded it, because it is a sincere group. Indeed, sincerity is suggested to be adequate excuse for any misconduct they may indulge. But there are precedents here, too. Theirs is the morality and sincerity that have typified all the zealots that have come before them. Theirs is the morality, for example, of the Spanish Inquisition that sincerely sought to save the souls of men, even if it had to send them to hell by fire in the course of making the effort toward reform. It is a morality that justifies its admittedly miserable means by its allegedly enlightened ends. The fact is that this student generation is not a righteous group, only a self-righteous one.

Finally, the myth has it, that the recalcitrants among the students are only a small number of the student population. And this, too, is true, if the only ones to be counted are those active in using force to impose their wills. But if one looks to the numbers who are either sympathetic to or apathetic about such behavior, the proportion is very high indeed. One looks in vain for student opposition to the destructive activities of their colleagues. For the fact is that a very large number of students are in sympathy with the goals of the so-called student movement.

It is, perhaps, also necessary to say that there are many legitimate complaints to be made about the workings of American universities, legitimate in the sense that they reveal the failure of universities to seek their announced objectives. It is true that many professors—frequently those most vocal on behalf of the student movement—don't have time for teaching students. It is true that foundation and government grants have skewed faculty research so that, in many instances, they represent choices not by individual professors but by those who control the purse strings. It is true that much university education is irrelevant, not only to the students' aims, but even to the classically professed goals of a university. It is true that universities either require or permit an inordinate amount of time to be spent by students at school in order to earn a license to practice a trade or profession. It is true that universities have been unduly tolerant of faculty and student mediocrity. But these defects are not the ones at which student reform is directed. And, indeed, to the extent that universities are moving to correct these deficiencies, the student movement affords a barrier and not an aid.

Nor should the blame for the students' excesses be placed solely at the feet of the students. For university faculties are, like the students, either sympathetic to, acquiescent in, or apathetic about such student behavior and its consequences.

The first objective of the new university movement, as I read it, is the politicization of the university. This has both internal and external aspects. At the highest—most abtruse—level this means the attempt to capture the university as a pressure group to affect national policies. At this level, the objective is ludicrous, for it is grounded on two absurd premises. First, that the university is a monolith, indeed that all universities combined are monolithic. Second, that universities are capable of being a strong pressure group for bringing about change in national policy about anything. The effect of university pressure on national policy is indeed immeasurable if not nonexistent. This is not to deny that some inhabitants of the groves of academe have individually played important political roles. It is to deny the equation between individual faculty members and their universities.

At a more mundane level, the new university objective is to force the universities to utilize their resources for social improvement in the communities in which they are located: to house the ill-housed, to feed the hungry, to provide medical, legal, and recreational facilities to those who need them, to provide elementary education for illiterates, and so on. These are certainly worthy goals. But even the total resources of the universities are inadequate to these ends. Any partial commitment of university resources to these goals means that they have to be taken from the other functions that a university performs, essentially the gathering and communication of knowledge by those best able to make the discoveries and those best able to utilize them. Indeed, if the universities do not die by the sword of the new university movement, they may well disappear for lack of financial sustenance.

The problem of internal politicization is equally taxing on the primary functions of the university as we have known it. The objective here is to treat a university as if it were a governmental body which must be democratized to be legitimized. But the function of university governance is not the exercise of power. The function of university governance is the provision of services that make it possible for scholars to research, for teachers to teach, and for students to learn.

It used to be asserted that the trouble with the new student generation was its belief that no decisions of a university or any other institution were made on principle; that all decisions were made in response to pressure. To disprove the contention academics would cite the exemplary behavior of many universities in their successful efforts against the pressures of the late, unlamented Senator McCarthy and his epigone to dictate who shall be employed at what tasks in a university. At the same time, the fact is that the universities are now beginning to demonstrate that the student attitude is correct, by their response to the pressures of these students. Politicization has already occurred.

Let us take a couple of current examples. For years, the Department of Defense has supported medical research into the cause and cure of specified diseases. And university medical schools were eager and willing to use the money supplied for these purposes. Under new law, sponsored by Senator Fulbright among others, the Department of Defense must certify that any research moneys that it spends are spent for projects directly connected with defense goals. It is suggested now, because the Department of Defense is prepared to certify certain medical research in this manner, that the universities must reject the funds because the research is suddenly tainted. This taint means only that many on campus would object—without knowledge of or interest in the substance of the research effort—because of the Defense Department label that it bears. One would think that the merits of the research or its proper place in a university would remain the same whatever the certification of the Department of Defense. When university administrators decide that the kinds of research it can undertake shall be determined by consensus on campus—or even worse by consensus among those who might otherwise make trouble, it has abdicated to the new McCarthyism even as it refused to surrender to the old McCarthyism. Again, if, as has been suggested, a university must reject research into genetic differences between Blacks and whites, because the product of such research might contradict some of the dearest values asserted by some members of the university community, the university is proving not disproving that political values are determinative of the university's behavior. When the hypotheticals become facts, the university is no longer engaged in the search for knowledge. It is then seeking proof only of the dogma of the disciples of modernity, and dogma, of course, needs no proof. You know in your hearts when it is right. As this pattern of pandering to loudly voiced opinions emerges, it seems clear that the university has already succumbed to politicization. And those university presidents who are enjoying—according to the New York Times—the peace that has descended on campuses during this academic year might recognize that it has been bought at the price of surrender.

One part of the dogma of the new university is its concept of egalitarianism. An "egalitarianism [which] denies that there are inequalities in capacity, eliminates the situations in which such inequalities can exhibit themselves and insures that if such differences do emerge, they will not result in differences in status." [John Gardner.] Thus, students must be admitted without regard to their demonstrated intellectual capacities. Students must not be graded because this results in invidious comparisons between those who have performed well and those who have not. Faculty members must be hired or retained not because they have shown capacities for research and teaching in a given area, but because we must assign appropriate egalitarian quotas by sex, by race, by political persuasions, and—in remembrance of things past—by religion. Moreover, the judgment about faculty capacity is not to be made by those knowledgeable in the field, but by students, in terms of how they "relate" to the faculty member—him or her or it, as the case may be.

It is this egalitarianism that bottoms the claim of students to participate in the governance of the university. The fact that they indicate no knowledge of the function of university governance is irrelevant. It is argued that when they are admitted to the university community as students, they have been judged competent to share in university administration. They are, indeed, right, if their concept of a university as an egalitarian political institution is accurate. Only if the old-fashioned notion were to prevail that a university is a place exclusively for the discovery and communication of knowl-

edge by those best qualified to perform those tasks should the student claim for a share in university government be rejected.

The proponents of the new university are riding a tide of egalitarianism that is sweeping before it not only the university but many other institutions. We are beyond Gertrude Stein's "a rose is a rose is a rose." We are arrived at the point where a dandelion is also a rose, however different it looks or smells. But universities have been particularly vulnerable to the equalitarianism that is being proffered because of the use to which the universities' pseudo-sciences have long been putting the science of statistics. We have come to see the truth of Thomas Reed Powell's description of the new knowledge as a science in which counters don't think and thinkers don't count. By reducing humans and human activities to statistics, we provide fodder for computers. By reducing humans and human activities to numbers, the new men make them fungible. They are no longer individuals; they are no longer human.

In his recent book, *The Decline of Radicalism,* Professor Boorstin suggested the sway that the statistical age has imposed on us. "It is no wonder that statistics, which first secured prestige here by a supposedly impartial utterance of stark fact," he said, "have enlarged their dominion over the American consciousness by becoming the most powerful statements of the 'ought'—displacers of moral imperatives, personal ideal, and unfulfilled objectives." For all the ridicule heaped by them on President Johnson, the new university men would reduce the university community to governance by consensus.

The most obvious victims of this egalitarianism in the university community are its notions of individuality and excellence. Individuality and the consequent freedoms of the individual are anathema to the egalitarianism of the new university which requires, in Learned Hand's words, that "relations become standardized; to standardize is to generalize, and to generalize is to ignore all those authentic features which mark, and which indeed alone create, an individual . . . The herd is regaining its ancient and evil primacy; civilization is being reversed, for it has consisted of exactly the opposite process of individualization."

Excellence, too, is a quality totally inconsistent with the egalitarian ethos as expounded by the new university men. The dirtiest words in their lexicon are "elite" and "professional." Any suggestion of special capacities derived from intellect and training is inconsistent with the new dogma. And, under such circumstances, there surely is no place for the old kind of university which put a premium on high intellectual attainment and sought to make it a goal.

Perhaps the clearest conflict between the new and the old is to be found in the new university men's rejection of the life of the mind, of the uses of reason. As part punishment for my sins as an elected member of a university faculty's consultative body, I had the dubious privilege of visiting a building just evacuated after a sit-in by some of the new university men. The descriptions that you have read elsewhere—only the other day about the building seized at M.I.T.—should suffice for any man's taste. What I found most horrifying was not the evidences of defecation in the offices and halls, not the wanton destruction of equipment and furniture, not the stench and the mess, but the slogans painted everywhere which called—in language somewhat more picturesque than mine—for the destruction of "the life of the mind." For it is here that the new university makes clear its incompatibility with the old university.

The life of the mind is the focus of the old university. It is only engagement in the rational testing of ideas new and old that justifies the old university's existence. In President Levi's words: "Universities . . . have kept alive the tradition of the life of the mind. . . . It is an approach to education which emphasizes the magic of a disciplined process, self-generating, self-directing, and free from external constraints. An approach which requires an independence of spirit, a voluntary commitment. It forces the asking of questions. It is not content with closed systems. It is not committed to the point of view of any society. It does not conform to the ancient and now modern notion that education is here to carry out the ideas and wishes of the state, the establishment, or the community. Thus, it is opposed to the view that education is good if properly controlled."

One of Goya's etchings bears the inscription: "The sleep of reason brings forth monsters." In the new university, cause and effect are reversed. Monsters threaten to bring forth the sleep of reason. And, as C. P. Snow said in his recent novel with the title borrowed from Goya: "Put reason to sleep, and all the stronger forces were let loose. We had seen that happen in our own lifetimes. In the world: and close to us. We knew, we couldn't get out of knowing, that it meant a chance of hell." And here lies the essence of the generation gap. For the young have not seen reason put to sleep and more primitive forces unleashed except on an individual basis.

Whether the new university with its preference for instinctual forces over reason, with its preference for egalitarianism over individuality, excellence, and professionalism, with its preference for political rather than intellectual objectives—whether the new university will prevail over the old is not yet fully determined. But the odds are in its favor. For there are too few to stand up and fight against the perversions that are promised. Too few students; too few faculty; too few university administrators. Those among them who do not endorse the new university prefer to compromise with it. Once again the price of peace in our time may prove exorbitant.

A PRAYER FOR SOUTH CAROLINA

Mr. HOLLINGS. Mr. President, I ask unanimous consent to have printed in the RECORD, a prayer by the Very Reverend Francis B. Sayre, Jr., of the Washington Cathedral, which was delivered Sunday, February 15, 1970, in behalf of the great State of South Carolina, which this year is celebrating the 300th anniversary of its founding.

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

A PRAYER FOR SOUTH CAROLINA

Grant, great Creator, that we too may love what Thou has blessed so well: The Southland soil of Carolina. Praise Thee, Lord, for the blue of up-country hills, and their grassy apron falling toward the sea; praise Thee for islands and salt marshes and birds which nest in the sand; praise and thanksgiving for the fruitful earth that cherishes a magnolia or laurel upon the mountain, or cotton useful for raiment. Soft is the wind, soft the speech of men, gentle Thy Grace where the roots of Thy childern are hid. May they in Thy goodness grow, reaching up their spirits toward heaven, until they shall have fulfilled Thy purpose for them, through Jesus Christ our Lord. Amen.

REMEMBER ESTONIA

Mr. PERCY. Mr. President, this week, the 52d anniversary of the Declaration of Independence of the Republic of Estonia, all peoples who are dedicated to the principles of freedom and national self-determination should remember the brave Estonian people who have been denied their freedom and national self-determination for 30 years.

The independence so hopefully declared in 1918 was taken from Estonia in 1940. Yet, even today, under the most difficult circumstances, the Estonian people cling to their heritage, preserve their traditions, and pray that one day their independence will again be proclaimed.

On this anniversary, let us pray with and for the people of Estonia. Let us express, for all the world to hear, that we remember Estonia and the Estonians. Let us renew our determination that all oppressed peoples will regain their freedom.

POLES AND JEWS

Mr. DODD. Mr. President, the Polish Communist government has made life so unbearable for its Jewish minority that virtually all of them are now seeking to leave the country. If present trends continue, the Communists a few years hence will have succeeded in doing something that Hitler only partially succeeded in doing: they will have made Poland completely Judenrein.

"Judenrein" is a word coined by the Nazis which means "clean of Jews".

I have been disturbed to note that there have been some people who blame the current wave of anti-Semitism in Poland on the Polish people rather than on the Communist government of Poland.

Part of the answer to this misconception was given by the hundreds of thousands of Polish students who demonstrated against the Communist regime in early 1968. One of the things they protested against was the anti-Semitic policy of their government.

Now another part of the answer has been given to us by Mr. Stefan Korbonski in a carefully documented article on Polish-Jewish collaboration in the resistance against the Nazis during World War II. Entitled "Poles and Jews: A Common Bond," the article appeared in the November-December, 1969, issue of ACEN News, a publication of the Assembly of Captive European Nations.

Mr. Korbonski is exceptionally qualified to write on this subject. A member of the Polish Parliament, both before and after World War II, Mr. Korbonski during the Nazi occupation was director of all civilian resistance in Poland and the last chief of the Polish underground state. He is also the author of a number of books on wartime Poland.

In his article, Mr. Korbonski documents the various efforts made by the Polish resistance and the Polish Government in London to present the facts about the Nazi persecution of the Jews to world opinion and to protest in its own name against the Nazi genocide of the Jews.

I learned from this article for the first time, for example, that the Polish National Council as early as November 27, 1942, adopted a resolution urging the Allies to undertake joint action aimed at stopping the extermination of the Jewish population in Poland.

Both Mr. Korbonski, as head of the Polish underground state, and the Polish

government in London strongly urged that German cities be bombed as a retaliatory measure, and that it be made known that this was in reprisal for the extermination of the Jews.

Unfortunately, the Allied governments did nothing about this recommendation.

Mr. Korbonski's article describes dramatically and in great detail the collaboration between the Polish underground and the Jewish underground during the heroic Warsaw ghetto uprising.

On this entire subject, I think it worth-whlie quoting the words of Dr. Adolf Berman, a leader in the Polish-Jewish community during the war, who now resides in Tel Aviv.

This is what he said:

In descriptions of the martyrdom of the Jews in Poland, the sufferings that the Jews endured at the hands of Polish blackmailers and informers, "blue" policemen, Fascist hoodlums and other social dregs, are often stressed. But less is written about the fact that thousands of Poles risked their lives to help the Jews. The foam and dirt floating on the surface of a turbulent river are often easier to see than the deep, clear underwater stream. But this stream existed.

The time will come for a great Golden Book of Poles who in those terrible "times of contempt" extended a brotherly hand to the Jews, saved them from death, and to the Jewish underground movement became a spirit-lifting symbol of humanitarianism and the brotherhood of man.

Mr. President, I ask unanimous consent to have printed in the RECORD the entire text of the article "Poles and Jews: A Common Bond," written by Mr. Stefan Korbonski.

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

POLES AND JEWS: A COMMON BOND

(By Stefan Korbonski)

(NOTE—The writer was head of the Underground Directorate of Civil Resistance and the last chief of the Polish Underground State during the momentous years of the Nazi occupation of Poland. A former member of Parliament, Mr. Korbonski has authored a number of well-received books, including a trilogy of memoirs—"Fighting Warsaw," "Warsaw in Chains," and "Warsaw in Exile." He also heads the Polish Delegation to ACEN.)

This is a first-hand, meticulously documented account of Polish-Jewish cooperation during World War II. Today, the Communist regime in Poland may try to raise the spectre of anti-Semitism, but the close collaboration between the Poles and the Jews during critical times in the past speaks volumes for the real sentiment of the Poles toward their Jewish compatriots. This article is culled from a longer, yet unpublished piece by Mr. Korbonski, entitled appropriately "For Your Freedom and Ours."

POLISH UNDERGROUND NETWORK

The Polish Underground State was established shortly after the cessation of hostilities in Poland and the beginning of the Nazi occupation. It was headed by a delegate of the Polish Government in exile. It had a parliament, called the Council of National Unity, and the Underground Home Army. The latter included officers of Jewish descent.

Soon after the Underground State had come into existence it began to report each day in its underground press on the ever-increasing persecution of the Jews, condemning this persecution and calling on the Polish people to help the Jews. The Underground bulletin of the Home Army *Biuletyn Informacyjny* had a correspondent in the Jewish ghetto of Warsaw, Jerzy Grasberg. Moreover, Polish political parties active in the underground organized contacts and cooperation with their counterparts or members in the ghetto. Thus, the members of the Jewish "Bund" were in constant contact with the Polish Socialist Party "Freedom, Equality, Independence" (PPS–WRN), while the underground command of the Polish Boy Scouts was in touch with members of "Haszomer Hacair"—their Jewish counterpart. Similar ties were maintained with their prewar members into the ghetto by the Democratic Party (*Stronnictwo Demokratyozyne*—SD). Among the smaller Polish underground organizations maintaining contact with the ghetto or having branches in the ghetto were: Military Union of Armed Resistance (*Wojskowy Zwiazek Walki Zbrojnej*), also known as Security Corps (*Korpus Bezpieczenstwa*), which alone saved about 5,000 Jews during the war; the leftist underground organization "Spartakus;" the youth organization, Union of the Struggle for Liberation (*Zwiazek Walki Wyzwolenczej*); and the Organization of Polish Socialists (*Organizacja Polskich Socjalistow*—OPS), which formed an important unit in the ghetto called "The District" (*Dzielnica*). After the formation in January 1942 of the communist Polish Workers' Party (*Polska Partia Robotnicza*—PPR), the PPR also formed "The District" in the Warsaw ghetto.

As early as 1940, the Government Delegate, who was in clandestine radio and courier contact with the Polish Government in exile in London, began to inform that Government of the persecution of the Jews in Poland. The Polish Government brought this problem to the attention of allied governments in its notes of May 3, 1941. During the same year the Polish Ministry of Information in London published a brochure about persecution of the Jews, entitled "Bestiality Unknown in Any Previous Record of History," and based on materials received from occupied Poland. In January 1942, another brochure was published, "The New German Order in Poland." Both of these publications became well known among the Allies, who in 1941, thus were in possession of all the information on the persecution of Jews in Poland.

THE JEWISH UNDERGROUND

In the meantime, preparations had begun in the ghettos for armed resistance. In October 1942, the authorities of the emerging Jewish underground took on the name of Jewish National Committee (*Zydowski Komitet Narodowy–ZKN*). It was composed of representatives of all Jewish organizations with the exception of the "Bund." At the end of November 1942 a joint Coordinating Commission of "Bund" and ZKN was established, and it became the chief political body of the Jewish underground. However, the ZKN and "Bund" had their separate representatives on the so-called Aryan side, who maintained regular contact with the Government Delegate. They were: for the ZKN, Dr. Adolf Berman (alias Boroski); and for "Bund," Dr. Leon Feiner (alias Berezowski).

On July 28, 1942, the Fighting Organization (*Organizacja Bojowa*) was created in the Warsaw ghetto. Its representative on the so-called Aryan side was Arie Wilner (alias Jurek), a leader of "Haszomer Hacair." On December 2, 1942, after the membership of the Fighting Organization had been expanded, it took on the name of Jewish Fighting Organization (*Zydowska Organizacja Bojowa*–ZOB). It was headed by Mordechai Anielewicz. At the time the ghetto uprising broke out, the ZOB numbered 22 fighting units of about 30 persons each—altogether over 700 fighters.) Arie Wilner became the liaison with the underground Home Army—establishing contact with the head of the Office of Jewish Affairs at the Supreme Command of the Polish Home Army (*Komenda Glowna Armii Krajowej*–KGAK), Henryk Wolinski (alias Waclaw).

The ZKN, through its representative, Dr. Adolf Berman, as well as "Bund" through its deputy, Dr. Leon Feiner presented—along with Arie Wilner—declarations subordinating the activities of their organizations to the Government Delegate and the KGAK; at the same time they asked for financial assistance, arms and ammunition, as well as help in professional military training. The Government Delegate accepted these declarations and promised assistance, while the Commander of the Home Army, in his order of November 11, 1942, recognized the Jewish Fighting Organization (ZOB) as a subordinate military organization and directed it to follow Home Army instructions regarding organization and methods of combat. It was at that time that the Delegate established the Office for Jewish Affairs of the Polish Underground State, headed by Witold Bienkowski (alias Kalski), and later Wladyslaw Bartoszewski (alias Ludwik).

The historical act of the union of the Jewish and Polish underground movements, as well as the way in which it was accomplished, was an expression of the loyalty of Jews, who were Polish citizens, toward the *Polish* State.

The Jewish Military Union (*Zydowski Zwiazek Wojskowy*—ZZW), composed of three fighting units made up mostly of former officers and non-commissioned officers of the Polish army and members of the Zionist organization *Betar*, also established contact with the Government Delegate and the KGAK. Not a part of the ZOB, the ZZW was commanded by Pawel Frenkel.

Within the framework of Polish-Jewish cooperation the KGAK, at the request of Dr. Feiner, sent a telegram alerting Jewish organizations in London. As a result, "Bund" received its first $5,000 through the underground channels of the Home Army. This started more frequent and larger transfers of funds from abroad for Jewish underground organizations through the channels of the Government Delegate and the KGAK. Moreover, through the radiotelegraphic network of the Delegate and the KGAK, the Jewish organizations in Poland established contact with American Jewish organizations.

COUNCIL OF ASSISTANCE "ZEGOTA"

As a result of recommendations by many Polish underground organizations that help to the Jews be better organized, the Council of Assistance to the Jews (*Rada Pomocy Zydom*), popularly called "Zegota," was formed on December 4, 1962—with the approval of the Government Delegate. It was headed by Socialist Julian Grobelny. Its headquarters was in Warsaw.

In addition to representatives of political parties active in the underground, the Council was joined by Dr. Leon Feiner, who became its vice-president, and Dr. Adolf Berman, who became its secretary. Divisions of the Council were formed in Cracow (where the district leader of Civil Resistance, Dr. Seweryn Socha, became a member), in Lwow, Zamosc and Lublin, with branches in Radom, Kielce, and Piotrkow. The Council, which had been providing apartments, documents, food, medical care, money, and organizing communication with relatives in other localities, expanded and improved these activities. In Warsaw alone it watched over the fate of 4,000 persons, among them 600 children. Financial means were provided by the Government Delegate. Altogether "Zegota" and Jewish organizations received over one million dollars, 200,000 Swiss francs and 37,400,000 Polish zlotys. In no other occupied country was there an organization such as "Zegota," although the terror in these countries vis-a-vis the so-called Aryan populations could not even be compared to that which reigned in Poland.

THE ROLE OF CIVIL RESISTANCE

The Directorate of Civil Resistance (*Kierownictwo Walki Cywilnej*—KWC), in face of the intensified extermination of the Jews, issued a proclamation on September 17, 1942 in which it condemned the Germans for murdering more than a half million Jews, and solemnly protested against this crime in the name of the Polish nation. This proclamation was published in all the underground press, and communicated to London. It was subsequently broadcast by the BBC and other allied radio stations.

Also, to put a stop to blackmail, the KWC, which was in charge of underground courts, made a declaration on March 18, 1943, in which it threatened with severe punishment anyone blackmailing the Jews or Poles hiding Jews. Following this declaration, the underground courts, in accordance with the instructions of the KWC, condemned a number of Poles to death. Communiques about the carrying out of these death sentences by shooting were published in the underground press and aired over allied radio. The following persons were among those executed for persecuting the Jews: Boguslaw vel Borys Pilnik in Warsaw, Jan Grabiec in Cracow, Tadeusz Karcz in Warsaw, Franciszek Sokolowski in Podkowa Lesna, Antoni Pajor in Dobranowice, Janusz Krystek in Grebkow, Jan Lakinski in Warsaw, Boleslaw Szostak in Warsaw, and Antoni Pietrzak in Warsaw.

In urgent cases, where a delay would threaten the safety of the fugitives and of those who harbored them, the Government Delegate, in his decision of February 7, 1944, permitted the shooting of blackmailers and denunciators without a court sentence—by order of the appropriate local underground authorities. On that basis, the local Home Army leader, Witold Rudnicki, ordered the execution without court sentences of four "szmalcowniks" (grafters) who had threatened to denounce Jews hiding in Pusteinik, near Warsaw.

The Directorate of Civil Resistance (KWC), beginning July 1942, began to inform. the Polish Government in London regularly via radiotelegraph of the intensification of the persecution of the Jews. The KWC received current news on the subject mainly from Henryk Wolinski.

Here are samples of some of the telegrams:

"March 18, 1943. The remainder of Jews in Radomsk, Ujazd Sobolewo, Radzymin and Szczerc near Lwow have been shot. . . ."

"March 23, 1943. Attempts at sterilization of women at Auschwitz. A new crematory for three thousand persons daily—mostly Jews."

"August 31, 1943. Liquidation of Jews in Bedzin began early in August of this year. About 7,000 persons were deported to Auschwitz. The young are the first to be liquidated. As of July 1 of this year, the approximate total number of Jews in Poland, including those in camps, ghettos and those in hiding, ranges from 250 to 300 thousand, including 15,000 in Warsaw, Lodz: 80,000, Bedzin: 30,000, Wilno; 12,000, Bialystok; 20,000, Cracow; 8,000, Lublin: 4,000, and Lwow: 5,000."

"September 23, 1943. In Bedzin the Germans murdered the 30,000 inhabitants of the ghetto."

"November 19, 1943. The murder of Jews in the camp at Trawniki continues; massacre in Poniatow and Lwow."

"June 20, 1944. On May 15, mass murder began at Auschwitz. The Jews go first, then Soviet prisoners and the so-called 'sick.' Hungarian Jews are brought there in great numbers. Thirteen trains, 40–50 cars long, arrive every day. The victims are convinced that they are going for an exchange of prisoners or to be resettled. The gas chambers work incessantly. Bodies are burned in the crematoria and outdoors. More than 100,000 have been gassed already."

"July 19, 1944. The slaughter of Jews at Auschwitz is directed by its commander, Hoess—pronounced Hess—and his adjutant Grabner."

EMISSARY JAN KARSKI

The Government Delegate continually kept the Polish Government in London informed by telegram of the extermination of the Jews. He also transmitted via London the cables of Dr. Feiner and Dr. Berman to Rabbi Stephen Wise and Nachum Goldman in the United States, as well as to two Jewish members of the Polish National Council in London—Zionist Dr. Ignacy Szwarcbard and "Bund" member Szmul Zygelbojm. But what is even more important, an underground emissary, Dr. Jan Karski, was sent to London. Dr. Karski, now a professor at Georgetown University in Washington, got inside of the Estonian guard, and saw everything with his own eyes.

Before leaving Poland, he had an exhaustive conversation with Drs. Feiner and Berman, who gave him the following instructions:

"We want you to tell the Polish and Allied governments and the great leaders of the Allies that we are helpless in the face of the German criminals. We cannot defend ourselves and no one in Poland can defend us. The Polish underground authorities can save some of us but they can not save masses. The Germans are not trying to enslave us as they have other people; we are being systematically murdered. . . . Our entire people will be destroyed. A few may be saved, perhaps, but three million Polish Jews are doomed. This cannot be prevented by any force in Poland, neither the Polish nor the Jewish Underground. Place this responsibility on the shoulders of the Allies. Let not a single leader . . . be able to say that they did not know that we were being murdered in Poland and could not be helped except from the outside."

After overcoming great difficulties, emissary Karski reached London in November 1942 and informed Premier Wladyslaw Sikorski and the Polish Government of the genocide of the Polish Jews. He also briefed the following British leaders in personal conversations: Foreign Secretary Anthony Eden; Labor Party leader Arthur Greenwood; Lord Selbourne; Lord Cranborne; Director of the Board of Trade, Dr. Dalton; member of the House of Commons, Miss Ellen Wilkinson; British Ambassador to the Polish Government O'Malley; American Ambassador to the Polish Government, Anthony Drexel Biddle; and parliamentary Under-Secretary for Foreign Affairs, Richard Law. In addition, Karski testified about the extermination of the Jews before the Allied War Crimes Commission, headed by Sir Cecil Hurst. He held interviews with the British press, briefed other members of parliament and an organization of British writers and intellectuals. Later Karski went to the United States, where he personally described the situation of the Jews to Under-Secretary of State Adolph Berle, Attorney General Biddle, Supreme Court Justice Felix Frankfurter, Archbishops Mooney and Stritch, and to American Jewish leaders Stephen Wise, Nachum Goldman, Waldman and others. He was even received by President Franklin Delano Roosevelt, who extended the audience in order to question Karski more closely about details of the extermination of the Jews. Thus, the Polish underground emissary conveyed the news of the fate of Jews in Poland to the leaders of the Allied nations, but this did not produce any practical results.

CALL FOR RETALIATION

As for the Polish sector, at least one consequence of Karski's mission was the resolution of the Polish National Council in London dated November 27, 1942, appealing to the Allies to undertake joint action aimed at stopping the extermination of the Jewish population in Poland. The Polish Minister of Foreign Affairs—in his notes of December 10, 1942 to the Allied governments—after presenting chronologically the various stages of extermination of the Jews in Poland, called on these governments to "find effective means likely to stop Germany from continuing to apply the methods of mass extermination." Seven days later, on December 17, 1942, twelve Allied governments issued a joint declaration announcing that persons responsible for the extermination of Jews would be punished. Besides this declaration, no action was taken—in spite of the fact that the Government Delegate, as well as the KGAK, demanded that German cities be bombed in retaliation and that it be made known that this was in reprisal for the extermination of the Jews. The underground authorities felt that German cities were being partially bombed anyway, in accordance with Prime Minister Churchill's promise of 1940—in retaliation for the bombing of British cities. The only difference would have been that leaflets would have been dropped over the cities bombed, or radio announcements would have been made, without specifically mentioning which cities were to be bombed. The underground authorities also called for constant bombardment and attendant destruction of rail lines leading to extermination camps, which would make the transportation of the ghetto population to these camps impossible. Dr. Feiner and Dr. Berman demanded the same action in their cables to London. Furthermore, a secretly anti-Hitler SS officer, Kurt Gerstein, urged the same thing during his conversation with Swedish diplomat von Otter in a compartment of the Berlin express.

The author of this article recapitulated the demands concerning reprisals in a telegram to the Polish Government of June 17, 1943 in the following words:

"Public opinion in the country calls for the attention of the Anglo-Saxon world and requests reprisals against the Reich, in accordance with postulates made during the past year to itemize a list of the crimes for which the Reich is being bombed . . . I ask most urgently for the pertinent proclamations to be dropped with the bombs, stating that they are in reprisal for the most recent bestialities of Germany."

But no action was taken allegedly because of technical impossibility to fly such long distances. Sir Arthur Harris, Chief of the British Bomber Command considered, however, the bombing of Auschwitz from Italian bases as technically possible. Group Captain Leonard Cheshire, V.C., was of the same opinion. Moreover, factories surrounding Auschwitz were bombed, so that obviously there was nothing to prevent the bombing of rail lines leading to this largest death camp.

COMRADES IN ARMS

As for the military sector, the KGAK named Major Stanislaw Weber (alias Chirurg) and Captain Zbigniew Lewandowski (alias Szyna) to organize help for the Jewish Fighting Organization (ZOB). Within the framework of this action, in December 1942, ten revolvers with ammunition were delivered to the ZOB, and in January 1943 another ten revolvers with ammunition. It must be stressed that at that time a revolver was more valuable than a human life. The normal method of capturing such arms, outside of the rare cases when they were bought from German soldiers, was by attacking these soldiers at night on city streets and relieving them of their weapons. Often the ambushes were unsuccessful and many members of the Home Army paid with their lives for such attempts.

Support by parachute drops was negligible, and the Commander of the Home Army, General Stefan Rowecki, complained in his telegram of February 19, 1943 to the Commander-in-Chief in London, General Wla-

dyslaw Sikorski, that instead of the promised one hundred weapon drops only seventeen had been made. (When on August 1, 1944 the Warsaw Uprising broke out, only every fourth Home Army soldier was equipped with a rifle, revolver or grenade. The rest were provided with weapons captured in battle by their armed comrades.)

In January 1943, joint consultations began between Home Army officers and ZOB representatives on plans of concerted action on both sides of the walls of the ghetto after uprisings broke out there. Three Polish units, under the command of Captain Jozef Pszenny (alias Chwacki), were detached to make a breach in the ghetto walls, attack the Germans from the so-called Aryan side, and blast the walls with explosives. Since it was assumed in advance that the ghetto uprising must end in defeat, their task was to open a path for the retreat of the Jewish fighters.

This concept was completely different from that of the Warsaw Uprising, which erupted on August 1, 1944—more than a year after the ghetto uprising. This second concept anticipated the outbreak of an uprising in Warsaw and throughout Poland as the Soviet troops approached; in Warsaw, when the Soviets had reached its outskirts. Final victory was to be achieved with the help of these troops. The Soviets approached the suburb of Praga in the last days of July 1944. Unfortunately, on the orders of Stalin, who considered the uprising contrary to his political plans, the Soviet forces stopped their offensive and, after 63 days of fighting, the Warsaw Uprising capitulated. In spite of this defeat, however, its concept was a sound one and should have led to victory. On the day that the ghetto uprising erupted in Warsaw, April 19, 1943, the Soviet army was hundreds of kilometers from Warsaw.

In addition to twenty revolvers, the Home Army supplied the ZOB with two machineguns, 50 revolvers, all with magazines and ammunition, 10 rifles, 600 hand grenades with detonators, 66 pounds of explosives (plastic) from parachute drops, 264 pounds of home-produced explosives, 400 detonators for bombs and grenades, 66 pounds of potassium for Molotov cocktails, and large quantities of nitric acid necessary for the production of gun powder. Finally, the ZOB received instructors concerning the production of bombs, hand grenades and incendiary bottles, directives on erecting bunkers, and information on sources for the purchase of rails and cement for such construction.

When the uprising broke out in the Warsaw ghetto, armed Polish help materialized in the following way:

During the first day of the uprising, April 19, 1943, three groups of Home Army soldiers, led by Captain Josef Pszenny, took positions by the ghetto walls on Bonifraterska Street, to carry out demolition of the walls with mines. Discovered prematurely, they launched an attack against the Germans, while four demolition experts attempted to reach the wall. Unfortunately, two of them, Eugeniusz Morawski and Jozef Wilk, were killed on the spot, and a third, Jerzy Postek, was wounded in both legs. Captain Pszenny ordered a retreat and ignited the mines on the street, where they exploded—tearing the bodies of Morawski and Wilk to bits. A dozen or more Germans died in the battle, but the mining of the walls was unsuccsesful.

On the next day, a unit of the Peoples' Guard—the armed branch of the communist Polish Workers' Party which had its separate contacts with the ZOB—stormed, under the leadership of Franciszek Bartoszek, a German machine-gun post at the ghetto wall, near Nowiniarska Street, killing two SS men.

On April 22, a Home Army unit led by Wieckowski routed a unit of auxiliary Lithuanian police, the so-called "Szaulisy," near the ghetto walls.

On Good Friday, April 23, a Home Army unit led by Lieutenant Jerzy Skupienski attacked a gate leading to the ghetto near Pawia Street, with the object of blowing it up. Two German sentries at the wall were killed, but under the fire from Germans who had arrived from all directions, the unit had to withdraw—killing four SS and Police officers in a car encountered during their retreat.

Within the framework of harassing actions ordered by the Home Army commander for the city of Warsaw, Colonel Antoni Chrusciel (alias Monter), German sentries on Leszno and Orla Streets were killed by Home Army soldiers led by Cadet Officer Zbigniew Stalkowski, while SS entries at Zakroczymska Street were killed by a unit under the leadership of Tadeusz Kern-Jedrychowski.

In addition, battle actions were carried out under the command of Wladyslaw Andrzejczak in the region of the Powazki district of Warsaw, and in the vicinity of the Jewish cemetery under the leadership of a close friend of the author, Leszek Raabe (alias Marek), commander of the Socialist Fighting Organization (*Socjalistyczna Organizacja Bojowa*—SOB). This organization, with the participation of Raabe's deputy, Wlodzimierz Kackanowski, organized the escape from the ghetto of the Jewish members of the Polish Socialist Party (*Polska Partia Socjalistyczna*—PPS).

On the same day, April 23, the ZOB issued a proclamation to the Polish people, confirming that the struggle in the ghetto was going on in accordance with the Polish slogan, "For Your Freedom and Ours." Thus, it stressed the Jewish-Polish brotherhood-in-arms.

The action of a unit of the Security Corps deserves special attention. The head of this unit, Polish reserve captain Henryk Iwanski, his brother Waclaw and sons Zbigniew and Roman, had maintained regular contact since the creation of the Warsaw ghetto with the Jewish Military Union (*Zydowski Zwiazek Wojskowy*—ZZW). They supplied the organization with arms, ammunition and instruction material, via city sewers or carts transporting lime and cement.

As soon as the ghetto uprising broke out, a ZZW unit took up positions on Muranowski Square, which became the scene of the fiercest battles. Already on the first day of the uprising, Jewish and Polish flags, visible from the so-called Aryan side, flew over this sector. This made a tremendous impression on the Polish population. On April 26, the head of the Jewish unit, David Moryc Apfelbaum, sent a courier to Captain Iwanski informing him that he was wounded, and asking for arms and ammunition. The following day Iwanski, together with eighteen of his soldiers, among whom were his two sons and brother, got through a tunnel dug from a basement at 6 Muranowska Street under the ghetto wall, which ran down the middle of the street to the basement on the opposite side, at 7 Muranowska Street. They not only supplied Apfelbaum's unit with arms, ammunition and food that they carried, but in view of the total exhaustion of the Jewish fighters, the unit took up positions in the ruins of Muranowski Square and Zalewki Street repulsed the German attacks. The same tunnel was used to remove the wounded Jewish fighters to the so-called Aryan side.

During the battles that followed, both of Iwanski's sons and his brother were killed, and he was seriously wounded. After the collapse of the uprising, 34 fully armed ZZW soldiers left the ghetto together with the unit of Iwanski; Iwanski was carried back through the tunnel to safety. After the war, Henryk Iwanski and his wife Wiktoria—who hid Jews throughout the war—together with ten other persons, were decorated with medals bestowed on them on behalf of Yad Washem by Israeli Ambassador in Warsaw, Dov Satoath.

This was not the only case of joint armed struggle of the Poles and the Jews, in keeping with the traditional slogan "For Your Freedom and Ours." According to information in the underground publication *Glos Warszawy* of April 23, 1943, when the uprising broke out, "Poles appeared at the ghetto, and are now fighting against the Germans shoulder-to-shoulder with the Jews on the streets of the ghetto."

The fact that there was Polish diversionary action and Polish participation in battles within and outside of the ghetto was confirmed in a report of over 100 pages by the head of the German forces fighting in the ghetto, SS and Police General Jurgen Stroop. He stated that his units were "constantly strafed from outside the ghetto, i.e., from the Aryan side." He referred specifically to Iwanski's action: "The main Jewish fighting force, mixed with Polish bandits, retreated during the first or second day to the so-called Muranowski Square. There it was reinforced by a large number of Polish bandits."

More than a year later, during the 1944 Warsaw Uprising, a ZOB unit fought against the Germans in the ranks of the Home Army. It was headed by Yitzchak Cukierman, the deputy of Mordechai Anielewicz on the so-called Aryan side.

When, after the outbreak of the Warsaw Uprising, units composed of Boy Scouts (*Szare Szeregi*—Grey Ranks), led by Colonel Jan Mazurkiewicz (alias Radoslaw) captured—in the territory of the former ghetto a camp known as Gesiowka—they freed 358 Jews kept alive by the Germans to work on the demolition of houses in the burned-out ghetto. These Jews had been doomed to die when their work was finished. With great enthusiasm, they joined the soldiers of Radoslaw, and most of them later perished. When Radoslaw was wounded in the legs and commanded his unit from a stretcher, he was carried from place to place, often through the sewers, by the Jews he had saved.

The question arises whether the Home Army should have given more assistance to the ghetto than supplying arms, taking diversionary actions and attempting to open a retreat route for the ZOB fighters. This question must be answered in the negative, since even an attack in full strength by the Home Army in Warsaw could neither have saved the ghetto nor brought victory. The Germans had considerable armed forces in and near Warsaw—both SS and gendarmes—who would have entered the battle immediately and, after a longer or shorter period of resistance, would have annihilated the Home Army along with the ZOB. The only concept of a ghetto uprising which would have had meaning other than a heroic and dramatic protest and attempt at self-defense would have been one based on the assumption that the Soviet army would come to the aid of the ghetto in time to ensure victory. Another alternative could have been the complete disintegration of the German army. However, in April 1943, the Soviet Army was hundreds of kilometers from Warsaw, and the German army did not show any signs of collapse but continued to fight fiercely on all fronts.

During the uprising at the Warsaw ghetto, the author of this article sent daily telegrams on the course of the fighting to the secret radio station SWIT (DAWN), located near London, which pretended to be an underground station inside Poland. The telegrams were used for broadcasts which were heard in the ghetto. Here is an example of such a telegram: "April 20, 1943. Yesterday the Germans began the liquidation of 35,000 Jews here. The Jews are defending themselves. Small arms fire and grenade explosions can be heard. The Germans have been using tanks and armored cars. They are suffering losses. There are fires burning in several places. Speak to the ghetto today."

Anielewicz writes of this to Cukierman in

a letter of April 23: "The news that reached us already yesterday that . . . the radio station SWIT broadcast a beautiful program about our self-defense, fills me with feelings of appreciation and satisfaction."

Moreover, starting April 21, the Government Delegate, Jan Stanislaw Jankowski, repeatedly telegraphed the Polish Government in London to alert it to the events. As a sign of protest against the indifference of the Allies, a member of the Polish National Council in London, Szmul Zygelbojm, committed suicide on May 13, 1943—giving his reasons for killing himself in letters to Polish President Wladyslaw Raczkiewicz and Premier Wladyslaw Sikorski.

SURVIVORS

Toward the end of the ghetto uprising, organized action was begun to evacuate the Jewish fighters. A tragic error, however, led to the suicide of Mordechai Anielewicz and his staff in a bunker at 18 Mila Street, although there was an escape route discovered later by others. Escaping fighters moved from cellar to cellar and through sewers to the so-called Aryan side, where members of friendly Polish organizations, such as the Socialist Fighting Organization, were waiting with trucks which transported the ZOB fighters to forests near Warsaw. For instance, on April 29, a group of members of the Peoples' Guard, led by Lieutenant Wladyslaw Gaik, organized the escape of 40 fully armed ZOB fighters to the forest near Wyszkow. On May 10, this operation was repeated, and 30 ZOB fighters were taken there. They formed a partisan unit named after Mordechai Anielewicz. Other Jewish partisan units were formed, choosing Polish national heroes as patrons. For example, in the Lublin region there were Jewish units named after Emilia Plater, heroine of the 1831 Uprising, and Jan Kozietulski, hero of the Napoleonic wars. The latter unit was led by Samuel Jegier. Another unit, headed by Chil Grynszpan, was named after Berek Joselewicz, a colonel of Jewish descent in the Polish army in the 1794 uprising. A Polish unit composed of peasants from the village of Polichno was commanded by a Jew known as "Szymek." When he was killed, the peasants buried him in a Catholic cemetery as a sign of respect. There was also a Jewish unit led by Mieczyslaw Gruber, and a mixed Polish-Jewish unit led by a Jewish veterinarian, Dr. Mieczyslaw Skotnicki, which operated in the forests near Parczew. Finally, in the Radom region, there was a unit led by Julian Ajzenman-Kaniewski (alias Chytry). Smaller Jewish groups joined partisan units at the first opportunity. Many of these groups later fought against the Germans together with the Home Army guerrillas.

The fate of the remaining people who survived the ghetto uprising and escaped to the so-called Ayran side by sewers and tunnels was much worse. The luckiest were those who got to the forests and there joined the guerrillas, or formed camps defended by partisan units. As for the rest, the Germans caught some of them in special raids, and others dissolved into the Polish population, which did what it could to save these tragic survivors. The Polish population was asked to save them in three successive proclamations of the Council of Assistance to the Jews, "Zegota," a radio speech by General Sikorski of May 5, 1943, and an appeal by the Government Delegate of May 6, 1943. "Zegota" requested that the Polish Government in London initiate negotiations aiming at an international agreement to save the remainder of Jews from extermination by exchange or other means. Such an agreement was never reached.

Three publication put out by underground presses reached London at that time. They were: a book by a Jewess, Maria Kann, entitled *Na oczach swiata* ("Before the Eyes of the World"), devoted to the history of the Warsaw ghetto and the ghetto uprising; a brochure called *Rok w Treblince* ("A Year at Treblinka"), whose author, Jankiel Wiernik, was an escapee from that camp; and a volume of poems entitled *Z otchlani* ("From the Depths") by eleven different Jewish authors. These publications made a great impression on the West, but that was the end of it.

This state of affairs continued until the retreat of the German army defeated by the Soviets. In parts of Poland from which the Germans had withdrawn, those Jews who had managed to survive the German occupation regained their personal safety, dignity and human rights, but only to the extent that this was possible under Communist rule which was forcibly imposed on Poland by the USSR.

POLISH VICTIMS

As for the number of Poles murdered by the Germans for hiding Jews or helping them in other ways, complete statistics are unavailable. But there is much fragmentary data concerning individual cases, such as the proclamation of the chief of the SS and Police for the district of Galicia on January 28, 1944, listing the names of five Poles condemned to death for helping Jews. The case of the execution of gardener Ludomir Marczak and his family at the Pawiak prison in Warsaw on March 7, 1944 is well known. They were killed for hiding some thirty Jews in a dugout in their garden. Among those hidden was Dr. Emanuel Ringelbaum, chronicler of the Warsaw ghetto and author of "Notes from the Warsaw Ghetto," who perished with the Marczak family. In the period from September 13, 1942 to May 25, 1944, twelve peasants in the Kielce Province were shot or burned alive for helping Jews. The largest number of examples is provided by the greatest expert in this field, Wladyslaw Bartoszewski, in a book written together with Zofia Lewin, *Ten jest z ojczyzny mojej* ("This One Is From My Homeland"). According to the data they gathered, the Germans murdered, i.e., shot or burned alive, Poles for helping Jews, as follows: 17 persons were killed in Cracow Province; 300 to 500 Poles and Jews were executed by shooting in the cemetery in the town of Nowy Sacz (the Poles were shot for hiding Jews); in the Lublin Province about 40 persons were shot; in Rzeszow Province 47 persons; and in Warsaw Province 19 persons; while in Lwow Province about 1,000 Poles from the city of Lwow alone were exterminated at the camp at Belzec for helping the Jewish population.

But most Poles who hid Jews survived the day and Hitlerite persecutions. Today they visit the rescued families in Israel, in the United States and other countries. Some of them have settled in Israel at the request of the families they had saved. On the Avenue of Righteous Gentiles in Jerusalem—on plaques commemorating those who had saved Jews—most of the names are Polish.

Unfortunately, among the masses of Poles—most of whom tried to save as many Jews as possible—there were also exceptions other than the "szmalcowniks" and "sztorkarzs" (grafters) who were dealt with by means of death sentences passed by the Polish underground courts and authorities. The guerrilla units of the Fascist faction of the Polish underground organization called National Armed Forces (*Narodowe Sily Zbrojne*—NSZ) murdered Jews hiding in the forests. But they also murdered Poles, if they disliked their ideological or political convictions. A unit of the People's Guard composed of 26 Polish partisans and four peasants who had come to visit them, was murdered by the NSZ in Borow, Krasnik County, on August 9, 1943. This murder was condemned by the Commander of the Home Army, General Tadeusz Bor-Komorowski (successor to General Stefan Rowecki, who had been captured and murdered by the Germans) in a declaration published in the Home Army bulletin, *Biuletyn Informacyjny*, of November 18, 1943. In Warsaw, this NSZ faction also murdered two officers of the Supreme Command of the Home Army, who were of Jewish descent—Jerzy Makowiecki, an engineer, and Ludwik Widerszal, an Assistant Professor.

On the other hand, such leading Polish prewar anti-Semites as the head of the Fascist National-Radical Organization (*Organizacja Narodowo-Radykalna*—ONR), Jan Mosdorf, the editor of the prewar periodical *Prosto z mostu* ("Straight From The Shoulder"), Stanislaw Piasecki, and the well-known publicist Adolf Nowaczynski, all underwent a complete metamorphosis. The first did all he could to help the Jews at the camp of Auschwitz, where he also perished, and the two others helped many persecuted Jews.

A Jewish leader, Dr. Adolf Berman, presently at Tel Aviv, appraised the role of the Poles in the following words:

"In descriptions of the martyrdom of the Jews in Poland, the sufferings that the Jews endured at the hands of Polish blackmailers and informers, "blue" policemen, Fascist hoodlums and other social dregs, are often stressed. But less is written about the fact that thousands of Poles risked their lives to help the Jews. The foam and dirt floating on the surface of a turbulent river are often easier to see than the deep, clear underwater stream. But this stream existed.

"The time will come for a great Golden Book of Poles who in those terrible 'times of contempt' extended a brotherly hand to the Jews, saved them from death, and to the Jewish underground movement became a spirit-lifting symbol of humanitarianism and the brotherhood of man."

WHY POLAND?

Why did the Hitlerite leaders, at their conference in Wannsee on January 20, 1942 choose primarily Poland as the territory where the extermination of the Jews was to be perpetrated, although Jews were also murdered in Germany at Dachau, Sachsenhausen, Belsen-Bergen, Oranienburg and other camps?

Certainly the reason was not the anti-Semitism of the local population, which had existed in certain classes of Polish society, but which disappeared when the people saw with their own eyes the extermination of the Jewish population and they themselves became the victims of deportations, mass arrests, removal to concentration camps and mass executions. All historians depicting the extermination of the Jews agree that, next to the Jews, the Poles were the most persecuted people, condemned to gradual extermination in accordance with the General Eastern Plan. Point 9 of the accusation drawn up by Prosecuting Attorney Gideon Hausner against Adolf Eichman demanded that he also be brought to justice for the deportation of half a million Poles. The verdict found him guilty of this charge, too, and charged that he had intended to exterminate the Polish intelligentsia: "This was plain and simple expulsion accompanied by degradation of the people and with malicious intent, especially against the educated class."

The reason the Germans chose Poland was simple. Of all the European Jews marked for extermination, three and a half million lived in Poland. German rail transportation was overloaded because of the war. Therefore, it was easier to build extermination camps in Poland and transport the three and a half million Polish Jews over short distances than to transport them by rail to, say, Hungary or France. The largest of these camps, Auschwitz, was built right on the border of the Reich for exactly these reasons. After war had broken out between Germany and Russia, the congestion of the railroads became even more acute. One and a half million Russian Jews were murdered on the spot, in mass graves dug by themselves. Special units, so-called Einsatz-truppen, were used for this job.

The transportation problem played a role not only in the extermination of the Jews,

but also in discussion on how they could be saved. The British Foreign Minister, Anthony Eden, wrote on this subject in 1942 to President Roosevelt as follows: ". . . The whole problem of the Jews in Europe is most difficult and we (the British) should move very cautiously about offering to take all Jews out of a country. If we do so, then the Jews of the world will be wanting us to make similar offers in Poland and Germany. Hitler might take us up on any such offer and there simply are not enough ships and means of transportation in the world to handle them. . . ."

Moreover, the Germans undoubtedly supposed that the greatest crime in the history of the world could be concealed better in Eastern Europe—cut off from the world by the occupation—than in the West, which, although occupied, could not be isolated to the same extent from neutral countries such as Switzerland and Spain.

In looking back on the tumultuous days during World War II, the cooperation between the Poles and the Jews comes into sharper focus when one considers the situation of acute danger that obtained at that time. Indeed, as for the role of the Polish people in saving the Jews, the Poles can calmly await the Golden Book spoken of by Adolf Berman, and the final verdict of history.

AMERICAN BAR ASSOCIATION POSITION ON GENOCIDE TREATY

Mr. THURMOND. Mr. President, this week the house of delegates of the American Bar Association voted to reject the recommendation of the section of individual rights and responsibilities that the American Bar Association go on record as favoring the so-called Genocide Convention.

I was very much pleased to see that the ABA rejected this proposal to approve U.S. participation in the convention. For 20 years, the United States has refused to act upon this ill-advised treaty, and the reasons which stopped the treaty 20 years ago are even more relevant with the passage of time. The treaty would raise havoc with the American system of jurisprudence and the unique rights which an American enjoys under the Constitution and under our inherited system of English common law. No motives, no matter from what humanitarian consideration, should cause us to jeopardize these rights. I am, therefore, pleased that the American Bar Association, of which I am proud to be a member, has in its house of delegates refused the proposal to give ABA sanction to this proposal. It is entirely fitting that a body of lawyers should have a great awareness of the danger this treaty would do to our legal system.

Mr. President, this awareness was clearly brought out in an independent appraisal submitted by certain members of the ABA. I ask unanimous consent that this independent appraisal be printed in the RECORD.

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

THE CONVENTION ON THE PREVENTION AND PUNISHMENT OF THE CRIME OF GENOCIDE

An Independent Appraisal by the Undersigned Members of the American Bar Association, of the Genocide Convention, and a Brief Statement of the Grounds of their Opposition to a Reversal of the Position Taken by the Association in 1949, That "The Convention on Genocide now before the United States Senate be not approved as submitted."

Under date June 16, 1949, President Harry S. Truman transmitted to the Senate, for its advice and consent to ratification, the Convention on the Prevention and Punishment of the Crime of Genocide, adopted by the General Assembly of the United Nations and signed in behalf of the United States, in December of the preceding year.

In September, 1949, the House of Delegates of the American Bar Association had before it a recommendation by its Committee on Peace and Law Through United Nations that the Convention be rejected, and a recommendation by the Section of International and Comparative Law that the Convention be approved with seven reservations.

The House also had before it a proposed resolution by a special committee which recited "that the conscience of America, like that of the (entire) civilized world, revolts against mass genocide" as "contrary to the moral law and * * * abhorrent to all who have a proper and decent regard for the dignity of human beings, regardless of the national, ethnical, racial, religious or political groups to which they belong", and "that genocide as thus understood should have the constant opposition of the government of the United States and of all its people".

The resolution recited further that, nevertheless, "the suppression and punishment of genocide under an international convention to which it is proposed the United States shall be a party involves important constitutional questions" which it does not resolve "in a manner consistent with our form of government"; and that therefore "the Convention on Genocide now before the United States Senate" should not be "approved as submitted".

The House of Delegates overwhelmingly passed this resolution proposed by its Special Committee, and the Senate adopted this position of the American Bar Association; and the Genocide Convention has never been ratified by the United States.

At its mid-winter session in Atlanta in February 1970, the House of Delegates of the Association will have before it recommendations by the Standing Committee on World Order Under Law, and the Section of Individual Rights and Responsibilities, recommending that the House reverse the position taken by it in 1949, and now adopt a resolution recommending that the Senate give its advice and consent to ratification of the Genocide Convention.

The undersigned are opposed, for the reasons which motivated the original position of the American Bar Association, as well as for other reasons outlined briefly hereunder, to any change in the position taken by the House in 1949 in behalf of the Association.

Actually, two years prior to adoption of the Genocide Convention in the United Nations, the General Assembly had adopted a declaration to the effect that genocide "is contrary to moral law and to the spirit and aims of the United Nations"; that many "instances * * * of genocide have occurred when racial, religious, *political* and other groups have been destroyed, entirely or in part"; that genocide is a crime, whether it "is committed on religious, racial, *political* or any other grounds"; and inviting "the Member States to enact the necessary legislation for the prevention and punishment of this crime" (emphasis supplied).

It may be appropriate, at this point, to note that when the foregoing declaration was being converted into the Genocide Convention, on the insistence of the representatives of the Communist block nations, the word "political", emphasized above was omitted from the Convention, which now purports to demand prohibition only of steps looking toward total or partial elimination of any "national, ethnical, racial or religious group."

Further, while the Convention was being formulated, the representatives of the United States sought, as a *sine qua non*, to have genocide defined as having been committed "with the complicity of government", because its "delegation felt in fact that genocide could not be an international crime unless a government participates in its perpetration" (a position in which the undersigned concur). This demand was rejected, and under the Convention, genocide may be committed only by individuals.

Thus, the Convention requires enactment of legislation under which "persons committing genocide * * * shall be punished", and persons charged with genocide * * * shall be tried", whether they are "public officials or private individuals".

Representatives of the Soviet Union had frequently charged the United States with hypocrisy because of its failure to become a party to the Genocide and other human-rights conventions, while giving, as they put it, mere lip service to the protection of such rights within our borders. The Soviet Union made itself a party to the Genocide Convention only because genocide as to "political" groups was excluded from the Convention as shown above.

Similarly, the Soviet Union has never ratified the Convention of 1957 on the Abolition of Forced Labor, because of its prohibition of the use of such labor as a means of political coercion or as punishment for the expression of views opposed to those of the established government.

By way of further illustration of the position of the Soviet Union and its satellites as to human-rights treaties, attention is called to the fact that they abstained from voting on the Universal Declaration of Human Rights, because that contained a guarantee of property rights. When that declaration was converted into treaty obligations in the Covenant on Economic, Social and Cultural Rights and the Covenant on Civil and Political Rights, the provisions for the protection of property were omitted on the insistence of the Communist nations, and the United States and the other Western nations were unsuccessful in having those rights retained within the compass of those treaties.

Under Article IX of the Genocide Convention, disputes between the parties thereto, "relating to the interpretation, application or fulfillment" thereof, are to "be submitted to the International Court of Justice at the request of any of the parties to the dispute". This provision would, if the United States became a party to the Genocide Convention, override, as to the "interpretation, application or fulfillment" of that Convention, the Connally Amendment to the United States reservation in the declaration of its adherence to the ICJ. The Solicitor General at the Hearings when questioned by Senator Thomas of Utah conceded that ratification of the Genocide Convention would take precedence over the Connally reservation. (Hearings p. 28)

Even more significantly, under Article VI of the Genocide Convention, "persons charged with genocide * * * shall be tried by a competent tribunal of the State in the territory in which the act was committed, or by such international penal tribunal as may have jurisdiction with respect to those Contracting Parties which shall have accepted its jurisdiction".

Proponents for ratification seem to overlook the phrase *"in the territory in which the act was committed"*, and erroneously presume that the accused would be tried by a U.S. Court though the act was committed in some other country. (See Article 56 ABA Journal, page 57, January 1970.)

The State Department's submission of the

Convention to the U.S. Senate contained this description of Article VI:

"Article VI makes it clear that any person charged with the commission of any of the five genocidal acts enumerated in Article III shall be tried by a court of the state in whose territory the act was committed, or by such international penal tribunal as may have jurisdiction with respect to those states accepting such jurisdiction." (Hearings pp. 4–5.)

"Hearings" refer to transcript of hearings before a Subcommitte of the Senate Committee on Foreign Relations on the Genocide Convention held in January and February 1950.

The first part of Article VI, means quite simply, for instance, that if a member of the American Armed Forces stationed abroad should be charged—rightly or wrongly—with having committed an act of genocide, he would be subject to trial in a court "of the State in the territory in which the act was committed".

This is not a mere imaginative hypothesis. By way of concrete example, The New York Times on Wednesday, November 29, 1969, reported that the government of North Vietnam had charged the United States with the commission of genocide in "the alleged massacre of civilians in a South Vietnamese village", etc., etc.

Had the United States been a party to the Genocide Convention, the soldiers involved in the massacre charged to have taken place, would under Article VI of the Convention, have been subject to trial in a Vietnamese court, as "a competent tribunal of the State in the territory of which the act was committed"—and that, even though they may already have been acquitted by a tribunal of the United States. And, though the soldiers were back in the U.S., the Genocide Convention provides for extradition to the state where the act was committed.

As to possible trial by an "international penal tribunal" whose jurisdiction might have been accepted by parties to the Convention, is asserted that the United States would never accept the jurisdiction of such a court; and that, in any event, it will be time enough to raise that objection when a proposal is made for acceptance of the jurisdiction of such tribunal.

Actually, strong movements are already under way, *within the United States,* toward creation of such a tribunal.

In a recent book, Professor W. Paul Gormley of the University of Tulsa School of Law, asserts unequivocally that a "private individual must be able to prosecute an action before an international tribunal—in his own name—against an offending government, particularly his own".

In that connection, it is interesting to note that very recently, as reported by the news media (see Time Magazine for December 12, 1969—page 20), a "San Francisco lawyer who represents the (Black) Panthers, * * * revealed plans to go before the United Nations and charge the United States with 'genocide' against the Panthers".

Dean Rooney of the School of Law of Seton Hall University, supports a recommendation for writs of habeas corpus out of "some international court" in connection with the pending human-rights "Declarations and Conventions", including, presumably, the Genocide Convention, "the proper party of petition" for such a writ to be a special United Nations official (who) could have service "of the Writ upon a state, now that sovereign immunity is obsolescent".

It has been suggested by those who favor ratification of the Genocide Convention, that matters of internal concern to the United States *ipso facto* become matters of international concern by the very fact that treaties are concluded with regard thereto—in effect that under *Missouri* vs *Holland,* 252 US 416 (1920), there can really no longer be any distinction, in United States treaty law, between domestic and international affairs.

The undersigned do not agree with this thesis, but if it is a correct statement, then they are opposed, on that additional strong ground, to entry by the United States into treaties which purport to convert matters of domestic into matters of international concern.

As stated, the undersigned are in complete accord with the statement made in the 1949 ABA resolution that "it is the sense of the American Bar Association that the conscience of America", like that of all the world, "revolts against genocide", and "that such acts are contrary to the moral law and are abhorent to all who have a proper and decent regard for the dignity of human beings, regardless of the national, ethnical, racial, religious or political groups to which they belong"; and "that genocide as thus understood should have the constant opposition of the government of the United States and of all of its people".

But if entry into a treaty on matters of internal concern will automatically convert them into matters of international concern, then the question becomes one of broad constitutional policy rather than a strict constitutional law, and the undersigned submit that whole-hearted concurrence in the lofty ideals that engineer promotion of moral issues should not be permitted to substitute the ephemeral tissue of those ideals for the enduring fiber of constitutional limitations.

Some supporters of the Genocide Convention admit that many treaties on human rights such as that Convention, may constitute interference in domestic affairs. Thus, Professor Louis Sohn and the late Grenville Clark, in their work on *World Peace Through Law,* conceded that under the domestic-jurisdiction provision of Article 2(7) of the Charter of the United Nations, "it would probably be a valid objection" that, for example, "the problem of racial repression in South Africa * * * is of no concern to the United Nations"; and they accordingly propose that this provision of the UN Charter be amended and broadened to reserve to individual nations "all powers inherent in their sovereignty except such as are delegated to the United Nations by this revised Charter, either by express language *or (by) clear implication"* (emphasis added).

The undersigned are opposed to any suggestion for such amendment of the Charter, obviously tailored to give support otherwise looking, to such treaties as the Genocide Convention.

In the last analysis, prohibition of genocide by treaty must inevitably be an exercise in futility in any event. Would anyone suggest seriously that Adolph Hitler would have been deterred from the revolting acts of genocide committed under his régime, even if Germany had been a party to such a convention during the Nazi reign of terror? Were the Communist nations deferred from their invasion of Czechoslovakia by the provisions of the Charter of the United Nations expressly prohibiting such maneuvers though the Soviet Union is a party to the Genocide Convention.

The merits and demerits of the Genocide Convention were debated at length in 1949 by eminent advocates and opponents of that treaty who had made careful studies of the implications—pro and con—of adherence by the United States to such an international compact.

The significant areas of concern in relation to this Convention are apparent in the seven reservations to this Convention which were proposed by The Section of International and Comparative Law to the House of Delegates in 1949. A reading of these reservations emphasizes the many problems this Convention would create in the United States and these reservations are set out in Appendix A hereto.

The Senate of the United States has stood, for more than twenty years now, behind the position taken by the American Bar Association.

Despite submissions to the contrary, nothing has happened since 1949 which would point to a need for change in the Association's position. In fact, repeated charges of genocide against the United States, as with regard to the conduct of her forces in Vietnam, and as to such organizations as the Black Panthers, should serve as strong deterrents to any change by the House of Delegates in the position which it took in behalf of the American Bar Association as to this Convention more than twenty years ago.

Respectfully submitted.

JANUARY, 1970.

APPENDIX A

The following resolution was recommended by the International and Comparative Law Section to the House of Delegates in 1949.

Resolved, That the American Bar Association approves ratification of the Convention on the Prevention and Punishment of the Crime of Genocide now pending before the U.S. Senate subject to effective reservations as follows:

1. That the words "with intent to destroy in whole or in part a national, ethnical, racial, or religious group as such" in Article II refer to all the inhabitants of a country who are identifiable as of the same national, ethnical or racial origin or of the same religious belief and that none of the acts enumerated in the subparagraphs of the said Article II shall be deemed to have been committed with the requisite intent to destroy such a group in whole or in part unless such acts directly affect thousands of persons.

2. That the phrase "mental harm" in Article II(b) means permanent physical injury to mental faculties of members of a group, such as that caused by the excessive use or administration of narcotics.

3. That the provision "direct and public incitement to commit genocide" in subparagraph (c) of Article III shall not have any application to the U.S. because to render such incitement unlawful in the U.S. it is sufficient to outlaw conspiracy to commit genocide as is done in sub-paragraph (b) of Article III and the attempt to commit genocide as is done in sub-paragraph (d) of Article III without specifically enumerating the act of direct and public incitement as contained in sub-paragraph (c) of Article III.

4. That the phrase "complicity in genocide" in Article III(e) means "aiding, abetting, counselling, commanding, inducing, or procuring the commission of genocide."

5. That the phrase "responsibility of a state for genocide" in Article IX does not mean responsibility of a National Government to pay damages for injuries to its own nationals and that this phrase does not mean that a National Government may be prosecuted as a defendant in any case arising under the Convention.

6. That Articles I through VII of the Convention are not self-executing in the U.S.; that Federal legislation will be necessary to carry out the provisions of these articles, and such legislation will be limited to matters appropriate under the constitutional system of the U.S. for Federal legislation.

7. That a person charged with having committed an act in the U.S. in violation of the statutes enacted to implement the Convention shall be tried only by the Federal Court of the district wherein the act is alleged to have been committed.

ABA EXPERTS FAVOR RATIFICATION OF THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, though the American Bar Association's

house of delegates failed by four votes to endorse the ratification of the Genocide Convention, those of us who support ratification have little cause for despair.

The very closeness of the vote itself is heartening. Many prominent members of the bar association whose field of specialization is criminal, constitutional, and international law will urge the Committee on Foreign Relations to report out the Genocide Convention recommending ratification. Thus, while some lawyers may speak against ratification, many of the ABA's foremost members will strongly urge support of ratification.

Of equal, if not greater, importance, though, is the fact that the ABA's Standing Committee on World Order Under Law, and its sections on individual rights and responsibilities, criminal law, and international and comparative law—those very divisions of the ABA that are most directly and intimately concerned with the Genocide Convention—all strongly favor ratification. The distinguished men and women in the ABA who know most about the subject, who were charged by the association with the responsibility of delving into every relevant issue of international, criminal, and constitutional law even remotely connected with the Genocide Convention urge support for ratification. When a patient is examined by a team of physicians, the views of the cardiologist concerning the condition of the heart and its effect on the rest of the body are more significant and are more apt to be followed than are the view of the general practitioner or local family doctor.

So it must be with the Genocide Convention. The views of the specialists charged with the responsibility of examining the Genocide Convention must prevail.

The opposition to the Genocide Convention within ABA came mainly from the more conservative, locally oriented members; from those who have little daily contact with international or constitutional matters. Someone was worried about a foreign power demanding to try American citizens in their own courts on charges of genocide. Possibly he overlooked extradition treaties and guarantees of the process. Possibly he did not realize that there is no existing international tribunal which could claim jurisdiction over American citizens. The fear was expressed that some ethnic, religious, or racial groups in this country might claim genocide was being committed against them. There would of course, be no competent international tribunal to hear the case. Moreover, any crime such as murder can be properly tried and investigated in the local jurisdiction in which it is alleged to have occurred. And those accused of a crime will be tried under local laws.

In a real sense, the arguments strewn in the path of ratification of the Genocide Convention are somewhat more bogus than factual; somewhat more emotional than rational. For me, the ABA's failure to adopt a positive stance toward the convention is as puzzling as it is disappointing.

I am confident that when the Committee on Foreign Relations conducts hearings on the Genocide Convention, the reasoned voices of authority and expertise, such as those of Mrs. Rital Hauser, Nicholas Katzenbach, Bruno Bitker, and Irwin Griswold, will prevail over the weaker cries of emotion and prejudice.

FIFTY-SECOND ANNIVERSARY OF ESTONIAN INDEPENDENCE

Mr. DODD. Mr. President, yesterday, February 24, marked the 52d anniversary of the establishment of the independent republic of Estonia.

Unfortunately, Estonian freedom was short-lived. In the wake of the Hitler-Stalin pact, the Soviet Red army occupied the three Baltic republics of Estonia, Latvia, and Lithuania and imposed quisling governments in these countries.

For the past 30 years Estonia, like its sister Baltic republics, has been a land of tragedy and darkness, marked by wholesale executions, mass deportations, pauperization, universal terror, and the suppression of all human rights.

On the occasion of this anniversary, I think it proper to recall the resolution on the subject of Baltic freedom which was unanimously adopted by the House and Senate in the 89th Congress. Pointing out that the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of the right of self-determination by the Soviet Union, the resolution urged the President of the United States:

(a) to direct the attention of world opinion at the United Nations and other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the people of Estonia, Latvia, and Lithuania, and

((b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

Mr. President, for the purpose of once again reminding ourselves of certain facts that we are prone to forget, I ask unanimous consent to have printed in the RECORD an article captioned "Focus on Estonia," written by Leonhard Vahter, a former member of the Estonian Parliament who is now chairman of the Committee for a Free Estonia and editor of the Baltic Review. The article appears in the current issue of ACEN News, an organ of the Assembly of Captive European Nations.

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

FOCUS ON ESTONIA

(By Leonhard Vahter)

BACKGROUND INFORMATION

Population

According to the official Soviet statistics, on January 1, 1967 Estonia had a population of 1,294,000. The data shows that 68 per cent of the population is located in urban areas, while 32 per cent reside in rural areas. Ethnically, the Estonians constitute 74.6 per cent of the population. The Russians account for 22.3 per cent (in 1940 the Russians numbered only 8 per cent). The other nationalities are Germans, Swedes, Latvians and Jews. It should be noted that the number of Estonians decreased by nearly 120,000 people between 1940 and 1952. Soviet purges, deportations, executions and the fleeing to the West of many people in 1944, account for the decrease. At the same time, over 240,000 people from the Soviet Union were brought into Estonia.

The majority of the people speak Estonian, which is a Finno-Ugric tongue, closely related to Finnish.

For the most part, the ethnic Estonians are Evangelical Lutheran (78 per cent). The autochthonous Russians adhere to the Orthodox faith. The situation of the Estonian Evangelical Lutheran Church is extremely difficult. A number of pastors had been deported to the Soviet Union, among them the Communist-appointed Archbishop Pahn. A number of restrictive measures are in effect to thwart the religious activities of the Church. The teaching of religion to children by the clergy is punishable under the Criminal Code. The clergy are prohibited to preach in churches not assigned to them. The pastors are not elected by their congregations as before, but appointed by a special office under Party guidance. The Estonian Orthodox Church is directly subordinated to the Russian Church.

Present area

The present area of Estonia amounts to 18,300 square miles. In territory, the country is larger than either Switzerland, the Netherlands, Belgium or Denmark. Estonia is part of the Baltic coastal plain with no high elevations. The highest point, Mount Suur Munamagi in southern Estonia, is 1056 feet above sea level. Estonia is bordered on the north by the Gulf of Finland, on the west by the Baltic Sea and the Gulf of Riga, in the south by Latvia and in the east by Lake Peipus and the Soviet Union. Climatically, Estonia lies in the temperate zone; average temperatures in Estonia are considerably higher than those farther to the east. The flora and fauna in Estonia resemble those of the temperate zone of Europe.

Major cities

The Estonian capital, *Tallinn*, is the largest city with a population of 345,000. It was founded in 1219 by the Danish conqueror Valdemar II. Tallinn is the seat of government and an important educational, cultural and industrial center.

The second largest city is *Tartu* with a population of 87,000. Tartu boasts the oldest university in Estonia, founded by the Swedish king Gustavus Adolphus in 1632. Tartu is also a machine building center. *Kohtla-Jarve*, with over 80,000 inhabitants, is a relatively new city that grew with the oil-shale industry, especially during the period of independence. *Narva*, an ancient city near the Russian border, is the center of the textile industry. Narva has a population of 50,000.

HISTORY

Early times through World War I

The present-day Estonian people, as well as the Finns, Lapps and Hungarians, stem from Finno-Ugric tribes that once lived along the Volga and Kama Rivers. (It must be noted, however, that some experts have advanced other theories). The ancestors of the Estonian, nomadic hunters, populated the territory between the Narva and Daugava Rivers shortly after the last Ice Age. During the first millennium B.C. they were pushed to the north by the ancient Latvians. Around 1000 A.D., the Estonians formed territorial units called *maakond* (county), governed by elected elders. These politico-social units were independent of one another and only banded together for common defense.

The Estonian people entered European history in 1200 A.D. when a Papal Bull called for a crusade in the Baltic region against the pagan Baltic tribes. In 1202 the German knights of the newly established Order of the Sword launched campaigns against the pagan Estonians from bases in Livonia. King Valdemar II of Denmark also invaded the country from the north. The Swedish campaign against the island of Saaremaa in 1220

was repulsed by the Estonians. Despite a heroic resistance, by 1227 the Order of the Sword had captured most of Estonia. Estonia was partitioned by the aggressors. The northern area was taken over by Denmark; the southern by the Order of the Sword (which eventually merged with the Teutonic Knights). The remaining area already belonged to various warrior bishops, notably those of Tartu and Saaremaa-Laanemaa. The Estonians rose against their oppressors on numerous occasions. The most famous Estonian undisputed master of Estonia. After the Great Northern War (1770–1721), Swedish power was destroyed in the Baltic.

In 1346 Denmark transferred its Estonian holdings to the Teutonic Order. With this move, all of Old Livonia, as the Baltic area encompassing Estonia came to be called, legally became part of the Holy Roman Empire. Thereafter, for almost 200 years, this area was controlled by the bishops and the Order. During the rule of the Order, many towns sprang up in Estonia. Except for Narva, all of the major towns belonged to the Hanseatic League and carried on vigorous trade with the Russian commercial center of Novgorod.

As the power of the Order of the Sword declined in the 16th century, Estonia became the battleground for destructive wars involving the Order, Sweden, Denmark, the Polish-Lithuanian Commonwealth, and Muscovy. At the end of the 25-year Livonian War, Estonia was divided between Sweden, the Polish-Lithuanian State and Denmark. Sweden next engaged the Polish-Lithuanian Commonwealth and by 1629 had wrested control of southern Estonia. By ousting the Danes from the islands of Saaremaa and Muhu in 1645, Sweden became the undisputed master of Estonia. After the Great Northern War (1770–1721), Swedish power was destroyed in the Baltic.

The Treaty of Nystad ended the conflict, making Estonia a province of the Russian Empire. Russia, at last, won her "window to the west." However, Estonia was devastated. Russian rule brought few changes to the social order in Estonia. The German nobility in Estonia was permitted to retain most of its feudal privileges. The nobility was allowed, for example, to retain its government and its rights over the peasants.

As far as the peasants were concerned, their lot became worse. The few remaining free peasants were evicted from their land and were made the property of the large estates of the German barons. It was not until the 19th century that these restrictions were lifted. Through a series of laws enacted by the Russian Government, the Estonian peasants were freed from serfdom in 1816–1819.

The latter part of the 19th century saw the emergence of a "national awakening" in Estonia—marked by cultural ferment and a growing sense of national identity. The beginning of this movement is seen in the publication of *Kalevipoeg* (Kalev's Son), a rich collection of Estonian folklore compiled by F. R. Kreutzwald. In 1871 the Estonian Literary Society was formed. It gave impetus to the development of national literature and journalism. During this period the song festivals were started, which became an Estonian tradition. Many choirs from all parts of the country would gather, usually at five-year intervals, to give performances and sing together. Often these festivals became exuberant manifestations of Estonian patriotism and self-confidence. Stimulated by the arts, this rising spirit of nationalism soon spread to other areas. Estonians began to press the Russian Tsar for greater political freedom and autonomy and won a more active role in local government.

The height of this national ferment was reached during the Russian Revolution of 1905. As in Russia, a revolution erupted in Estonia. It was brutally crushed by tsarist forces. Despite its failure, the revolt in Estonia intensified the feeling of nationalism and the desire for freedom. As a result, a cultural movement called "Young Estonia" was formed. Within it, many dedicated young Estonians worked to free their country.

Under the impact of the First World War, the tsarist regime was overthrown in Russia in February 1917. The Estonian patriots immediately took the initiative in obtaining autonomy by electing, in July 1917, an Estonian National Diet.

In November 1917, the Russian Bolsheviks staged a successful revolution. Russia fell into chaos and civil war. The Council of Elders of the Estonian Diet appointed an Estonian Rescue Committee, vesting the Committee with political powers during the impending occupation by the Germans, who were still at war with Russia. On February 24, 1918, the eve of the German occupation of Tallinn, a manifesto was made public proclaiming Estonia an independent state. The Rescue Committee appointed the first Cabinet of Ministers, with Konstantin Pats as prime minister, and the Free Estonian Government went underground.

After World War I to Soviet takeover

As a result of the allied victory over Germany on the Western front in the fall of 1918, the German army in the East was withdrawn. The Red Army marched into Estonia on the heels of the retreating Germans on November 28, 1918—crossing the frontier in several places. The Estonian government, having been underground during the German occupation and possessing no army, was confronted with a serious situation. Red Army units reached a point 17 miles from Tallinn on January 7, 1919, when a newly created Estonian army launched a counter-offensive. By February 24, 1919, the first anniversary of independence, Estonian territory had been cleared of Russian Bolsheviks. In the following months, the Soviet army made a great effort to regain the initiative, but without success.

While Estonia was engaged in war with the Soviets, she was confronted with a new danger in the south. In June 1919, the German Iron Division and other German forces attacked the Estonian army. After several weeks of fighting, these German units were defeated. An armistice terminated this conflict on July 3, 1919. The fourteen-month war with the Soviets came to an end on February 2, 1920 when a peace treaty was concluded. In the treaty, the Soviet government renounced its sovereignty over Estonia "for all time."

In April 1919, a Constituent Assembly was elected democratically. After adopting a preliminary working constitution, the Constituent Assembly tackled the agrarian problem. On October 10, 1919 a land reform bill was passed. On June 15, 1920 the Assembly adopted a constitution establishing a parliamentary democracy, Estonia was soon recognized *de jure* by a number of countries and, in September 1921, was admitted to the League of Nations. A number of progressive reforms were introduced in the fields of education, culture, social affairs and minority rights.

Under Soviet rule

According to the secret protocol added to the Nazi-Soviet Pact of August 23, 1939, Estonia was to be placed in the Soviet "sphere of interest." Under the threat of invasion, the Soviet Union foisted on September 28, 1939 a mutual assistance pact on Estonia, whereby Soviet garrisons were stationed in the country. This was done to paralyze any resistance against subsequent aggression. When Paris fell to Hitler in June 1940 and the attention of the world was directed to the West, the Soviet Union acted against the Baltic States. On June 16, 1940, the Soviet Union submitted to Estonia an ultimatum, and on the following morning large units of the Red Army invaded and occupied the country.

Moscow dispatched a special emissary, A. Zhdanov, to engineer the sovietization of Estonia. On June 21, 1940, a puppet Communist government was set up. This was followed by manipulated elections to the so-called People's Diet. On July 21, 1940, the newly elected People's Diet convened to adopt four "resolutions." The session was guarded by NKVD and Red Army personnel. During its three-day session, the People's Diet proclaimed Estonia a soviet socialist republic, petitioned the USSR to admit Estonia into the Soviet Union as a constituent republic, and proclaimed the nationalization of all land, resources and industries. The Supreme Soviet of the USSR did not hesitate to comply with the resolution of the Estonian People's Diet. Estonia was admitted into the Soviet Union on August 6, 1940. The forced annexation was thus completed.

After Estonia was established as a Union Republic, a long series of measures followed to complete the sovietization of the country. Soviet "experts" were brought in to assume advisory positions. In reality, the Estonian Communist officials were mere figureheads, while the Russians directed the socio-economic transformation of the country.

From the very onset of the Soviet occupation, the NKVD initiated mass arrests and executions of "unwanted" elements. On June 13, 1941 the NKVD carried out the first mass deportation of Estonians to Siberia. During the years 1940–41, an estimated 60,000 Estonians were either executed or deported to the Soviet Union.

In June 1941 Estonia was occupied by the Germans. Many Estonians at first welcomed the German army, but they quickly became disillusioned when the Nazi regime opposed the restoration of independence and failed to eliminate completely the system created by the Soviets. With the German collapse in the east, the Soviet Army returned to Estonia in the fall of 1944.

The interrupted sovietization was taken up again, accompanied by new terror. In order to break the resistance of the peasants to forced collectivization, mass deportations of peasants to Siberia took place in March 1949. Industrial workers were forced to produce more. The Estonian Communist Party, as an integral part of the Communist Party of the Soviet Union, was completely subservient to Moscow. The real power in the country rested in the hands of Russian administrators sent to Estonia to complete the sovietization of the country.

After Stalin's death in 1953 there was a general loosening of restrictions in the cultural field. The brutal police methods of the Stalin period were replaced by more subtle coercion. This "thaw" was followed by new restrictions after the Hungarian Revolution of 1956. The most recent cultural repressions came in March 1963, when Nikita Khrushchev attacked all schools of art and letters not conforming to "social realism."

The Estonian Communist regime has continued to maintain its totalitarian character and remains subordinate to the dictates of Moscow.

NATIONAL HERITAGE

Literature

During the latter half of the 19th century, despite the tsarist policy of Russification, an awakening of Estonian national consciousness took place. This national renaissance manifested itself through the emergence of many national writers, poets and artists. The establishment of an independent republic gave impetus to creative work in all fields of Estonian life. For example, the publication of books in Estonian proliferated; for every 10,000 inhabitants there were 17.25 titles published annually.

Estonia has produced a number of outstanding writers in all literary forms and styles. One of the most important neo-realist

writers was Anton H. Tammsaare (1878–1940), whose *Truth and Justice*, in five volumes, gave a broad picture of Estonian life in the countryside and cities. This work has been translated into German and French. August Gailit (1891–1960) depicted in his main work, *Nipernaadi*, the life of a vagabond adventurer. It too has been translated into German. August Malk (1900–), in a number of novels, depicts the life of the coastal people in Estonia.

GEORGE ROBINSON SWIFT, SR., OF ALABAMA

Mr. ALLEN. Mr. President, each generation produces exceptional men who through intelligence, wisdom, foresight, initiative, industry, integrity, and leadership keep the wheels of progress turning and otherwise make the world a better place in which to live. George Robinson "Robin" Swift, Sr., is such a man. At 83 years of age "Robin" Swift can point to an enviable record of public service, including service in the Alabama House, State Senate, Alabama highway director, and U.S. Senator from Alabama. My own father, G. C. Allen was a colleague of his in the Alabama House of Representatives. He remains a much admired political, church and civic leader in Escambia County, Ala.

Mr. President, I have known "Robin" Swift for many years and am proud to claim him as a close personal friend. Recently the Montgomery Advertiser, Montgomery, Ala., published a feature article highlighting his distinguished career. I know that Senators and the public generally will enjoy reading about the life of service of this patriot and proud son of Alabama. For this reason, I request unanimous consent that the article from the Montgomery Advertiser be printed in the RECORD.

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

"MR. ROBIN" HAD BIG INFLUENCE ON SOUTH

(By Colin "Buster" MacGuire)

ATMORE.—George Robinson (Robin) Swift, Sr. was born at Swift's Post Office in Baldwin County on the 19th of December in 1887.

And that event signalled the arrival of a personality which was to have a decided influence on the history of South Alabama.

Because Mr. Robin, as he is affectionately termed by the folks hereabouts, performed political and economic acts that have furnished volumes of material for the archives of his era.

He not only served his people as an industrialist whose efforts provided a livelihood for many, but he also served as a political power and philanthropist with a vital interest in the betterment of conditions for the peoples of South Alabama.

The elderly Swift, now in his 83rd year, retired from active participation in business in 1955, but his concern for the future of his progeny keeps him active, ready to participate in any forward-looking program that will help the South.

Swift's Post Office, no longer in existence, was located at what is now called Miflin, a small community serviced by the Elberta Post Office.

At the age of 12, Swift moved with his parents to Bon Secour, where his father was engaged in the lumber industry. He joined his father in business in 1907 and worked with him until 1912.

Swift then moved to Knoxo, Miss., and started his own lumber business. He remained there for 10 years, until he has been here since that time.

Together with the Hunters of Mobile, Swift formed the Swift-Hunter Lumber Co., Inc. The business flourished for 33 years, until it was voluntarily liquidated in 1955.

Swift's son, Robin Swift, Jr., and nephew, J. Byard Swift, purchased the lumber company site, revamped the operation and continue in business today in a partnership known as Swift Lumber Co.

Mr. Robin was the son of Charles Augustus and Susie (Roberts) Swift. He was educated in the public schools of Baldwin County, at University Military School of Mobile and at the University of Alabama.

He recalled last week that he spent most of his boyhood at Bon Secour, that there was no way then to communicate with the outside world except by boat. The telephone and the radio were unheard of in that area during that period.

Swift said that contact could be made by driving a horse and buggy to Battle's Wharf (Point Clear, where the Grand Hotel now stands) and crossing Mobile Bay to Mobile by boat.

"It was quite an expedition to Mobile back in those days," every day—or every week.

He recollected also the Yellow Fever epidemic of 1899 which started in New Orleans. He said a few cases spread to Mobile, and that people were quarantining against each other. He said that the post office people would even perforate letters and subject them to sulphur fumes, "to kill the Yellow Fever germs."

He said that during the scare, water traffic was halted, until everyone at Bon Secour was running out of food. Finally, he said, the Health Department permitted one boat weekly to bring food into Bon Secour. But this was allowed only during daylight hours, "to avoid the miasma of night air."

He also remembered the first political speech he ever heard. It was in about 1895, when Grover Cleveland was president. Congressman Jesse M. Stallings was running for reelection on a platform promising to have a canal dug from Perdido Bay to Bon Secour Bay.

Swift said that it took just about 40 years to get the canal after Stallings first started talking about it.

Atmore had its own relief program during the Depression of the '30s, before the federal government, came up with one. It was spearheaded by Mr. Robin and the Rev. Carlton of the Atmore Methodist Church.

They came up with the idea of "light money," 25 and 50 cent pieces minted of aluminum and allotted to the needy people of Escambia as needed to prevent starvation. The light money was traded for groceries at the local stores and later redeemed by the Atmore committee with real money.

Much of the currency later was redeemed by the federal government.

A huge, gold loving cup attesting Mr. Robin's part in averting abject poverty and starvation stands today in a corner of his library.

From 1931 to 1935 Mr. Robin served as a member of the Alabama House of Representatives under Gov. B. M. Miller's administration. He was a member of the Alabama Senate from 1935 to 1939 under Gov. Bibb Graves' second administration, and again served the Alabama Senate from 1947 until 1951 during Gov. James E. Folsom's first administration.

During Gov. Chauncey Sparks' administration, from 1943 until 1946, Mr. Robin was Alabama highway director. During the last year of that term, Gov. Sparks appointed him to serve in the U.S. Senate when the late Sen. John Bankhead died.

The oldest of 11 children, Mr. Robin married the former Margharita Ligon of Mobile. They are the proud grandparents of nine grandchildren and the great-grandparents of three.

Mr. Robin is a life member of the Masons, a member of the Atmore Lions Club, the Atmore Country Club and the Atmore Episcopal Church.

He says that one of his claims to fame is his relationship to Mrs. Amelia (Meme) Wakeford, a sister who served as postmaster at Bon Secour for 31 years. Now retired, the widely-known Meme runs a seafood restaurant at Bon Secour.

Mr. Robin says, "I have seen more things take place that affect the human race during my 82 to 83 years than took place in the previous 8,000 years."

He says he was old enough to read the newspapers when the Maine was blown up in Havana Harbor, "and I've lived to see my country get into five wars (including Korea) and in all of them the other fellow hit the first lick . . . and, if my grandsons are called on to get into a sixth war, I hope our country will hit first."

The philosophical Swift likes fishing, and he and his family spend many leisure hours at their Gulfside resort enjoying that sport.

At the close of the interview, Mr. Robin enumerated the ways he accounts for his time.

"I spend 10 per cent of my time frolicking with the grandchildren and great-grandchildren, another 10 per cent in writing letters and attending to personal matters, and the remaining 80 per cent of my time is devoted to looking for the ways a man of my age can misbehave . . . kind of like Diogenes with his lantern."

KALAMAZOO, MICH., ALL-AMERICAN CITY, 1969

Mr. HART. Mr. President, it gives me great pleasure to report that the National Municipal League has selected Kalamazoo, Mich., as one of the all-American cities for 1969.

The award was announced in the edition of Look magazine on the newsstands this week.

In a prepublication release about the award, a Look reporter described Kalamazoo as "a city that has had the guts to face up to some tough questions and the honesty to admit that they have not yet been answered."

That attitude is, of course, this Nation's best hope for solving its problems.

This award then does not mark an ending for Kalamazoo, but rather national recognition for moving toward some solutions. For those who feel the problems have been solved, this award should be a stimulus to get on with the job.

For those who feel the pace of progress has been too slow, this award should offer encouragement to persevere, for some progress has been made.

Mr. President, I ask unanimous consent that the portion of Look's story about the Kalamazoo award and the prepublication release be printed in the RECORD at the conclusion of my remarks.

At this point, however, I would also like to compliment a second Michigan city—Highland Park—which received an honorable mention in this year's contest.

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

LOOK AND THE NATIONAL MUNICIPAL LEAGUE SALUTE ALL AMERICA CITIES, 1969

On the twentieth birthday of this annual competition, it might be good to remind the

reader—especially the young reader—that an All America City award recognizes citizen participation in the practice of democracy. Ideally, the winning towns, suburbs and cities selected each year by a distinguished National Municipal League jury and later featured in LOOK will caucus on Judgment Day with Thomas Jefferson. Most can tell him how they went beyond the duties of voting and tax-paying to improve their communities and keep local government honest, how they organized, volunteered, protested.

The All America award was established before integration was the law of the land, before Federal programs in health, housing, education, job-training and pollution control. Local citizen action became somewhat suspect as New Problems cried out for New Solutions—with some justification. A recent Municipal League study of past All America winners notes that the most frequently cited projects, by far, were bond issues, government reorganization and industrial or business expansion. The report also says that 43 percent of the most active leaders were businessmen of the Chamber of Commerce stripe. It concludes that, while such activity and leadership were essential, more stress ought to be placed upon leadership by the poor, and more attention given to innovation in such fields as mental health, job training and birth control.

Actually, recent All America selections do reflect a change from boosterism to constructive breast-beating. The 1969 batch is no exception. Whether you prefer President Nixon's "new federalism" or the New Left's "democratic society," the following civic Baedeker suggests where the real action has always been—out with the people.

KALAMAZOO, MICH.

This industrial city in western Michigan kept itself out of debt for years, sound household policy that sometimes backfires on the municipal level. Kalamazoo was called "Window City of America" in the 1950's. During the next decade, a culture kick helped distract from unpleasant realities—alcoholism, rundown housing, a growing black population that felt shortchanged by the city, and too many young people with nothing to do during the summer. The problems remain, but four imaginative programs have been started by reformers who are so modest they almost withdrew their All America application for fear of premature back-patting. Two plans offer rehabilitation to alcoholics and juvenile delinquents, a third has found 700 jobs for teen-agers during the past two summers, and the fourth financed 244 units of low-income housing with private investment. Kalamazoo also hosts an experiment in early education for youngsters under four years old.

MODEST REFORMERS IN AN OLD DUTCH TOWN, KALAMAZOO, MICH.

Kalamazoo is a city that has had the guts to face up to some tough questions and the honesty to admit they have not yet been answered. This fact may not be pleasing to some members of the old "Park Club" establishment, who kept the town debt-free through World War II and promoted the slogan "Life Is Good in Kalamazoo." They remember that Kalamazoo was once designated "Window City of America." In 1969, the programs that earned an All America award attack less pleasant realities—alcoholism, wayward youth, rundown housing, unrest among the city's 9,000 Negroes.

Paradoxically, the youthful and modest sponsors of Kalamazoo's All America application—among them City Manager Jim Caplinger, 31, and District Judge Richard Enslen, 38—were leery of winning. In fact, they almost decided to withdraw when selected as one of 22 national finalists. A pat on the back seemed wrong when progress on tough problems was so slow.

Item: Operation LIFT (Living Improvement For Today) has been a promising answer to Kalamazoo's housing blight in recent years. Voters had twice refused to set up a public-housing commission, so a black organization, a home-improvement association, a private foundation and other groups joined LIFT. Seventy rundown homes were purchased, rehabilitated and rented to needy families. LIFT also financed 244 new housing units, now nearing completion, that qualify for Federal rent subsidies. But the organization is bogged down over where and how to build next. Tenants of rehabilitated houses complain about rising rents and poor upkeep. LIFT's action-minded executive director Mel Holmes wants to keep moving: "We've got $4 million and can't get together on what to do." (Another housing group recently got Federal approval for a 322-unit Planned Urban Development.)

Item: Young Bernie McKay ran the Kalamazoo Service Corps last summer, lining up 311 part-time jobs for teen-agers, many of them black. Try as he will, impatient Bernie finds it hard to view the attitude of Kalamazoo's white majority as much more than tokenism: "It's hard to feel something's really being done when only 11 out of 150 companies in this town respond with jobs." His friend Charles Sutton, director of a Teen Center in the black community, agrees. The Center received $30,000 over two years from the Kalamazoo Foundation, but Sutton says, "The agencies that could really do something about our problems are understaffed and underfinanced." One program McKay likes is the Downtown Learning Village, an experiment in educating preschool youngsters directed by Dr. Roger Ulrich of Western Michigan University.

Two projects originated by Judge Enslen—a former Peace Corpsman—offer hope in the form of rehabilitation for juvenile delinquents and alcoholics. Opportunity Kalamazoo (OK) involves 135 citizens who work as "friends" with young probationers. Enslen enlisted the aid of psychologists and social workers in setting up a pre-sentence program of interviews and tests. "We're succeeding here," says Enslen, "by confronting average citizens with the opportunity to help." He also works with Red Jones, a former steelworker and ex-alcoholic, in trying to offer an alternative to jail for alcoholics. They have obtained 27 beds at a local hospital for detoxification and are finding transitional jobs for men and women trying to regain skills and self-respect.

ARAB TERRORISM AGAINST AIRLINES

Mr. HARTKE. Mr. President, the brave people of Israel have been subjected to yet another series of terroristic outrages on the part of thugs and murderers masquerading as Arab patriots. I refer to last week's sabotage of a Swiss airliner bound for Israel and a similar, though unsuccessful, attempt on an Austrian plane. Forty-seven passengers including six Americans died in the Swissair tragedy. And the military dictator of Libya hailed it as a triumph for Arab arms.

Fortunately, the response from other Arab leaders has been more circumspect. On Monday a Beirut, Lebanon, newspaper correctly termed the attack "the most irresponsible, unforgiveable and outrageous act that has ever been committed in the name of Palestine." And terrorist organization leaders, after first claiming "credit" for the atrocity, did an about-face and repudiated the act. That is the only hopeful sign in an otherwise horribly dismal picture. It indicates that there is some dawning recognition on the part of Arab leaders that such acts of barbarism can only injure the Arab cause politically—not to mention the military disaster that will overwhelm them if Israel decides to crush terrorism at the source.

But there is no encouragement to be drawn from the response of the half dozen European airline companies which ordered a halt to freight and mail shipments to Israel. That sort of capitulation to blackmail can only encourage an escalation of international terrorism, injuring not only Israel but all international carriers as well. And if it is pragmatically stupid it is morally disastrous, for it is tantamount to running over and kicking not the perpetrator but the victim of a street attack.

Certainly the airlines must take action to deter future outrages of this kind. But to be effective, the action must be directed against those who aid and encourage the terrorists, or at least, those in whose power it is to stop that particularly murderous form of terrorist activity.

It is perfectly clear, Mr. President, that such power lies solely in the hands of the leaders of the Arab States. They alone can communicate to the terrorists the absolute urgency of the need to end attacks on international carriers. They alone can make the point that the Arab cause is gravely jeopardized by this sort of outlawry.

Accordingly, all possible pressure must be exerted upon responsible Arab spokesmen to encourage them to make the case forcefully to the terrorist leaders. Our own State Department should express itself loudly and clearly in this regard. But the most direct, dramatic, and effective pressure at this point can be brought to bear by the airlines themselves.

All airlines serving the Middle East should, without delay, make known to Arab governments their intention of stopping service to every state that harbors terrorists if there is ever again a terrorist attack on a commercial aircraft. The airlines should make it entirely clear to Arab officials that an attack on any one airline will be regarded as an attack upon all, and that a boycott of 100-percent effectiveness will follow at once.

Mr. President, international terrorism simply cannot be tolerated. It will not be tolerated by Israel and it must not be tolerated by any nation that has a political or economic interest in Middle East reconciliation. This is especially true for the United States, whose interests are greater than those of any nation external to the region. If we turn away from this latest bloody outrage with another shrug and sigh, we inevitably give encouragement—no matter how unintended—to those dark forces which threaten once again to unloose holocaust on all the peoples of the Middle East.

FEDERAL ADMINISTRATION OF LOCAL SCHOOLS

Mr. ALLEN. Mr. President, I know that Senators want to know about it when the executive or the Federal judiciary step

out of line in taking actions which are without authority of law or which are so unreasonable as to offend commonsense judgments. One of my constituents, an Alabama mother, has brought to my attention such a situation relating to Federal administration of local schools.

The Department of Health, Education and Welfare, with blessings of the Federal courts, is resorting with increased frequency to school pairings to achieve racial balance. The pairing plan can be put into effect only by cross busing of hundreds of pupils from one neighborhood to another. Yet, school pairing is one of the most common plans used by the Department of Health, Education and Welfare to achieve racial balance in schools. The result is that children living across the street from a school are forbidden, under a penalty of fine and imprisonment of their parents, from attending a public school across the street from their homes.

How long can the Supreme Court and the Federal executive continue to get away with telling the people that the Constitution requires school pairings and crosstown busing and that the Constitution authorizes confiscatory fines and imprisonment of parents for the crime of sending their children to neighborhood schools?

I ask unanimous consent that the letter from a concerned Alabama mother be printed in the RECORD.

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

TUSCALOOSA, ALA.,
February 11, 1970.

Senator JIM ALLEN,
Washington, D.C.

DEAR SENATOR ALLEN: I would like to voice my feelings with respect to the contemplative pairing of grammar schools in the City of Tuscaloosa. It is my understanding that the school across the street from my home is to be paired with a colored school, which would mean that my child would not be able to walk across the street to attend school.

It is my further understanding that representatives in Congress like to know the feelings of their constituents. My feeling is that I will keep my child at home rather than allow her to be bussed to another school when there is one available across from my home. Of course, I realize nothing can be done about integration, but I cannot honestly believe that there is nothing to be done to stop bussing in a situation such as mine.

With kind regards, I am,

Yours truly,

Mrs. FLORENE WOOLDRIDGE

ANNIVERSARY OF LITHUANIAN AND ESTONIAN INDEPENDENCE

Mr. CASE. Mr. President, we are reminded each year at this time of the glorious history of the peoples of the Baltic States. This year is the 52d anniversary of the proclamations of the independence of the Republics of Lithuania and Estonia. These once-free people are no longer independent. All Americans will understand the deep feelings of those among us whose memories of their national histories remain strong and whose ties to these lands remain close. Their thoughts are expressed in resolutions that they have sent me from my own State of New Jersey.

I ask unanimous consent that the resolutions of the Lithuanian Council of New Jersey and the Lithuanian American Council, also of New Jersey, be printed in the RECORD.

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

RESOLUTION OF LITHUANIAN COUNCIL OF NEW JERSEY

On the occasion of the 52nd anniversary of the Restoration of Lithuania's Independence we, the members and friends of the Lithuanian ethnic community of New Jersey, assembled here on the 15th day of February, 1970, in Kearny, New Jersey:

Commemorate Lithuanian's Declaration of Independence proclaimed on February 16, 1918, in Vilnius, whereby a sovereign Lithuanian State was restored which had antecedents in the Lithuanian Kingdom established in 1251;

Honor the memory of the generations of Lithuanian freedom fighters who fought to defend Lithuania's national aspirations and values against foreign oppressors;

Recall with pride the political, cultural, economic and social achievement of the Lithuanian Republic during the independence era of 1918–1940;

Express our indignation over the interruption of Lithuania's sovereign function as a result of the military occupation of our homeland by the Soviet Union on June 15, 1940;

Gravely concerned with the present plight of Soviet-occupied Lithuania and animated by a spirit of solidarity we, the members and friends of the Lithuanian ethnic community of New Jersey, do hereby protest Soviet Russia's aggression and the following crimes perpetrated by the Soviets in occupied Lithuania:

(1) murder and deportation of more than 400,000 Lithuanian citizens to concentration camps in Siberia and other areas of Soviet Russia for slave labor;

(2) colonization of Lithuania by importation of Russians, most of whom are Communists or undesirables;

(3) persecution of the faithful, restriction of religious practices, closing of houses of worship;

(4) distortion of Lithuanian culture by efforts to transform into a Soviet-Russian culture and continuous denial of creative freedom.

We demand that Soviet Russia immediately withdraw from Lithuania and its sister states of Estonia and Latvia, its armed forces, administrative apparatus, and the imported Communist "colons", letting the Baltic States of Estonia, Latvia, and Lithuania freely exercise their sovereign rights to self-determination.

We request the Government of the United States to raise the issue of the Baltic States of Estonia, Latvia, and Lithuania in the United Nations and in international conferences as well as to support our just request for the condemnation of Soviet aggression against Estonia, Latvia, and Lithuania, and for the abolition of Soviet colonial rule in these countries.

VALENTINAS MELINIS,
President.
ALBIN S. TRECIOKAS,
Secretary.

RESOLUTIONS UNANIMOUSLY ADOPTED ON FEBRUARY 8, 1970, BY THE LITHUANIAN AMERICANS OF LINDEN, N.J., GATHERED UNDER THE AUSPICES OF LITHUANIAN AMERICAN COUNCIL, LINDEN BRANCH, FOR THE COMMEMORATION OF THE 52D ANNIVERSARY OF THE DECLARATION OF LITHUANIA'S INDEPENDENCE

Whereas, this year marks the 52d anniversary of the establishment of the Republic of Lithuania on February 16, 1918, commemorated by Americans of Lithuanian descent and their friends in all parts of our great nation; and

Whereas, the country of our ancestors, recognized and respected once by the world's major powers as an independent and flourishing republic, was occupied by the Soviet Union in 1940 and to this day its people are enslaved and subjugated; and

Whereas, freedom loving people everywhere are placing their hopes, their destinies and future in the steadfast adherence by the free democracies in the principles and justice of humanity; and

Whereas, the Government of the United States has consistently refused to recognize the seizure of Lithuania, Latvia and Estonia and their forced incorporation into the Soviet Union; Now, therefore, be it

Resolved that we, Americans of Lithuanian descent shall continue to support the efforts of the Lithuanian people to regain their liberation; and

Resolved that the Government of the United States be requested to take appropriate steps through the United Nations and other channels to reverse the policy of colonialism by Soviet Russia in the Baltic States and bring about re-examination of the Baltic situation with view of re-establishing freedom and independence to these three nations; and

Resolved that copies of these resolutions be forwarded to the President of the United States, His Excellency Richard M. Nixon; to the Secretary of State, the Honorable William F. Rogers; to the United States Ambassador to the United Nations, the Honorable Charles W. Yost; to the United States Senators of New Jersey, the Honorable Clifford P. Case and the Honorable Harrison A. Williams; to the Representatives of the Twelfth and Thirteenth Congressional Districts of New Jersey, the Honorable Florence P. Dwyer and the Honorable Cornelius E. Gallagher; and to the Governor of New Jersey, the Honorable William T. Cahill.

VLADAS TURSA,
President.
MARGARITA SAMATAS,
Chairman of Resolutions Committee.

INFLATION AND HOW TO FIGHT IT

Mr. HARTKE. Mr. President, some people create strawmen in order to have worthy adversaries. Unfortunately in discussing inflation, some have resorted to this easy rhetorical device, claiming that the debate on inflation is between those who believe inflation must be controlled and those who believe in reckless, almost unlimited spending. Let us try to be a little more precise in discussing this No. 1 domestic problem. No party, no political leader, no economist that I know of believes that this is the time for deficit spending. Congress recognized the need for a balanced budget and consequently we reduced President Nixon's budget request by $5.6 billion—a much unlaurelled achievement. Congress is working for a balanced budget, but I seriously question the wisdom of strangling the economy to combat inflation. In fact, while the economy has been stopped in its tracks inflation has prospered.

The policies of the administration are as sophisticated as a meat ax and just as brutal. President Nixon's assumption that increased prices will decrease all demand overlooks those sections of the economy where demand is inelastic. Demand is particularly inelastic in the service industries, which have suffered some of the greatest price inflation. A

man does not forgo an operation for his child because it costs a little more. To be sure, he will forgo the operation when he is impoverished, but is that our goal?

High interest rates will force the young married couples not to purchase a home, but they will continue to live in an apartment at an ever increasing rent.

Of course, by increasing the cost of rent, we can force this young couple to live under a bridge, but is this our goal?

Obviously the present policies, even if eventually successful, are too costly in human terms. Present monetary and fiscal policies—like communism in its relentless pursuit of supportly beneficial goals—ignore the individual. In the February 16 issue of the Nation Peter Bernstein discusses present monetary and fiscal policy an aptly titled article, "Inflation: The Wrong Medicine." He states what should be obvious to all, that we "need new policies that can overcome inflation without at the same time tearing apart the entire fabric of our prosperity."

Mr. President, I ask unanimous consent that Mr. Bernstein's most instructive article be printed in the RECORD.

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

INFLATION: THE WRONG MEDICINE

(By Peter L. Bernstein)

Hang out the flags and sound the klaxons—the Great White Fathers in Washington have brought economic growth in the United States down to zero. It took a lot of pulling and tugging to get us there, but they have finally won. They have administered the classic medicine of higher taxes and tight money and have cooled off the economy. The catalogue of their victories is impressive. Not only is real growth down to zero but unemployment is up, housing is way down, profits are tightly squeezed, the stock market is a shambles, interest rates are at record highs, appropriations for education are curtailed, and even the military is left begging for a few crumbs.

The only trouble is that prices are also up. The cost of living rose 4.6 per cent in 1968 and then, despite the tax surcharge and ever tighter monetary policy, it rose more than 5 per cent in 1969. And there are no meaningful signs of a letup in the inflationary spiral. In recent weeks, prices of steel, copper, aluminum and a variety of chemicals have been increased, to say nothing of transit fares, commuter fares, and state and local property and excise taxes. We were startled back in 1965 when wages started going up by 5 to 6 per cent a year, but now the prevailing rate is closer to 10 per cent.

In short, what doth it profit a man to smash the upward momentum of our great economy if he loseth the battle against inflation? Since we are possibly on the verge of an economic crisis, it is time to rethink policies and to ask whether there is still time for a change. It will not be enough just to reverse the old policies—those who are hesitant on that score have some valid arguments on their side: we also need new policies that can overcome inflation without at the same time tearing apart the entire fabric of our prosperity.

The theory behind the classic medicine for the treatment of inflationary diseases is simple and appealing. Prices go up because demand exceeds supply. Reduce demand, therefore, and prices will stop going up. Raise taxes, cut government spending, make business and consumer spending more difficult and expensive to finance. Businessmen will then find that with lower demand they are unable to sell everything they can produce; if they persist in raising prices, their competitors will steal their customers. Thus the overheating in the economy is reduced and the price level flattens out. The whole process is assisted by a slower pace of wage increases, as businessmen become a lot tougher about accepting higher costs when they are unable to pass them along so easily to their customers.

Of course, there are other ways to fight inflation, among them wage and price controls or voluntary guidelines (known as an "incomes policy" in European countries). But such policies, according to advocates of the classic medicine, interfere with the free play of market forces, produce artificial and unfavorable allocations of resources and, since they are difficult to administer, invite violation.

But the trouble with the classic medicine of squeezing down demand is that it too can fail to work as it should. Ultimately, if prices continue to rise in the face of shrinking demands for goods and services, it seems pointless to press so hard on the economy that a depression results. Indeed, the heavy hand of fiscal conservatism and tight money fails on three counts.

First, these policies seem to place little or no restraint on those important sectors of the economy where, as the economists put it, demand is inelastic—that is, where the customer is either determined or forced to keep buying, regardless of price increases. This is particularly the case in the service industries where, because of the high labor content, inflation keeps rolling merrily along no matter what the authorities do about taxes and interest rates. The prices of consumer services other than rent have gone up more than 50 per cent in the past ten years; they rose more than 7 per cent in 1969 alone, more than twice as fast as the cost of the goods that consumers buy (wholesale prices, incidentally, are up only 15 per cent in ten years). Subway and commuter fares, haircuts, domestic help, medical care and laundry and cleaning are just a few examples of this phenomenon.

Ironically, the government's cost of living goes up faster than anything else. The prices of goods and services purchased by government are rising about 10 per cent faster than the prices that consumers pay. Civil servants, police, firemen, teachers, garbarge collectors, councilmen and Congressmen, and privates and generals are all demanding, and getting, more. No wonder, then, that state and municipal taxes keep going up, or that the President's Spartan budget involves deep cuts in what many people would consider essential federal activities.

The second count on which the classic medicine fails to achieve its objective is in the allocation of resources. Those who believe that higher taxes and tight money leave the operation of free-market forces intact, and that they will therefore emerge from the period of rigor with a more desirable mix of output than they would have under price and wage controls, are looking at the world with blinders. It was not so serious in the mini-money crunch of 1959–60 that housing construction fell off, because housing was not then in short supply. But the supply was growing shorter in 1966 when the industry was felled by a body blow from which it was barely recovering when the haymaker of 1969 was delivered. The housing shortage is now desperate from high-income areas to low, a scandalous blot on a supposedly affluent society. Meanwhile, with inflation pushing wage rates in construction steadily upward—and pushing at the same time on land costs and interest rates—the price of housing is rising at an alarming rate; indeed, the rising cost of this essential item is simply feeding inflationary pressures throughout the rest of the economy.

But it is not only housing that suffers from the classic medicine. If you reduce demand, you ultimately reduce supply. Lower levels of production mean higher unit costs and greater pressure to keep prices up. A tight enough squeeze leads business management to cut back on plans to expand productive capacity so that, when the authorities finally do allow business activity to pick up again, shortages develop all over the place and new inflationary symptoms rapidly appear.

But these are not the only ways in which the administration of the classic medicine to the free market leads to an allocation of resources different from what we might want. Part of the prescription for this medicine calls for a reduction in government spending. Hence, between conscious budgetary decisions in Washington and virtually insoluble financing problems in state capitols, we are now cutting back on education, on scientific research, on manpower training, on housing, on medical aid to the poor, on aid to the cities, among other things. True, production is being cut back at the automobile factories, the television factories, the chemical factories and the steel factories—but are the resources released there moving into education or housing or urban renewal? Of course not. They are moving into the lines of the unemployed.

The third and most disturbing count against the classic medicine, in addition to its failure to curtail price increases in the service areas and its inflationary and irrational impact on resource allocation, is the giant risks it takes in dealing with the inflationary mentality. For inflation is more than an excess of demand over supply; it is also a state of mind. Americans have learned this the hard way in the present inflationary episode because it is unique in our recent history. After World War II, although prices rose very sharply from 1946 to 1948, rapid conversion to peacetime production and the absorption of millions of ex-GIs into the labor force enabled supply to grow at an extraordinary rate and to overwhelm demand within three years. The same pattern repeated itself after Korea. In 1957–58, before the inflationary virus could really get into our veins, the classic medicine contributed to the deepest of our postwar recessions and then kept us below maximum growth rates for at least three years.

This time, the story has been different. First, prices had been remarkably stable all during the period of impressive economic growth that preceded the 1965 escalation in Vietnam, so that inflationary expectations were slow to get started even though prices soon started climbing at a disturbing rate. But President Johnson, for a variety of reasons, postponed too long the unattractive recommendation of a tax increase. The Federal Reserve jammed on the monetary brakes in 1966. Then, although the brakes really took hold and prices did flatten out (again, except in the service area), fear of overkill soon led to a relaxation of monetary policy. Easier money also accompanied the early months after passage of the tax increase in mid-1968.

These vacillations of policy, combined with a genuine condition of demand in excess of supply, finally convinced the American people that nothing would stop inflation and that now it was every man for himself. With the prices of everything climbing so fast, no union leader could afford to ask for a smaller wage increase than his competitors were winning. No businessman could wait too long to raise prices, for fear that he would never be able to keep pace with his costs and maintain his profit margin. The most serious and distressing aberration of the inflationary mentality also appeared in earnest: buy today because tomorrow it will cost more. This attitude has taken hold to some extent with consumers, but it has become endemic in the business community where, despite much excess capacity, high financing costs and flat sales curves, spending for the expansion of plant and equip-

ment has continued to climb. When the inflationary wave finally subsides, an incalculable amount of this expenditure will turn out to have been ill-timed and misplaced.

How can the authorities deal with this type of mentality, which keeps the inflationary spiral spinning and spinning? Only by putting on the screws, tightening them continuously, and stubbornly keeping them tight regardless of objective evidence that would otherwise justify a reversal of policy. In other words, the authorities must be firm, courageous, determined. Any suggestion of a weakening in their resolve would not only make possible a renewal of actual inflationary forces but would show that they do not mean business. Consequently, they have to keep the screws on beyond any measure of doubt, beyond the point where inflation *might* be tapering off, until, in God's good time, the price level is finally moving up at only a nominal rate, or, even better, moving sideways.

But that is precisely where the danger of overkill comes in. If, because of the dangers inherent in the persistence of inflationary expectations, the authorities dare not change policies too soon, they inevitably run the risks of changing them too late. Indeed, if any one policy, such as the tax surcharge, fails to act as expected, then other policies, such as tight money, must be laid on with extra vigor.

Hence, we now stand at a point where the overall level of business activity has ceased its normal upward movement. But it is also a point where private debts are at record highs and the liquidity that businessmen and individuals sorely need is at record lows. By keeping the lid on the money supply for most of 1969, the authorities made financing of expenditures increasingly difficult, so that every possible source of cash was tapped and liquid reserves in all areas were run down to virtually nothing. Consequently, as business activity tapers off, we have perilously little slack, too little margin for error. Only retrenchment down the line can rebuild the cash needed to pare these debts down. Under such circumstances, trouble in one spot can spread like a forest fire to another and another and another.

And yet, unless a really severe financial crisis erupts, the authorities will shift toward an easier stance only gradually, if at all. They are surely aware of the dilemma in which they have found themselves. But the grand strategy of the classic medicine has painted them into a corner; they simply don't know the way out.

The difficulties extend beyond this point. If all goes reasonably well, so that business activity does slow down a little and not too much, so that wage contract settlements are easier to make but without a heavy load of unemployment, so that price increases taper off but without a ruinous bout of price wars, so that people finally realize that inflation has been snuffed out but that economic growth is still "in"—if all of this happens, we might then begin to think once again in terms of a resumption of growth in production, of higher profits, or more employment, of more public spending for the educational facilities and hospitals and housing we need so urgently. *Or will we?*

If this reduction of the inflation fever occurs too soon, we shall have rebuilt too little liquidity to finance the increased spending that a resumption of growth implies. Money will be either too expensive to borrow or simply unavailable on any terms, but individuals and business firms will have insufficient cash to finance their expenditures without borrowing. If, as an offset, the Federal Reserve authorities allow the money supply to increase so that this financing bottleneck is broken, they run the very real risk that their policy will finance price increases as well as production increases—and that the public will read their decision as a belated but nonetheless significant capitulation to the insatiable monetary pressures of inflation.

Hence, even if we avoid recession or worse, the outlook for the resumption of economic growth in step with our potentialities is bleak. From 1957 to 1960, when similar attitudes prevailed and when the business recovery from the 1958 recession was aborted by super-tight money in 1959, our output of goods and services rose a total of only 7.7 per cent, compared with growth of 19.1 per cent from 1960 to 1964 when less Calvinist philosophies prevailed.

And slow growth is no fun. It can lead to excessively high unemployment rates at a time when the labor force is rising rapidly as the postwar babies born in the 1940s and 1950s reach working age. In addition, the 800,000 or so people added to the armed forces as a result of the Vietnamese adventure will be going through demobilization and many of them will also be looking for work.

But slow growth implies more than the painful and shocking phenomenon of people who want work and cannot find it. Each percentage point of annual growth means about $10 billion worth of production, which is, for example, the equivalent of about 500,000 dwelling units or almost half again as much as total federal annual budget outlays on education and manpower. If we have zero growth during 1970 (let us hope we avoid an actual decline in total output), we shall have failed to produce at least $40 billion of goods and services that we have the capability of producing, much of which we could put to good use to improve the quality of life in this nation. Are we going to have a replay of the 1957–60 experience, when production ran a total of nearly $100 billion, or around 20 per cent below potential output over a three-year period?

Seen from this view, at this moment in time, the classic medicine may kill the patient before it cures him; at best, it may result in lingering side effects that will long delay a resurgence of robust good health. Yet, two years ago or so, when the argument about the tax surcharge was raging, most economists, regardless of political stripe or theoretical preferences, would have agreed that the classic medicine was the right thing to prescribe in the circumstances. What we failed to understand, or to foresee, was the virulence with which the inflationary mentality was going to take hold. It had not happened before: despite all the talk about inflation ever since the war, very few instances of excessive forward buying or of charging every penny the market would bear could be found. Indeed, the remarkable price stability of the first five years of the decade in the face of rapid economic growth only fortified the impression that a little tight money and a little additional tax burden would relieve us of the problem in short order.

What we now know is that this approach cannot work in an atmosphere where people not only talk about inflation but act on it. Raise taxes, and consumers and businessmen will cut their savings or go into debt to maintain or increase their expenditures. Deny the commercial banks the resources to make loans or buy bonds, and they will dig deep and pay any price to find new ways to raise money to lend out. Their customers, meanwhile, will also tap new sources and pay any price for cash in order to spend today instead of tomorrow. Worse yet, a "gimme-gimme" mentality develops, in which everyone wants the highest possible price for his labor or goods or services, in order to be able to pay the gouging high price that he expects to be charged on the things that he must buy. This process is completely self-generating and can continue almost indefinitely.

Under these circumstances, the authorities have no choice but to remain steadfast, to overstay and to gamble with the risk of overkill. But then this means that the classic medicine is no longer appropriate for the illness from which we suffer. In short, anyone who takes the most superficial look at the business statistics can see that we are no longer in a condition where demand exceeds supply, but wages and prices are still going up at an alarming rate. Hence, instead of squeezing demand still further (and squeezing it some more later on when it begins to pick up again), we now have no choice but to go after the inflationary process itself and do something *directly* about the price and wage situation.

It is true, of course, that controls are devilishly hard to administer, particularly in the absence of a great national motivation, such as inspired the nation during World War II. In addition, any set of controls inevitably creates injustices and inequalities. This means that violations may be annoyingly frequent and that pressures to get out from under the controls may lead to their premature relaxation. Yet the risks here seem minor compared with the gigantic risks we run by continuing to administer the classic medicine. Furthermore, it is ironic that the moralistic Nixon Administration has so explicitly excluded any form of even informal and indirect influence on the wage and price decision-making process—no "jawboning," no guidelines, no criticism of the greed that has taken hold and is widespread. Just cut spending and throw people out of work.

The direct way to make people stop trying to beat the price increases and to charge as much (or even more than) the market will bear is to tell them that prices are going to stop going up or that, at least, stop going up so fast. Let us return to a set of guidelines as to what is admissible and proper in raising prices and to what extent we can raise wages without pressing on prices. Let us put business and labor on the defensive when it comes to these decisions, instead of leaving them aggressively on the offensive.

There may be howls and grumbles and violations. But the American people are not stupid and they are frightened about where the present process may be leading them. Tell John Jones that the cost of living will rise only 3 per cent instead of 6 per cent next year, and he will handle himself very differently. Tell him that his earnings will also go up more slowly—but that everyone's wage boosts are also going to slow down, and he will take it in stride. *When he stops expecting inflation, he will stop helping to create inflation.* And when we stop expecting inflation, the distortions and tensions in our financial markets will also begin to unwind, relieving the terrible and imminent dangers of a crisis there.

President Nixon has always seemed to be much more a pragmatist than a man who adheres rigidly to doctrine. Arthur Burns, new chairman of the Federal Reserve Board, is reputed to have a similar temperament. They have very little time left in which to prove that this is so.

THE CHICAGO CONSPIRACY TRIAL

Mr. McGOVERN. Mr. President, the recently concluded Chicago trial underscores the importance of making sure that all of the institutions of our democracy function in a responsible fashion. That trial was deplorable—a disgrace to the court and our judicial system. The concept of that trial, based on the doctrine of political conspiracy, and the conduct of the trial should be matters of grave concern to all citizens who value our judicial process. The judge played into the hands of the defendants. His unfair and injudicious conduct may have done more to alienate and radicalize

many of our young people than all of the defendants have succeeded in doing over a period of years. There is no doubt that the defendants sought to provoke the judge. I object to such provocative tactics in the courtroom or elsewhere. But it is a fundamental responsibility of judges to resist provocation and to continue to preside in a judicious, dispassionate, firm, and even-handed fashion. That is the only way in which proper respect for our judicial system can be maintained. Yet, the judge was neither judicious nor even handed.

He refused to allow the jury to hear one single word of the testimony from Ramsey Clark, who was the Attorney General of the United States at the time of the convention. I regard that ruling as outrageous. He personally held the defendants and their attorneys in contempt, instead of disqualifying himself and referring the matter to another judge. When, as in this case, the trial judge was the object of the allegedly contemptuous conduct, then the matter should be turned over to another judge. No judge should decide matters where he is so personally involved in the controversy. In addition, it is a violation of fundamental fairness and good sense for the judge to conduct the sentencing session without giving the defendants or their attorneys any advance notice of what he intended to do.

The judge made what is to me an extraordinary and appalling ruling when he held that the Government had an automatic right to wiretap or bug the defendants without any prior authorization by a court and without disclosing any of the contents of the tap or bug to any of the defendants. This doctrine poses a threat to our system of criminal trials. It is repugnant to our basic system of equal justice to all under law.

Of like import is the denial of bail to the defendants pending appeal. The presumption that the accused is innocent until he has been convicted and has exhausted all avenues of appeal is firmly grounded in our system of criminal justice. Our fundamental liberties are denigrated when a judge, even though he may have been insulted and have an intense personal dislike for the defendants, is allowed to ignore this presumption on the basis of an apparently capricious conclusion that the men on trial are "dangerous."

The real test of a judge is not how he conducts himself when the defendants are well-behaved and respectful, but rather, how he presides when the defendants are neither well-behaved nor respectful. Judge Hoffman failed that test and failed it badly.

COURTING DISASTER

Mr. HARTKE. Mr. President, Cassandra's role has never been an enviable one. Those who, in placid times, warn of the coming storm usually get blamed for the storm rather than credit for the warning. But they do us a great service nevertheless—when we let them.

The distinguished journalist Marquis Childs recently performed that kind of potentially important service in a newspaper article entitled "Will Republican Smugness Lead to National Disaster?" That article, which appeared in the Washington Post of February 23, 1970, invited our attention to criticisms of the new administration budget offered jointly by John Gardner and Milton Eisenhower.

Childs reports:

They addressed themselves to the failure of the Nixon budget to come up with anything like the funds required for housing, health, education, job training. The money is simply not there to get at the root causes of the profound troubles afflicting the nation.

More disturbing, however, than the shortcomings of any one Federal budget is the public mood to which this budget seems to be tailored. It is a mood that prefers to ignore problems rather than confront them—a mood, to paraphrase Thoreau, of quiet desperation.

In his column, Marquis Childs puts these points into exceptionally helpful perspective. For the benefit of Senators who did not have a chance to see it earlier this week, 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:

[From the Washington Post, Feb. 23, 1970]

WILL REPUBLICAN SMUGNESS LEAD TO NATIONAL DISASTER?

(By Marquis Childs)

The Republicans, when they come to power, have a way of creating an atmosphere that is persuasive, at least for their followers in the middle and upper brackets, of confidence and trust. All must be for the best in the best possible of worlds, since there they are in the control tower.

Even though the stock market is tumbling and the economic indicators point downward, something like that is happening today. Most people, the evidence says, want to believe that the Nixon administration can put things right. Crime, the war in Vietnam, the ghettos, inflation—all will respond to the skillful way in which the President has preempted the issues on which the Democrats once rode high. Stewart Alsop, has called him the Great Pre-emptor.

However happy the circumstance, particularly in contrast to the burning, churning Johnson era, the penalty is a certain blandness bordering on smugness. (The sour wisecrack in the Eisenhower years was: "The bland leading the bland.") To puncture this atmosphere of part-wish, part-reality and part-please-don't-bother-me is extremely difficult, as an eminent dissenter is discovering.

John Gardner's credentials for dissent are impeccable. For three years as Secretary of Health, Education and Welfare he had a close look at the nation's desperate needs. He resigned from that office when he finally realized those needs were being so shortchanged by the cost of the war and the ever-rising billions spent on weapons as to make the job a sham.

Today, as head of the Urban Coalition Action Council, Gardner is a present-day Paul Revere. He is going around the country trying to awaken community leaders to the urgent demands that simply will not go away no matter how much beneficent rhetoric is poured over them. And, though he could hardly be more unlike the angry new leftists in demeanor and background, he does not hesitate to suggest what the dire consequences will be if those demands are ignored.

Recently Gardner was joined by another Republican, Milton Eisenhower, brother of the late President and a distinguished educator, in a joint press conference. They addressed themselves to the failure of the Nixon budget to come up with anything like the funds required for housing, health, education, job training. The money is simply not there to get at the root causes of the profound troubles afflicting the nation. Coupled with the refusal even to consider additional taxes to make a realistic start at curing certain deep-seated sickness, the picture is a bleak one.

Eisenhower was the dedicated chairman of the Presidential Commission on Crime and Violence. After 18 months of hearings, following the assassination of Sen. Robert F. Kennedy, the commission concluded that anticrime laws, tightened police measures, can be at best a stopgap. Until the fundamental causes of degrading poverty and all its consequences are attacked crime will proliferate as cancer cells proliferate until the body is destroyed.

The Urban Coalition Action Council under Gardner's direction has had some conspicuous successes. Leaders of industry and labor were marshalled to save the Office of Economic Opportunity from destruction by the House of Representatives. The council helped to bring changes in legislation on the foundations, which otherwise would have made it all but impossible for foundation money to support voter-registration programs. Working with other interested organization the council pushed for full funding for the new housing act.

As he goes around the country Gardner finds the chief enemy is apathy. This goes with the wishful belief that things are being taken care of. Stiff anticrime law—cracking down on the criminals, the disrupters, the agitators—will take care of it. Anyone can look around and see that things are improving under the Republicans.

The present moment may be no more than a lull in the storm. The college campuses have in recent months been comparatively quiet. But authorities involved in school administration with whom this reporter talked believe that renewed large-scale protest is not only possible but probable in the months ahead. A great deal depends on the rate of withdrawal from Vietnam and on further contemplated changes in the draft law that would deny exemptions to college students.

It may be that in the Nixon era all is for the best in what is soon to become the best possible of worlds. But two men with extraordinary knowledge of what lies beneath the surface are entering their dissent. To ignore them is to risk the kind of rude awakening that can further divide a divided and troubled people.

IMPORTANCE OF FARM PROGRAMS TO THE ECONOMY

Mr. ELLENDER. Mr. President, 3 weeks ago I addressed the Senate on the importance of farm programs to the economy. At that time I said:

I am fearful of what would happen to our economy if this Congress were to adjourn without reenacting the present farm program or putting another effective measure on the statute books. Legislative action this year is very, very important. No matter how much gold one owns, or diamonds, or what have you, the most important thing needed to maintain our national wealth and power is an abundance of food and fiber.

I would like to say a little more about the relation between farm prices, farm income, and retail food prices—and about the current farm program's great contribution to improved farm income and reasonable food prices.

We are hearing a great deal about ris-

ing food prices. They were 5.2 percent higher in 1969 than in 1968. Farm prices in 1969 also were higher than at any time since 1952. They were 5.6 percent higher than in 1968.

But 1969 was one of only three times in the past 17 years when farm prices increased more than retail food prices as compared with the previous year. The other two times were in 1958 and 1966.

Retail food prices, on the other hand, except for 1959, have increased each year since 1955. Retail food prices are 34 percent higher today than in 1955 yet farm prices are up only 18 percent.

In the early postwar years, 1947–49, the annual farm value of the food bought by civilians was $18.9 billion. The annual marketing charges for these farm foods was $24.5 billion. Last year the farm value of all foods bought by civilians was up to $32.2 billion, but the marketing charges were a whopping $63.7 billion.

The farm value of an identical market basket of farm foods increased from $441 in 1947–49 to $477 in 1969. The cost of processing these products and getting them on the retail food counters increased from $449 to $696.

The prices of the food products at the farm gate increased 8 percent. The processing and marketing charges increased 55 percent.

Many shoppers in supermarkets today were not shopping in 1947–49. If they had been, however, they could have purchased the same pound loaf of bread for 13.5 cents which costs 23 cents today. And farmers who were selling wheat in 1947–49 will remember that they received $2.05 a bushel then as compared with $1.30 now not including the direct payment.

In order that all of us can refresh our memory as to how retail and farm prices for particular products have changed in the past 21 years I asked the Economic Research Service to compile this information for us:

TABLE 1.—RETAIL AND FARM PRICES FOR SELECTED PRODUCTS 1947–49 AND 1969

[In cents]

	1947–49	1969	Percent change
Retail price, 1-lb. loaf of bread	13.5	23.0	+70
Farm value of wheat in it	2.7	2.5	−7
Retail price, 12-oz. package cornflakes	17.1	31.3	+83
Farm value of corn in it	3.2	2.6	−19
Retail price, 1 lb. apples	11.9	23.9	+101
Farm price, 1 lb. apples	5.4	8.2	+52
Retail price, 1 head of lettuce	14.5	31.1	+114
Farm price, 1 head of lettuce	6.3	11.5	+83
Retail price, 10 lbs. potatoes	51.9	81.6	+57
Farm price, 10 lbs. potatoes	25.6	24.0	−6
Retail price, No. 303 can of corn	16.7	23.8	+43
Farm price of sweet corn in can	2.7	3.0	+11
Retail price, No. 303 can of tomatoes	14.2	19.7	+39
Farm price of tomatoes in can	2.6	3.6	+38
Retail store price, ½ gal. fluid milk	38.7	55.1	+42
Farm price, ½ gal. fluid milk	21.7	27.6	+27
Retail price, ½ lb. processed cheese	[1] 28.2	47.0	+67
Farm price, ½ lb. processed cheese	13.4	21.0	+57
Retail price, 1 doz. eggs	66.7	62.1	−7
Farm price, 1 doz. eggs	48.0	41.3	−14
Retail price, 1 lb. choice beef	[1] 67.8	96.3	+42
Farm price, 1 lb. choice beef	49.1	62.2	+27
Retail price, 1 lb. pork	[1] 54.5	74.3	+36
Farm price 1 lb. pork	34.8	42.3	+22

[1] 1949 only.

Farm prices, after sagging as much as 10 to 15 percent below 1947–49 levels from 1953 to the early 1960's, finally regained the 1947–49 levels in 1969. It is a surprising fact to many people that farm prices in 1969 were only 2 percent higher than in 1947–49 yet retail food prices were 50 percent higher. I find this frustrating and I am sure my farmer friends are even more frustrated at the failure of farm prices to rise at a rate comparable to the price increases they have had to pay for their purchased farm supplies.

Whereas farm prices in 1969 were only 2 percent higher than 21 years earlier the prices of goods purchased by farmers, interest, taxes, and farm wage rates increased by 50 percent. It is no wonder that farm numbers have been declining rapidly and the central cities are ever more crowded by displaced farmpeople looking for an opportunity to make a better living.

I want to repeat a statement I have made many times before. American farmers are amazingly efficient. In the past 20 years they have increased agricultural productivity much faster than efficiency has improved in nonfarm industries. They now have the capacity to produce about 10 percent more products than can be marketed at home and abroad at stable prices.

They produce such an abundance of high quality foods, priced so moderately, that only 5 percent of American consumers after-tax income goes to farmers for the domestically produced food they eat. Largely because of the great efficiency of farmers, American consumers spend a smaller proportion of their income for food than consumers in any other country in the world, only 16.5 percent last year. But imported foods and the marketing and processing charges for farm produced foods take 11.5 of the 16.5 percent, with only 5 percent going to farmers. This is indeed a fantastically small percentage of consumers income going to farmers. When one adds the annual cost of the farm program to farm value of the food the total equals only 6 percent of American consumers after-tax income.

These are some of the basic facts uppermost in my mind as I open hearings on a new farm bill.

FARM PROGRAM STABILIZES SUPPLIES AND PRICES

There is another line of thought which should be developed at the opening of farm hearings. It is that the voluntary programs authorized under the Food and Agriculture Act of 1965 have made a great contribution in stabilizing supplies and prices for American consumers as well as in protecting farmers' incomes. In fact they may have done a better job for consumers than for farmers.

As compared with earlier farm legislation market price support loan levels have been lowered, permitting consumers to obtain livestock products at substantially lower prices than if the higher loan levels and mandatory marketing quotas had been in effect.

Farmers marketed $47 billion of farm products in 1969 and received $3.7 billion in farm program payments. To have obtained the same level of income with mandatory marketing quota programs, production would have been restricted even further. Market prices some 7 to 9 percent higher would have been required to provide as much income as the $3.7 billion in farm program payments received by farmers in 1969.

Seven to 9 percent higher farm prices would soon be translated into 3 to 5 percent higher retail food prices with most livestock prices at least 5 percent higher. Under the current voluntary programs with loans at or near world price levels, Government program payments to feed grain producers equal 22 percent of the value of feed grains produced.

We are indeed fortunate to have ample stocks in storage and reserve productive capacity in agriculture. In recent years we have carried over 45 to 50 million tons of feed grains, a third or more of a crop of wheat, and a substantial quantity of soybeans, and rice. In addition we have distributed $1 to $2 billion of food and fibers to people at home and abroad who could not afford to pay full market prices for all their needs. And we have held some 50 to 60 million acres of productive cropland in reserve ready to be used if and when needed.

It is my hope that following our hearings, it will be possible to develop legislation which improves on this act which expires with the 1970 crop year. I hope we can provide improvement in terms of higher incomes for farmers, lower costs to the Government and continued assurance of abundant supplies of high quality foods to consumers at reasonable prices.

THE FUTURE OF THE GREAT LAKES

Mr. HARTKE. Mr. President, last Tuesday, February 17, the Special Subcommittee on the Great Lakes and St. Lawrence Seaway opened hearings to consider the various problems facing those important waterways.

The Great Lakes are the greatest reservoir of fresh water—or, used to be—on the surface of the earth. Lake Superior, with an area of 31,820 square miles—nearly half the area of New England—is the world's largest fresh water lake; Lake Huron ranks fourth in the world; Lake Michigan fifth, Lake Erie 11th, and Lake Ontario 13th. These Great Lakes are an invaluable highway to the heartlands of America; a source of water, hydroelectric power, fish; and a source of beauty and recreation to all Americans. The settlements and industries that have grown up around this attractive resource are already very substantial. Although less than 3.5 percent of the total U.S. land area lies in the Great Lakes Basin, it is the home of more than 13.5 percent of the Nation's population—and about a third of Canada's population.

The Great Lakes Basin's future could be even greater. A report published by the U.S. Interagency Committee for Oceanography concluded that "major investment now in the future of the Great Lakes" would be "a sound investment for economic growth in the Upper Midwest, which could stagger the imagination."

The future of the Great Lakes, which seemed so bright at the opening of the

St. Lawrence Seaway only 11 years ago, today may exist only in the minds of men. For the Great Lakes, although young, are dying. Every single lake faces extinction. Man, no longer content to maim and slaughter his own, has waged a relentless war against nature itself—perhaps in an unconscious desire to hasten his own end. It is a dismal fact that we now have contaminated almost every creek, river, lake, and bay in the entire United States. Fortunately, man is now trying to save or revive what he previously so carelessly destroyed. Local, State, and Federal authorities are uniting against the pollution of the Great Lakes.

It has been reported by the Interior Department there is now a reasonable expectation that the end of pollution of Lake Michigan can be achieved by 1972. If, however, all the Great Lakes are to be saved, a great deal more must be done, a great many more questions must be answered.

It is our intention in future hearings to try to answer some of these questions.

For example, is greater cooperation and coordination needed between Canada and the United States? Should new water quality objectives appropriate to the area be established? Should there be controls on the inputs of phosphate and should phosphates be eliminated from household detergents? Should the laws and regulations relating to the reporting and control of spills and disposal of oil and toxic or deleterious substances, including transportation of these materials, be strengthened? Should there be an international contingency plan to deal with pollution incidents? Should there be legislation for water quality management authorities to prevent or abate pollution where a number of waste sources in more than one jurisdiction collectively cause pollution or deteriorate water quality? These and other questions will be asked and hopefully answered in future hearings.

The year 1976 will be the bicentennial anniversary of the United States; a time of justifiable pride and celebration. I believe, however, that the anniversary should be more than an occasion for celebration. It should be a time not only of celebration, but of accomplishment. The successful landing of a man on the moon demonstrates once again the unsurpassed ability of America to achieve a definite goal within a definite time. Could we not use the same dedication and commitment of technology and resources to achieve a similar success here on earth? To save the Great Lakes, to restore this valuable treasure to our grandchildren as it was given to us by our forefathers, would be a goal worthy of our bicentennial.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

AIRPORT AND AIRWAYS DEVELOPMENT ACT OF 1969

The PRESIDING OFFICER. In accordance with the previous order, the Chair lays before the Senate the unfinished business, which the clerk will state by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 14465) to provide for the expansion and improvement of the Nation's airport and airway system, for the imposition of airport and airway user charges, and for other purposes.

The Senate resumed the consideration of the bill.

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

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

The pending question is on agreeing to the first committee amendment, which the clerk will read.

The assistant legislative clerk proceeded to read the first committee amendment.

Mr. CANNON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

Mr. CANNON. Mr. President, the airport/airways program in this bill is a 10-year program; providing authority to spend earmarked user revenues over a 10-year period. In addition, it will authorize a 10-year revenue allocation in order to provide for a reasonably stable level of airport/airways planning consistent with the knowledge that a certain minimum level of Federal financial assistance will be available over that period.

The major inadequacy of our Federal airport program in the past has been that grants-in-aid for airport development were made on a year-to-year basis in accord with congressional appropriation acts allowing very little continuity. That program did not provide a stable long-term base on which plans could be made.

The 10-year development program should provide a minimum of $3 billion in funds for airport development and construction grants and $2½ billion for capital expenditures on facilities and equipment for the Federal airway system.

Revenues from aviation user charges to support this program will be earmarked for deposit in an airport/airways trust fund held by the Secretary of the Treasury. In addition, the Secretary of the Treasury will have authority to invest short term or temporary surpluses in the fund in interest paying United States obligations. This investment authority will insure that temporary fund excesses will be allowed to earn additional revenue for airport/airways development. For example, the highway trust fund through investment of its temporary surpluses has earned $160 million in interest in the last 13 years.

The bill will provide a 10-year allocation of funds for airport development grants. I believe that the allocation formula provided by the current FAAP Act is not adequate to meet development needs. At the present time, all Federal airport grants are allocated to airports in the individual States based upon the so-called area/population formula. While such an allocation has some political appeal, it often fails to allocate funds to development programs of the highest priority.

Therefore, this legislation will earmark only one-third of the airport development funds for distribution under the area/population formula. In addition, one-third of the funds will be allocated to the small, medium, and large hub communities based upon the ratio of each hub's passenger enplanements to the total passenger enplanements at all hubs. Finally, one-third of the funds will be allocated to the Secretary's discretionary account to be allocated by him based on his judgment of national priorities as reflected in the national airport system plan.

Under such an allocation formula, about $90 million would be available under the area/population formula; $90 million would be earmarked for grants to the hubs, and $90 million would constitute the Secretary's discretionary fund.

Mr. RANDOLPH. Mr. President, will the Senator yield at this point?

Mr. CANNON. I yield.

Mr. RANDOLPH. Mr. President, I think it is very important for Senators to realize the points being made by the distinguished Senator from Nevada who is now addressing his colleagues. If we straitjacket the formula, we do a disservice to the strengthening of the airport and airways program of the United States. There must be flexibility not only in reference to the application of Federal funds to make these expansions, and in the allotments of the money.

If we were to concentrate the Federal funds in just one agency, a State, for example, we would find, as the Senator has so well said, that an area that understands the need, an area that is sensitive to the need for increased capacity per the movement of products and passengers, may not have its requirements fulfilled.

Otherwise, we might fail to heed the needs of a particular community or area within a State.

So I reemphasize what is being said so very factually by my colleague. And I add my feeling that we may do damage to a necessary program of improvement, expansion, and development if we attempt to have that program subjected to screening by the State rather than enable political subdivisions to have direct access to the Federal grant authority.

The proposed amendment to require, through Federal funds, that State aeronautical agencies control all airport funds and development is unwise. I oppose it as a potential roadblock to orderly airport development.

As the Senate Commerce Committee report notes, the existing State/local provision in the Federal Airport Act of 1946—which would be continued in the new law—has worked well. Under current law, which would be continued in section 206(b) of the committee recommenda-

tion, local governments which own, finance, and operate the Nation's public airports can directly request Federal assistance from the FAA unless the State has passed legislation requiring that a State aeronautical agency channel all local governmental requests and Federal funds.

Over 95 percent of the passengers enplaned by the U.S. scheduled airlines take off and land at public airports which are owned, financed, and operated by local governments. Local governments have provided billions of dollars for airport development, almost 70 percent of the total investment, while State contributions have not exceeded 2 percent. To impose a new level of government between the local sponsor and the FAA, which must establish national priorities for limited funds, would endanger the sponsor's ability to finance new projects on the bond market and would delay approval for necessary new development.

I agree with those airport operators who believe that any decision for a State agency to take control of all funds for all airport development in a State should be made independently of the Federal financial grant.

Mr. CANNON. Mr. President, I thank the distinguished Senator from West Virginia for his kind remarks, and I certainly agree with him. The distinguished Senator from West Virginia, as one of the leaders in the field of aviation, has been one of its most active participants over the years, and one of its outstanding leaders, and certainly he is one of the most knowledgeable men in the Senate on these problems and this subject. I thank him for his contribution to the pending measure.

Mr. RANDOLPH. I thank the Senator.

Mr. CANNON. In addition, Mr. President, the program will earmark at least $30 million annually for grants-in-aid to airports whose only function is to serve general aviation.

In addition to the $300 million a year allocated for airport development grants, our program will include an additional $15 million per year to be made available to planning agencies for airport system planning and airport master planning at the local, State, and regional level.

Our development program includes provisions for a cost allocation study to be conducted by the DOT to determine if revenues collected from users are based on that users use of the system and whether the package of aviation user charges we will enact is as equitable as we can possibly make it. It is clear that there exists a general public benefit, to the United States, in having a safe and efficient airport/airways system and that the costs of providing that general public benefit should not be borne by the civil users of the system.

I might say, Mr. President, that the provisions of the bill as it is now outlined will still require appropriations from general revenue to provide for the operation and maintenance of the airport/airways system over a good deal of this 10-year period.

One of the issues on which we have had the most discussion and debate is whether Federal funds, from the trust fund, should be made available for grants to terminal area development projects. I believe that exclusion of terminal area development projects which relate directly to the movement of persons and their baggage to and from airplanes is unrealistic. The air passenger who is being asked to provide most of the revenue for this program is not interested in somewhat artificial distinctions between airfield development and terminal area development. Rather, he is concerned that his taxes be used to expedite his entire trip—not just that porton of it from the departure runway and taxiway to the arrival runway and taxiway.

Mr. President, in the bill as it now stands, we have a provision that limited Federal assistance—I emphasize the word "limited"—can be provided for the terminal area development, as I have previously outlined here, for projects which relate directly to the movement of persons and their baggage to and from the airplanes. I understand that there may be a move made here to eliminate that portion of the bill, but I hope, Mr. President, that the Senate will support the retention of it. If the airways and airport runways are expanded, modernized and made more efficient, it will mean little to the air passenger if he is still subjected to congestion, delay, and inadequate facilities in the terminal building itself.

Therefore, I strongly support the grant authority in the bill for terminal area projects, provided that such projects are directly related to the movement of people and their baggage into and through the terminal to the airplane itself.

The administration has asked for authority to make direct assistance grants from the airport/airway trust fund to State aeronautical agencies in the several States to assist them in meeting the costs of administration, airport planning, making assistance grants, and so forth. I am opposed to such a provision because it would divert badly-needed airport development money to support projects which, if they have merit, the States should support with their own sources of revenue. Furthermore, such direct grants risk the proliferation of further bureaucratic impediments to orderly and expeditious airport development by imposing certain obligations and requirements which would have to be met in order to be eligible for the Federal subsidy. Some States do not now have State aeronautical agencies and I am not convinced that those States should not be penalized because of that by ineligibility for such planning funds. The overwhelming bulk of airport development in the United States has been accomplished by local government bodies with some assistance from the Federal Government. This pattern of Federal-local cooperation has served the system well and I see no reason to change the fundamental concept of Federal assistance programs to subsidize with users' money what in many cases may be State government bureaucracies which do little or nothing to provide the airport development needs of the United States.

I might add, Mr. President, that in the bill we have $15 million available for planning grants, and in that connection, an aviation agency of a State, if it qualifies as the State-designated planning agency, would be eligible for a grant under that provision of the bill to accomplish planning. But our bill would not require that in order to receive funds the various local airport sponsors be required to go through the State's planning agency for channeling of the funds, and it would not allow further siphoning off of funds from the users' trust fund, for frivolous uses which State aviation officials might have in mind.

Finally, we come to the question of the appropriate nature and amount of user taxes, or charges, to support the development program about which I have been speaking. The distinguished Senator from Louisiana yesterday outlined the proposal that the Committee on Finance has proposed, and I support a good deal of that proposal. However, I am not entirely in accord with it. First, I think that there has been nearly unanimous agreement that the present passenger excise tax should be increased from 5 percent. In the recommendations of the Committee on Commerce, we suggested an increase of 5 to 8 percent on ticket tax. However, the Finance Committee, in its wisdom, changed that method and said that the tax would not be imposed as a tax on the passenger ticket but that the cost of the ticket would be increased by roughly 7.5 percent reflecting a new tax on air carriers which would, in effect, accomplish the same purpose.

All of the testimony that I have heard indicates that an increased ticket tax will not serve to dampen the growth of air transportation, nor will it significantly increase the price of the average airline trip. Therefore, I support the passenger excise tax, or some equivalent to that amount.

I would point out, Mr. President, that we already have the 5-percent ticket tax, and if the recommendation of the Finance Committee is adopted, we would be eliminating the 5-percent ticket tax and in lieu thereof imposing a 7.5-percent tax on the domestic revenues of air carriers.

Next, Mr. President, I believe we should enact a 5-percent tax on air cargo waybill charges. At present there is no tax whatsoever on this air transport service.

I may say that there has been a precedent for this, because a number of years ago there was such a tax imposed on air cargoes. That is not in effect at the present time, and air cargo pays no tax.

Third, I favor adoption of a $5 per passenger head tax on all international flights departing the United States and on certain overwater flights from the continental United States to the outlying States and United States possessions. While suggestions as to the amount of such an overwater head tax have varied considerably, I feel that a $5 charge would not be an appreciable burden on the traveler, and in most cases would not even approximate the ticket tax we are asking domestic travelers to pay. For example, on a flight from the west coast to Hawaii the passenger excise tax would cost the traveler about $8. On a trip from New York to Europe, the ticket tax, if

applicable, would increase the cost of the trip by $12 or more, so $5 per ticket seems to me fair when use of the system by such travelers is considered, and when it is further considered that the percentage tax or ticket tax does not apply on these overwater flights.

Mr. President, the recommendation of the Finance Committee sets this tax at $3, but I intend to offer an amendment that would change that tax to $5, and I may say that that would provide, in additional revenue, $19 million in fiscal 1971 and $28.4 million in fiscal 1980, with revenues increasing proportionately over the intervening period of time.

Next, I support increasing the present tax on general aviation fuel from 2 cents per gallon to 6 cents per gallon, but not 7 cents, as the bill now reads, as recommended by the Finance Committee. I also favor levying this tax at 6 cents per gallon on all jet fuel used in noncommercial aviation. At the present time it is exempt from taxation.

The level of taxation for general aviation fuel has been a controversial topic both in Congress and in the aviation community. As Senators know, the Nixon administration has asked Congress to increase this tax to 9 cents per gallon—I think that amount is clearly too high—while the House Ways and Means Committee has recommended 7 cents per gallon, as has the Senate Finance Committee.

I believe that Congress must be very cautious in increasing the general aviation gasoline tax because of our concern not to burden this important and growing industry with a level of taxation which would threaten its health and growth. In addition, I believe that general aviation requirements for an airport/airways system are not nearly so burdensome nor costly as the requirements imposed to meet the needs of commercial carrier operations. Therefore, I believe that 6 cents a gallon tax on general aviation fuel is appropriate, and I will introduce an amendment at the proper time to reduce the rate of the tax from 7 cents to 6 cents per gallon.

Mr. President, general aviation is going to be up against increased costs, not only as a result of this bill, but because of other factors as well.

For example, FAA is planning to bar from our busiest tower-controlled airports all aircraft not equipped with a transponder, and this item costs several hundred dollars. Such action would simply mean that if general aviation aircraft are going to fly into these airports, they will have to provide that added cost item or they will not be eligible to use those facilities.

Further, the proposed legislation will, in addition to the fuel tax, place a registration fee of $25 per year on every aircraft, plus a poundage fee of either 2 cents, or 3½ cents per pound if the aircraft is turbine powered, based on takeoff weight. If the aircraft has four or less seats, there would be no poundage tax, but the $25 fee would still apply.

Today there is no tax on jet fuel, but there is a 4-cents per gallon tax on gasoline, 2 cents of which is refundable upon application.

So, general aviation pilots could be faced with a 5-cent increase in fuel tax, a $25 registration tax, and possibly a poundage tax, and then be forced to purchase a transponder which would cost several hundred dollars.

As I have said, I intend to offer an amendment to reduce the proposed 7 cents per gallon fuel tax to 6 cents per gallon.

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

Mr. CANNON. I yield.

Mr. RANDOLPH. I have had many conferences with those who are active in the field of general aviation in West Virginia and throughout the country, particularly pilots and owners of aircraft, private in nature.

I recall very well my experience in working with the Aircraft Owners and Pilots Association during past years.

I also recall a pleasant visit to the Senator's State, just a few years ago, when the organization held its meeting there. Thousands of private owners and operators of aircraft were in that gathering.

And I further recall, as one flies into Anchorage, he notes the tremendous number of private aircraft, not commercial in nature, which contribute so much to the development of Alaska. Literally hundreds and hundreds of aircraft in this category were on the field there. And they fly into the bush and contribute to commerce and, yes, word of mouth understanding. Often the private operator is the pioneer, the skytrail blazer, the harbinger of hope, the pilot of progress.

It seems to me that the approach of the Senator from Nevada in suggesting a reduction of 1 cent for the general aviation consumer is a realistic and fair approach. If the Senator would permit me—not to detract from his leadership in the committee on which he serves nor in his offering of the amendment—I would welcome the opportunity to be a cosponsor of this amendment.

Mr. CANNON. I thank the distinguished Senator for his remarks. I would be very pleased to have the Senator as a cosponsor, and I shall present the amendment on behalf of both of us at the time it is presented for consideration.

The user charges I have discussed would raise revenues of approximately $603 million in the first year and would provide more than $9.3 billion in revenues during the 10-year program. This, it should be kept in mind, is separate and apart from the contributions that will be made by the local agencies in making the improvements they are undertaking on their own behalf. Many of the improvements they are undertaking, of course, would not be eligible for assistance under the act; and further, many communities simply cannot wait to get assistance under this program, if it is passed and funds are made available. So many are taking action now by bond issues, by using every revenue raising device they can find, to furnish the funds for their projects to accomplish the much needed upgrading in the airport/airways system that we are using so heavily at the present time.

Mr. President, I would simply say in closing that I hope Congress will pass this measure, with the amendments that I have indicated I will offer at the proper time.

I hope the measure will not be diluted by the adoption of amendments that as I have pointed out, probably will be offered and which will not be in the best interests of a good airport/airways bill.

Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc and that the bill as thus amended be considered as original text for purpose of further amendment.

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

The committee amendments agreed to en bloc are as follow:

At the top of page 2, strike out:

TITLE I—AVIATION FACILITIES EXPANSION ACT OF 1969

PART I—SHORT TITLE, ETC.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Aviation Facilities Expansion Act of 1969".

SEC. 2. DECLARATION OF POLICY.

The Congress hereby finds and declares—

That the Nation's airport and airway system is inadequate to meet the current and projected growth in aviation.

That substantial expansion and improvement of the airport and airway system is required to meet the demands of civil aviation, the postal service, and the national defense.

That the annual obligational authority during the period January 1, 1970, through June 30, 1979, for the acquisition, establishment, and improvement of air navigational facilities under the Federal Aviation Act of 1958, as amended (49 U.S.C. 1301 et seq.), should be less than $250,000,000.

That the obligational authority during the period January 1, 1970, through June 30, 1979, for airport assistance under this title should be $2,500,000,000.

SEC. 3. NATIONAL TRANSPORTATION POLICY.

(a) FORMULATION OF POLICY.—Within one year after the date of this title, the Secretary of Transportation shall formulate and recommend to the Congress by approval a national transportation policy. In the formulation of such policy, the Secretary shall take into consideration, among other things—

(1) the coordinated development and improvement of all modes of transportation, together with the priority which shall be assigned to the development and improvement of each mode of transportation; and

(2) the coordination of recommendations made under this Act relating to airport and airway development with all other recommendations to the Congress for the development and improvement of our national transportation system.

(b) ANNUAL REPORT.—The Secretary shall submit an annual report to the Congress on the implementation of the national transportation policy formulated under subsection (a) of this section. Such report shall include the specific actions taken by the Secretary with respect to (1) the coordination of the development and improvement of all modes of transportation, (2) the establishment of priorities with respect to the development and improvement of each mode of transportation, and (3) the coordination of recommendations under this Act relating to airport and airway development with all other recommendations to the Congress for the development and improvement of our national transportation system.

SEC. 4. COST ALLOCATION STUDY.

The Secretary of Transportation shall conduct a study respecting the appropriate

method for allocating the cost of the airport and airway system among the various users and shall identify the cost to the Federal Government that should appropriately be charged to the system and the value to be assigned to any general public benefit, including military, which may be determined to exist. In conducting the study the Secretary shall consult fully with and give careful consideration to the views of the users of the system. The Secretary shall report the results of the study to Congress within two years from the date of enactment of this title.

PART II—AIRPORT DEVELOPMENT

SEC. 11. DEFINITIONS.

As used in this part—

(1) "Airport" means any area of land or water which is used, or intended for use, for the landing and takeoff of aircraft, and any appurtenant areas which are used, or intended for use, for airport buildings or other airport facilities or rights of way, together with all airport buildings and facilities located thereon.

(2) "Airport development" means (A) any work involved in constructing, improving, or repairing a public airport or portion thereof, including the removal, lowering, relocation, and marking and lighting of airport hazards, and including navigation aids used by aircraft landing at, or taking off from, a public airport, and including safety equipment required by rule or regulation for certification of the airport under section 612 of the Federal Aviation Act of 1958, and (B) any acquisition of land or of any interest therein, or of any easement through or other interest in airspace, including land for future airport development, which is necessary to permit any such work or to remove or mitigate or prevent or limit the establishment of, airport hazards.

(3) "Airport hazard" means any structure or object of natural growth located on or in the vicinity of a public airport, or any use of land near such airport, which obstructs the airspace required for the flight of aircraft in landing or taking off at such airport or is otherwise hazardous to such landing or taking off of aircraft.

(4) "Airport master planning" means the development for planning purposes of information and guidance to determine the extent, type, and nature of development needed at a specific airport. It may include the preparation of an airport layout plan and feasibility studies, and the conduct of such other studies, surveys, and planning actions as may be necessary to determine the short-, intermediate-, and long-range aeronautical demands required to be met by a particular airport as a part of a system of airports.

(5) "Airport system planning" means the development for planning purposes of information and guidance to determine the extent, type, nature, location, and timing of airport development needed in a specific area to establish a viable and balanced system of public airports. It includes identification of the specific aeronautical role of each airport within the system, development of estimates of system-wide development costs, and the conduct of such studies, surveys, and other planning actions as may be necessary to determine the short-, intermediate-, and long-range aeronautical demands required to be met by a particular system of airports.

(6) "Landing area" means that area used or intended to be used for the landing, takeoff, or surface maneuvering of aircraft.

(7) "Military aircraft" means aircraft owned and operated by the United States Army, the United States Navy, the United States Air Force, the United States Coast Guard, or the United States Marine Corps.

(8) "Planning agency" means any planning agency designated by the Secretary which is authorized by the laws of the State or States (including the Commonwealth of Puerto Rico, the Virgin Islands, and Guam) or political subdivisions concerned to engage in areawide planning for the areas in which assistance under this part is to be used.

(9) "Project" means a project for the accomplishment of airport development, airport master planning, or airport system planning.

(10) "Project costs" means any costs involved in accomplishing a project.

(11) "Public agency" means a State, the Commonwealth of Puerto Rico, the Virgin Islands, or Guam, or any agency of any of them; a municipality or other political subdivision; or a tax-supported organization; or an Indian tribe or pueblo.

(12) "Public airport" means any airport which is used or to be used for public purposes, under the control of a public agency, the landing area of which is publicly owned.

(13) "Secretary" means the Secretary of Transportation.

(14) "Sponsor" means any public agency which, either individually or jointly with one or more other public agencies, submits to the Secretary, in accordance with this part, an application for financial assistance.

(15) "State" means a State of the United States, or the District of Columbia.

(16) "Terminal area" means that area used or intended to be used for such facilities as terminal and cargo buildings, gates, hangars, shops, and other service buildings; automobile parking, airport motels, and restaurants, and garages and automobile service facilities used in connection with the airport; and entrance and service roads used by the public within the boundaries of the airport.

(17) "United States share" means that portion of the project costs of projects for airport development approved pursuant to section 16 of this part which is to be paid from funds made available for the purposes of this part.

SEC. 12. NATIONAL AIRPORT SYSTEM PLAN.

(a) FORMATION OF PLAN.—The Secretary is directed to prepare and publish, within two years after the date of enactment of this part, and thereafter to review and revise as necessary, a national airport system plan for the development of public airports in the United States. The plan shall follow the national air system guidelines developed as provided in subsection (h) of this section and shall set forth, for at least a ten-year period, the type and estimated cost of airport development considered by the Secretary to be necessary to provide a system of public airports adequate to anticipate and meet the needs of civil aeronautics, to meet requirements in support of the national defense as determined by the Secretary of Defense, and to meet the special needs of the postal service. The plan shall include all types of development eligible for Federal aid under section 14 of this part, and terminal area development considered necessary to provide for the efficient accommodation of persons and goods at public airports, and the conduct of functions in operational support of the airport. Airport development identified by the plan shall not be limited to the requirements of any classes or categories of public airports. In preparing the plan, the Secretary shall consider the needs of all segments of civil aviation.

(b) CONSIDERATION OF OTHER MODES OF TRANSPORTATION.—In formulating and revising the plan, the Secretary shall take into consideration, among other things, the relationship of each airport to the rest of the transportation system in the particular area, to the forecasted technological developments in aeronautics, and to developments forecasted in other modes of intercity transportation.

(c) FEDERAL, STATE, AND OTHER AGENCIES.—In developing the national airport system plan, the Secretary shall to the extent feasible consult with the Civil Aeronautics Board, the Post Office Department, the Department of the Interior regarding conservation and natural resource values, and other Federal agencies, as appropriate; with agencies designated by the States pursuant to section 22 of this part; with planning agencies, and airport operators; and with air carriers, aircraft manufacturers, and others in the aviation industry. The Secretary shall provide technical guidance to agencies engaged in the conduct of airport system planning and airport master planning to ensure that the national airport system plan reflects the product of interstate, State, and local airport planning.

(d) COOPERATION WITH FEDERAL COMMUNICATIONS COMMISSION.—The Secretary shall, to the extent possible, consult, and give consideration to the views and recommendations of the Federal Communications Commission, and shall make all reasonable efforts to cooperate with that Commission for the purpose of eliminating, preventing, or minimizing airport hazards caused by the construction or operation of any radio or television station. In carrying out this section, the Secretary may make any necessary surveys, studies, examinations, and investigations.

(e) CONSULTATION WITH DEPARTMENT OF DEFENSE.—The Department of Defense shall make military airports and airport facilities available for civil use to the extent feasible. In advising the Secretary of national defense requirements pursant to subsection (a) of this section, the Secretary of Defense shall indicate the extent to which military airports and airport facilities will be available for civil use.

(f) CONSULTATION CONCERNING ENVIRONMENTAL CHANGES.—In carrying out this section, the Secretary shall consult with and consider the views and recommendations of the Secretary of the Interior, the Secretary of Health, Education, and Welfare, and the Secretary of Agriculture. The recommendations of the Secretary of the Interior, the Secretary of Health, Education, and Welfare and the Secretary of Agriculture, with regard to the preservation of environmental quality, shall, to the extent that the Secretary of Transportation determines to be feasible, be incorporated in the national airport system plan.

(g) COOPERATION WITH THE FEDERAL POWER COMMISSION.—The Secretary shall, to the extent possible, consult, and give consideration to the views, and recommendations of the Federal Power Commission, and shall make all reasonable efforts to cooperate with that Commission for the purpose of eliminating, preventing, or minimizing airport hazards caused by the construction or operation of power facilities. In carrying out this section, the Secretary may make any necessary surveys, studies, examinations, and investigations.

(h) NATIONAL AIR SYSTEM GUIDELINES COMMISSION.—

(1) There is hereby established a National Air System Guidelines Commission (hereafter in this subsection referred to as the "Commission"). The Commission shall be composed of nine members appointed by the President from private life as follows:

(A) One person to serve as Chairman of the Commission who is specially qualified to serve as Chairman by virtue of his education, training, or experience.

(B) Eight persons who are specially qualified to serve on such Commission from among representatives of the commercial air carriers, general aviation, aircraft manufacturers, airport sponsors, State aeronautics agencies, and three major organizations concerned with conservation or regional planning. Not more than five members of the Commission shall be from the same political party. Any vacancy in the Commission shall not affect its powers but shall be filled in the same manner in which the original appointment was made, and subject to the same limitations with respect to party affilia-

tions. Five members shall constitute a quorum. (2) It shall be the duty of the Commission—

(A) to formulate guidelines for the national airport system plan described in subsection (a) of this section and for surrounding land uses, ground access, airways, air service, and aircraft compatible with such plan;

(B) to facilitate consideration of other modes of transportation and cooperation with other agencies and community and industry groups as provided in subsections (b) through (g) of this section.

In carrying out its duties under this subsection, the Commission shall establish such task forces as are necessary to include technical representation from the organizations referred to in this subsection, from Federal agencies, and from such other organizations and agencies as the Commission considers appropriate.

(3) Each member of the Commission may receive compensation at the rate of $100 for each day such member is engaged in the work of the Commission, and shall be reimbursed for travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently.

(4) (A) The Commission is authorized, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, to appoint and fix the compensation of such personnel as may be necessary to carry out the functions of the Commission, but no individual so appointed shall receive compensation in excess of the rate authorized for GS–18 by section 5332 of such title.

(B) The Commission is authorized to obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code, but at rates for individuals not to exceed $100 per diem.

(C) Administrative services shall be provided the Commission by the General Services Administration on a reimbursable basis.

(D) The Commission is authorized to request from any department, agency, or independent instrumentality of the Government any information and assistance it deems necessary to carry out its functions under this subsection; and each such department, agency, and instrumentality is authorized to cooperate with the Commission and, to the extent permitted by law, to furnish such information and assistance to the Commission upon request made by the Chairman.

(5) The Commission shall submit to the President and to the Congress, on or before January 1, 1971, a final report containing the guidelines formulated by it under this subsection. The Commission shall cease to exist 60 days after the date of the submission of its final report.

(6) There are authorized to be appropriated from the Airport and Airway Trust Fund such sums, not to exceed $2,000,000, as may be necessary to carry out the provisions of this subsection.

SEC. 13. PLANNING GRANTS.

(a) AUTHORIZATION TO MAKE GRANTS.—In order to promote the effective location and development of airports and the development of an adequate national airport system plan, the Secretary may make grants of funds to planning agencies for airport system planning, and to public agencies for airport master planning.

(b) AMOUNT AND APPORTIONMENT OF GRANTS.—The award of grants under subsection (a) of this section is subject to the following limitations—

(1) The total funds obligated for grants under this section may not exceed $50,000,000 and the amount obligated in any one fiscal year may not exceed $10,000,000.

(2) No grant under this section may exceed two-thirds of the cost incurred in the accomplishment of the project.

(3) No more than 10 per centum of the funds made available under this section in any fiscal year may be allocated for projects within a single State, the Commonwealth of Puerto Rico, the Virgin Islands, or Guam. Grants for projects encompassing an area located in two or more States shall be charged to each State in the proportion which the number of square miles the project encompasses in each State bears to the square miles encompassed by the entire project.

(c) REGULATIONS, COORDINATION WITH SECRETARY OF HOUSING AND URBAN DEVELOPMENT.—The Secretary may prescribe such regulations as he deems necessary governing the award and administration of grants authorized by the section. The Secretary and the Secretary of Housing and Urban Development shall develop jointly procedures designed to preclude duplication of their respective planning assistance activities and to ensure that such activities are effectively coordinated.

SEC. 14. GENERAL AUTHORITY FOR FEDERAL-AID AIRPORT PROGRAM.

In order to bring about, in conformity with the national airport system plan, the establishment of a nationwide system of public airports adequate to meet the present and future needs of civil aeronautics, the Secretary is authorized, within the limits established in appropriation Acts, to make grants for airport development by grant agreements with sponsors in aggregate amounts not to exceed the following:

(1) For the purpose of developing in the several States, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands, airports served by air carriers certificated by the Civil Aeronautics Board, and airports the primary purpose of which is to serve general aviation and to relieve congestion at airports having a high density of traffic serving other segments of aviation, $150,000,000 for fiscal year 1970, $180,000,000 for fiscal year 1971, and $240,000,000 for fiscal year 1972.

(2) For the purpose of developing in the several States, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands, airports serving segments of aviation other than air carriers certificated by the Civil Aeronautics Board, $25,000,000 for each of the fiscal years 1970, 1971, and 1972.

SEC. 15. DISTRIBUTION OF FUNDS, STATE APPORTIONMENT.

(a) APPORTIONMENT OF FUNDS.—

(1) As soon as possible after July 1 of each fiscal year for which any amount is authorized to be obligated for the purposes of paragraph (1) of section 14 of this part, the amount made available for that year shall be apportioned by the Secretary as follows:

(A) For fiscal year 1970, $48,500,000, for fiscal year 1971, $58,200,000, and for fiscal year 1972, $77,600,000 for the several States, one-half in the proportion which the population of each State bears to the total population of all the States, and one-half in the proportion which the area of each State bears to the total area of all the States.

(B) For fiscal year 1970, $1,500,000, for fiscal year 1971, $1,800,000, and for fiscal year 1972, $2,400,000 for Hawaii, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands, to be distributed in shares of 35 per centum, 35 per centum, 15 per centum, and 15 per centum, respectively.

(C) For fiscal year 1970, $50,000,000, for fiscal year 1971, $60,000,000, and for fiscal year 1972, $80,000,000 to sponsors of airports served by air carriers certificated by the Civil Aeronautics Board in the same ratio as the number of passengers enplaned at each airport of the sponsor bears to the total number of passengers enplaned at all such airports.

(D) For fiscal year 1970, $50,000,000, for fiscal year 1971, $60,000,000, and for fiscal year 1972, $80,000,000 to be distributed at the discretion of the Secretary.

(2) As soon as possible after July 1 of each fiscal year for which any amount is authorized to be obligated for the purposes of paragraph (2) of section 14 of this part, the amount made available for that year shall be apportioned by the Secretary as follows:

(A) $18,375,000 for the several States, one-half in the proportion which the population of each State bears to the total population of all the States, and one-half in the proportion which the area of each State bears to the total area of all the States.

(B) $375,000 for Hawaii, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands, to be distributed in shares of 35 per centum, 35 per centum, 15 per centum, and 15 per centum, respectively.

(C) $6,250,000 to be distributed at the discretion of the Secretary.

(3) If, in any fiscal year, the amounts available for apportionment are less than the amounts stated in paragraphs (1) and (2) of this subsection, the amounts available shall be apportioned in accordance with the ratios indicated in paragraphs (1) and (2) for that fiscal year.

(4) Each amount apportioned to a State under paragraph (1)(A) or (2)(A) of this subsection shall, during the fiscal year for which it was first authorized to be obligated and the fiscal year immediately following, be available only for approved airport development projects located in that State, or sponsored by that State or some public agency thereof but located in an adjoining State. Each amount apportioned to an airport sponsor under paragraph (1)(C) of this subsection shall, during the fiscal year for which it was first authorized to be obligated and the two fiscal years immediately following, be available only for approved airport development projects located at airports sponsored by it. Thereafter, any portion of the amounts remaining unobligated shall be redistributed as provided in subsection (c) of this section.

(5) For the purposes of this section, the term "passengers enplaned" shall include United States domestic, territorial, and international revenue passenger enplanements in scheduled and nonscheduled service of air carriers and foreign air carriers in intrastate and interstate commerce as shall be annually compiled by the Civil Aeronautics Board.

(b) DISCRETIONARY FUND.—(1) The amounts authorized by subsection (a) of this section to be distributed at the discretion of the Secretary shall constitute a discretionary fund.

(2) The discretionary fund shall be available for such approved projects for airport development in the several States, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam as the Secretary considers most appropriate for carrying out the national airport system plan, regardless of the location of the projects. In determining the projects for which the fund is to be used, the Secretary shall consider the existing airport facilities in the several States, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam, and the need for or lack of development of airport facilities in the several States, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam. Amounts placed in the discretionary fund pursuant to subsection (a) or by redistribution pursuant to subsection (c) of this section, may be used only in accordance with the purposes for which originally appropriated.

(c) REDISTRIBUTION OF FUNDS.—Any amount apportioned for airport development projects in a State pursuant to paragraph (1)(A) or (2)(A) of subsection (a) of this

section which has not been obligated by grant agreement at the expiration of the two fiscal years for which it was so apportioned shall be added to the discretionary fund established by subsection (b) of this section. Any amount apportioned to an airport sponsor under paragraph (1)(C) of subsection (a) of this section which has not been obligated by grant agreement at the expiration of the three fiscal years for which it was so apportioned shall be added to the discretionary fund established by subsection (b) of this section.

(d) NOTICE OF APPORTIONMENT, DEFINITION OF TERMS.—Upon making an apportionment as provided in subsection (a) of this section, the Secretary shall inform the executive head of each State, and any public agency which has requested such information, as to the amounts apportioned to each State. As used in this section, the term "population" means the population according to the latest decennial census of the United States and the term "area" includes both land and water.

SEC. 16. SUBMISSION AND APPROVAL OF PROJECTS FOR AIRPORT DEVELOPMENT.

(a) SUBMISSION.—Subject to the provisions of subsection (b) of this section, any public agency, or two or more public agencies acting jointly, may submit to the Secretary a project application, in a form and containing such information, as the Secretary may prescribe, setting forth the airport development proposed to be undertaken. No project application shall propose airport development other than that included in the then current revision of the national airport system plan formulated by the Secretary under this part, and all proposed development shall be in accordance with standards established by the Secretary, including standards for site location, airport layout, grading, drainage, seeding, paving, lighting, and safety of approaches.

(b) PUBLIC AGENCIES WHOSE POWERS ARE LIMITED BY STATE LAW. Nothing in this part shall authorize the submission of a project application by any municipality or other public agency which is subject to the law of any State if the submission of the project application by the municipality or other public agency is prohibited by the law of that State.

(c) APPROVAL.—

(1) All airport development projects shall be subject to the approval of the Secretary, which approval may be given only if he is satisfied that—

(A) the project is reasonably consistent with plans (existing at the time of approval of the project) of planning agencies for the development of the area in which the airport is located and will contribute to the accomplishment of the purposes of this part;

(B) sufficient funds are available for that portion of the project costs which are not to be paid by the United States under this part;

(C) the project will be completed without undue delay;

(D) the public agency or public agencies which submitted the project application have legal authority to engage in the airport development as proposed; and

(E) all project sponsorship requirements prescribed by or under the authority of this part have been or will be met. No airport development project may be approved by the Secretary with respect to any airport unless a public agency holds good title, satisfactory to the Secretary, to the landing area of the airport or the site therefor, or gives assurance satisfactory to the Secretary that good title will be acquired.

(2) No airport development project may be approved by the Secretary which does not include provision for installation of the landing aids specified in subsection (d) of section 17 of this part and determined by him to be required for the safe and efficient use of the airport by aircraft taking into account the category of the airport and the type and volume of traffic utilizing the airport.

(3) No airport development project may be approved by the Secretary unless he is satisfied that fair consideration has been given to the interest of communities in or near which the project may be located.

(4) It is hereby declared to be national policy that airport development projects authorized pursuant to this part shall provide for the protection and enhancement of the natural resources and the quality of environment of the Nation. In implementing this policy, the Secretary shall consult with the Secretaries of the Interior and Health, Education, and Welfare with regard to the effect that such project may have on natural resources including, but not limited to, fish and wildlife, natural, scenic, and recreation assets, water and air quality, and other factors affecting the environment, and shall authorize no project found to have adverse effect unless the Secretary shall render a finding, in writing, following a full and complete review, which shall be a matter of public record, that no feasible and prudent alternative exists and that all possible steps have been taken to minimize such adverse effect.

(d) HEARINGS.

(1) No airport development project involving the location of an airport, an airport runway, or a runway extension may be approved by the Secretary unless the public agency sponsoring the project certifies to the Secretary that there has been afforded the opportunity for public hearings for the purpose of considering the economic, social, and environmental effects of the airport location and its consistency with the goals and objectives of such urban planning as has been carried out by the community.

(2) When hearings are held under paragraph (1) of this subsection, the project sponsor shall, when requested by the Secretary, submit a copy of the transcript to the Secretary.

(e) AIRPORT SITE SELECTION.

(1) Whenever the Secretary determines (A) that a metropolitan area comprised of more than one unit of State or local government is in need of an additional airport to adequately meet the air transportation needs of such area, and (B) that an additional airport for such area is consistent with the national airport system plan prepared by the Secretary, he shall notify, in writing, the governing authorities of the area concerned of the need for such additional airport and request such authorities to confer, agree upon a site for the location of such additional airport, and notify the Secretary of their selection. In order to facilitate the selection of a site for an additional airport under the preceding sentence, the Secretary shall exercise such of his authority under this part as he may deem appropriate to carry out the provisions of this paragraph. For the purposes of this subsection, the term "metropolitan area" means a standard metropolitan statistical area is established by the Bureau of the Budget, subject however to such modifications and extensions as the Secretary may determine to be appropriate for the purposes of this subsection.

(2) In the case of a proposed new airport serving any area, which does not include a metropolitan area, the Secretary shall not approve any airport development project with respect to any proposed airport site not approved by the community or communities in which the airport is proposed to be located.

SEC. 17. UNITED STATES SHARE OF PROJECT COSTS.

(a) GENERAL PROVISIONS.—Except as provided in subsections (b), (c), and (d) of this section, the United States share payable on account of any approved airport development project submitted under section 16 of this part may not exceed 50 per centum of the allowable project costs.

(b) PROJECTS IN PUBLIC LAND STATES.—In the case of any State containing unappropriated and unreserved public lands and nontaxable Indian lands (individual and tribal) exceeding 5 per centum of the total area of all lands therein, the United States share under subsection (a) shall be increased by whichever is the smaller of the following percentages thereof: (1) 25 per centum, or (2) a percentage equal to one-half of the percentage that the area of all such lands in that State of its total area.

(c) PROJECTS IN THE VIRGIN ISLANDS.—The United States share payable on account of any approved project for airport development in the Virgin Islands shall be any portion of the allowable project costs of the project, not to exceed 75 per centum, as the Secretary considers appropriate for carrying out the provisions of this part.

(d) LANDING AIDS.—To the extent that the project costs of an approved project for airport development represent the cost of (1) land required for the installation of approach light systems, (2) touchdown zone and centerline runway lighting, or (3) high intensity runway lighting, the United States share shall be not to exceed 90 per centum of the allowable costs thereof.

SEC. 18. PROJECT SPONSORSHIP.

As a condition precedent to his approval of an airport development project under this part, the Secretary shall receive assurances in writing, satisfactory to him, that—

(1) the airport to which the project for airport development relates will be available for public use on fair and reasonable terms and without unjust discrimination;

(2) the airport and all facilities thereon or connected therewith will be suitably operated and maintained, with due regard to climatic and flood conditions;

(3) the aerial approaches to the airport will be adequately cleared and protected by removing, lowering, relocating, marking, or lighting or otherwise mitigating existing airport hazards and by preventing the establishment or creation of future airport hazards;

(4) appropriate action, including the adoption of zoning laws, has been or will be taken, to the extent reasonable, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft;

(5) all of the facilities of the airport developed with Federal financial assistance and all those usable for landing and takeoff of aircraft will be available to the United States for use by military aircraft in common with other aircraft at all times without charge, except, if the use by military aircraft is substantial, a charge may be made for a reasonable share, proportional to such use, of the cost of operating and maintaining the facilities used;

(6) the airport operator or owner will furnish without cost to the Federal Government for use in connection with any air traffic control activities, or weather reporting and communication activities related to air traffic control, any areas of land or water, or estate therein, or rights in buildings of the sponsor as the Secretary considers necessary or desirable for construction at Federal expense of space or facilities for such purposes;

(7) all project accounts and records will be kept in accordance with a standard system of accounting prescribed by the Secretary after consultation with appropriate public agencies;

(8) the airport operator or owner will maintain a fee and rental structure for the facilities and services being provided the airport users which will make the airport as self-sustaining as possible under the circumstances existing at that particular airport,

taking into account such factors as the volume of traffic and economy of collection;

(9) the airport operator or owner will submit to the Secretary such annual or special airport financial and operations reports as the Secretary may reasonably request; and

(10) the airport and all airport records will be available for inspection by any duly authorized agent of the Secretary upon reasonable request.

To insure compliance with this section, the Secretary shall prescribe such project sponsorship requirements, consistent with the terms of this part, as he considers necessary. Among other steps to insure such compliance the Secretary is authorized to enter into contracts with public agencies, on behalf of the United States. Whenever the Secretary obtains from a sponsor any area of land or water, or estate therein, or rights in buildings of the sponsor and constructs space or facilities thereon at Federal expense, he is authorized to relieve the sponsor from any contractual obligation entered into under this part or the Federal Airport Act to provide free space in airport buildings to the Federal Government to the extent he finds that space no longer required for the purposes set forth in paragraph (6) of this section.

SEC. 19. GRANT AGREEMENTS.

Upon approving a project application for airport development, the Secretary, on behalf of the United States shall transmit to the sponsor or sponsors of the project application an offer to make a grant for the United States share of allowable project costs. An offer shall be made upon such terms and conditions as the Secretary considers necessary to meet the requirements of this part and the regulations prescribed thereunder. Each offer shall state a definite amount as the maximum obligation of the United States payable from funds authorized by this part, and shall stipulate the obligations to be assumed by the sponsor or sponsors. If and when an offer is accepted in writing by the sponsor, the offer and acceptance shall comprise an agreement constituting an obligation of the United States and of the sponsor. Thereafter, the amount stated in the accepted offer as the maximum obligation of the United States may not be increased by more than 10 per centum. Unless and until an agreement has been executed, the United States may not pay, nor be obligated to pay, any portion of the costs which have been or may be incurred.

SEC. 20. PROJECT COSTS.

(a) ALLOWABLE PROJECT COSTS.—Except as provided in section 21 of this part, the United States may not pay, or be obligated to pay, from amounts appropriated to carry out the provisions of this part, any portion of a project cost incurred in carrying out a project for airport development unless the Secretary has first determined that the cost is allowable. A project cost is allowable if—

(1) it was a necessary cost incurred in accomplishing airport development in conformity with approved plans and specifications for an approved airport development project and with the terms and conditions of the grant agreement entered into in connection with the project;

(2) it was incurred subsequent to the execution of the grant agreement with respect to the project, and in connection with airport development accomplished under the project after the execution of the agreement. However, the allowable costs of a project may include any necessary costs of formulating the project (including the costs of field surveys and the preparation of plans and specifications, the acquisition of land or interests therein or easements through or other interests in airspace, and any necessary administrative or other incidental costs incurred by the sponsor specifically in connection with the accomplishment of the project for airport development, which would not have been incurred otherwise) which were incurred subsequent to May 13, 1946;

(3) in the opinion of the Secretary it is reasonable in amounts, and if the Secretary determines that a project cost is unreasonable in amounts, he may allow as an allowable project cost only so much of such project cost as he determines to be reasonable; except that in no event may he allow project costs in excess of the definite amounts stated in the grant agreement; and

(4) it has not been included in any project authorized under section 13 of this part. The Secretary is authorized to prescribe such regulations, including regulations with respect to the auditing of project costs, as he considers necessary to effectuate the purposes of this section.

(b) COSTS NOT ALLOWED.—The following are not allowable project costs: (1) the cost of construction of that part of an airport development project intended for use as a public parking facility for passenger automobiles; or (2) the cost of construction, alteration, or repair of a hangar or of any part of an airport building except such of those buildings or parts of buildings intended to house facilities or activities directly related to the safety of persons at the airport.

SEC. 21. PAYMENTS UNDER GRANT AGREEMENTS.

The Secretary, after consultation with the sponsor with which a grant agreement has been entered into, may determine the times, and amounts in which payments shall be made under the terms of a grant agreement for airport development. Payments in an aggregate amount not to exceed 90 per centum of the United States share of the total estimated allowable project costs may be made from time to time in advance of accomplishment of the airport development to which the payments relate, if the sponsor certifies to the Secretary that the aggregate expenditures to be made from the advance payments will not at any time exceed the cost of the airport development work which has been performed up to that time. If the Secretary determines that the aggregate amount of payments made under a grant agreement at any time exceeds the United States share of the total allowable project costs, the United States shall be entitled to recover the excess. If the Secretary finds that the airport development to which the advance payments relate has not been accomplished within a reasonable time or the development is not completed, the United States may recover any part of the advance payment for which the United States received no benefit. Payments under a grant agreement shall be made to the official or depository authorized by law to receive public funds and designated by the sponsor.

SEC. 22. STATE AGENCIES.

(a) AUTHORIZATION TO MAKE GRANTS.—In accordance with such terms and conditions as he may prescribe, the Secretary may make grants to agencies designated by the States for the purpose of assisting those agencies in carrying out the functions contained in subsection (b) of this section and in paying necessary administrative expenses incidental thereto.

(b) FUNCTIONS OF AGENCIES.—A State agency shall not be eligible to receive a grant under subsection (a) of this section unless it is empowered to—

(1) act as the agent of sponsors located in the State;

(2) accept in behalf of the sponsors and disburse to them all payments made pursuant to agreements under section 19 of this part;

(3) acquire by purchase, gift, devise, lease, condemnation, or otherwise, any property, real or personal, or any interest therein, including easements, necessary to establish or develop airports;

(4) engage in airport systems planning on a statewide basis; and

(5) undertake airport development, or provide financial assistance to public agencies within the State for carrying it out.

(c) AMOUNTS OF GRANTS.—The total funds obligated for grants under this section may not exceed $25,000,000, and the amount obligated in any one fiscal year may not exceed $5,000,000.

(d) APPORTIONMENT OF FUNDS.—The funds made available each fiscal year for the purposes of making grants under this section shall be apportioned among the States, one-half in the proportion which the population of each State bears to the total population of all the States, and one-half in the proportion which the area of each State bears to the total area of all the States. No more than $80,000 of the funds made available to any one State in any fiscal year may be used for administrative expenses. Any amount apportioned to a State which is not obligated by grant agreement at the expiration of the fiscal year for which it was so apportioned shall be added to the discretionary fund established by subsection (b) of section 15 of this part, and be available for use for the purposes stated in paragraph (1) of section 14 of this part.

(e) DEFINITION OF TERMS.—As used in this section, "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, or Guam. For the purposes of this section, the terms "population" and "area" shall have the definitions given to such terms by section 15 of this part.

SEC. 23. PERFORMANCE OF CONSTRUCTION WORK.

(a) REGULATIONS.—The construction work on any project for airport development approved by the Secretary pursuant to section 16 of this part shall be subject to inspection and approval by the Secretary and in accordance with regulations prescribed by him. Such regulations shall require such cost and progress reporting by the sponsor or sponsors of such project as the Secretary shall deem necessary. No such regulation shall have the effect of altering any contract in connection with any project entered into without actual notice of the regulation.

(b) MINIMUM RATES OF WAGES.—All contracts in excess of $2,000 for work on projects for airport development approved under this part which involve labor shall contain provisions establishing minimum rates of wages, to be predetermined by the Secretary of Labor, in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a 276a–5), which contractors shall pay to skilled and unskilled labor, and such minimum rates shall be stated in the invitation for bids and shall be included in proposals or bids for the work.

(c) OTHER PROVISIONS AS TO LABOR.—All contracts for work on projects for airport development approved under this part which involve labor shall contain such provisions as are necessary to insure (1) that no convict labor shall be employed; and (2) that, in the employment of labor (except in executive, administrative, and supervisory positions), preference shall be given, where they are qualified, to individuals who have served as persons in the military service of the United States, as defined in section 101(1) of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended (50 U.S.C. App. 511(1)), and who have been honorably discharged from such service. However, this preference shall apply only where the individuals are available and qualified to perform the work to which the employment relates.

SEC. 24.—USE OF GOVERNMENT-OWNED LANDS.

(a) REQUESTS FOR USE.—Subject to the provisions of subsection (c) of this section, whenever the Secretary determines that use

of any lands owned or controlled by the United States is reasonably necessary for carrying out a project for airport development under this part, or for the operation of any public airport, including lands reasonably necessary to meet future development of an airport in accordance with the national airport system plan, he shall file with the head of the department or agency having control of the lands a request that the necessary property interests therein be conveyed to the public agency sponsoring the project in question or owning or controlling the airport. The property interest may consist of the title to, or any other interest in, land or any easement through or other interest in airspace.

(b) MAKING OF CONVEYANCES.—Upon receipt of a request from the Secretary under this section, the head of the department or agency having control of the lands in question shall determine whether the requested conveyance is inconsistent with the needs of the department or agency, and shall notify the Secretary of his determination within a period of four months after receipt of the Secretary's request. If the department or agency head determines that the requested needs of that department or agency, the deconveyance is not inconsistent with the partment or agency head is hereby authorized and directed, with the approval of the President and the Attorney General of the United States, and without any expense to the United States, to perform any acts and to execute any instruments necessary to make the conveyance requested. A conveyance may be made only on the condition that at the option of the Secretary, the property interest conveyed shall revert to the United States in the event that the lands in question are not developed for airport purposes or used in a manner consistent with the terms of the conveyance. If only a part of the property interest conveyed is not developed for airport purposes, or used in a manner consistent with the terms of the conveyance, only that particular part shall, at the option of the Secretary, revert to the United States.

(c) EXEMPTION OF CERTAIN LANDS.—Unless otherwise specifically provided by law, the provisions of subsections (a) and (b) of this section shall not apply with respect to lands owned or controlled by the United States within any national park, national monument, national recreation area, or similar area under the administration of the National Park Service; within any unit of the National Wildlife Refuge System or similar area under the jurisdiction of the Bureau of Sport Fisheries and Wildlife; or within any national forest or Indian reservation.

SEC. 25. REPORTS TO CONGRESS.

On or before the third day of January of each year the Secretary shall make a report to the Congress describing his operations under this part during the preceding fiscal year. The report shall include a detailed statement of the airport development accomplished, the status of each project undertaken, the allocation of appropriations, and an itemized statement of expenditures and receipts.

SEC. 26. FALSE STATEMENTS.

Any officer, agent, or employee of the United States or any officer, agent, or employee of any public agency, or any person, association, firm, or corporation who, with intent to defraud the United States—

(1) knowingly makes any false statement, false representation, or false report as to the character, quality, quantity, or cost of the material used or to be used, or the quantity or quality of the work performed or to be performed, or the costs thereof, in connection with the submission of plans, maps, specifications, contracts, or estimates of project costs for any project submitted to the Secretary for approval under this part;

(2) knowingly makes any false statement, false representation, or false report or claim for work or materials for any project approved by the Secretary under this part; or

(3) knowingly makes any false statement or false representation in any report required to be made under this part;

shall, upon conviction thereof, be punished by imprisonment for not to exceed five years or by a fine of not to exceed $10,000, or by both.

SEC. 27. ACCESS TO RECORDS.

(a) RECORDKEEPING REQUIREMENTS.—Each recipient of a grant under this part shall keep such records as the Secretary may prescribe, including records which fully disclose the amount and the disposition by the recipient of the proceeds of the grant, the total cost of the plan or program in connection with which the grant is given or used, and the amount and nature of that portion of the cost of the plan or program supplied by other sources, and such other records as will facilitate an effective audit.

(b) AUDIT AND EXAMINATION.—The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers and records of the recipient that are pertinent to grants received under this part.

(c) AUDIT REPORTS.—In any case in which an independent audit is made of the accounts of a recipient of a grant under this Act relating to the disposition of the proceeds of such grant or relating to the plan or program in connection with which the grant was given or used, the recipient shall file a certified copy of such audit with the Comptroller General of the United States not later than six months following the close of the fiscal year for which the audit was made. On or before January 3 of each year the Comptroller General shall make a report to the Congress describing the results of each audit conducted or reviewed by him under this section during the preceding fiscal year. The Comptroller General shall prescribe such regulations as he may deem necessary to carry out the provisions of this subsection.

(d) WITHHOLDING INFORMATION.—Nothing in this section shall authorize the withholding of information by the Secretary or the Comptroller General of the United States, or any officer or employee under the control of either of them, from the duly authorized committees of the Congress.

SEC. 28. GENERAL POWERS.

The Secretary is empowered to perform such acts, to conduct such investigations and public hearings, to issue and amend such orders, and to make and amend such regulations and procedures, pursuant to and consistent with the provisions of this part, as he considers necessary to carry out the provisions of, and to exercise and perform his powers and duties under this part.

PART III—MISCELLANEOUS

SEC. 51. AMENDMENTS TO FEDERAL AVIATION ACT OF 1958.

(a) (1) PROCUREMENT PROCEDURES.—Section 303 of the Federal Aviation Act of 1958 (49 U.S.C. 1344) is amended by adding at the end thereof the following new subsection:

"NEGOTIATION OF PURCHASES AND CONTRACTS

"(c) The Secretary of Transportation may negotiate without advertising purchases of and contracts for technical or special property related to, or in support of, air navigation that he determines to require a substantial initial investment or an extended period of preparation for manufacture, and for which he determines that formal advertising would be likely to result in additional cost to the Government by reason of duplication of investment or would result in duplication of necessary preparation which would unduly delay the procurement of the property. The Secretary shall, at the beginning of each fiscal year, report to the Committee on Interstate and Foreign Commerce of the House of Representatives and the Committee on Commerce of the Senate all transactions negotiated under this subsection during the preceding fiscal year."

(2) TABLE OF CONTENTS.—That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the heading "SEC. 303. ADMINISTRATION OF THE AGENCY." is amended by adding at the end thereof "(c) Negotiation of purchases and contracts.".

(b) (1) AIRPORT CERTIFICATION.—Title VI of the Federal Aviation Act of 1958 (49 U.S.C. 1421–1431), relating to safety regulation of civil aeronautics, is amended by adding at the end thereof the following new section:

"AIRPORT OPERATING CERTIFICATES

"POWER TO ISSUE

"SEC. 612. (a) The Administrator is empowered to issue airport operating certificates to airports serving air carriers and to establish minimum safety standards for the operation of such airports.

"ISSUANCE

"(b) Any person desiring to operate an airport serving air carriers may file with the Administrator an application for an airport operating certificate. If the Administrator finds, after investigation, that such person is properly and adequately equipped and able to conduct a safe operation in accordance with the requirements of this Act and the rules, regulations, and standards prescribed thereunder, he shall issue an airport operating certificate to such person. Each airport operating certificate shall prescribe such terms, conditions, and limitations as are reasonably necessary to assure safety in air transportation, including but not limited to, terms, conditions, and limitations relating to—

"(1) the installation, operation, and maintenance of adequate air navigation facilities; and

"(2) the operation and maintenance of adequate safety equipment, including firefighting and rescue equipment capable of rapid access to any portion of the airport used for the landing, takeoff, or surface maneuvering of aircraft."

(2) TABLE OF CONTENTS.—That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the heading "Title VI—Safety Regulation of Civil Aeronautics" is amended by adding at the end thereof of the following:

(3) PROHIBITIONS.—Section 610(a) of such Act (49 U.S.C. 4430(a)), relating to prohibitions, is amended—

"Sec. 612. Airport operating certificates.
"(a) Power to issue.
"(b) Issuance."

(A) by striking out "and" at the end of paragraph (6);

(B) by striking out the period at the end of paragraph (7) and inserting in lieu thereof "; and"; and

(C) by adding at the end thereof the following new paragraph:

"(8) For any person to operate an airport serving air carriers without an airport operating certificate, or in violation of the terms of any such certificate."

(4) EFFECTIVE DATE.—The amendments made by paragraph (3) of this subsection shall take effect upon the expiration of the two-year period beginning on the date of their enactment.

SEC. 52. REPEAL; SAVING PROVISIONS; AND SEPARABILITY.

(a) REPEAL.—The Federal Airport Act (49 U.S.C. 1101 et seq.) is repealed as of the close of June 30, 1970.

(b) SAVING PROVISIONS.—All orders, determinations, rules, regulations, permits, con-

tracts, certificates, licenses, grants, rights, and privileges which have been issued, made, granted, or allowed to become effective by the President, the Secretary of Transportation, or any court of competent jurisdiction under any provision of the Federal Airport Act, as amended, which are in effect at the time this section takes effect, are continued in effect according to their terms until modified, terminated, superseded, set aside, or repealed by the Secretary of Transportation or by any court of competent jurisdiction, or by operation of law.

(c) SEPARABILITY.—If any provision of this Act or the application thereof to any person or circumstances is held invalid, the remainder of the Act and the application of the provision to other persons or circumstances is not affected thereby.

And, in lieu thereof, insert:

That this Act may be cited as the "Airport and Airways Development Act of 1969".

DECLARATION OF PURPOSE

SEC. 2. The Congress hereby finds that the Nation's airport and airway system is inadequate to meet current and projected growth in aviation and that substantial expansion and improvement of the system is required to meet the demands of interstate commerce, the postal service, and the national defense. The Congress finds that the civil users of air transportation are capable of making a greater financial contribution to the expansion and improvement of the system through increased user fees. The Congress finds, however, that the civil users should not be required to provide all of the funds necessary for future development of the system and that revenues obtained from the general taxpayer will continue to be required to pay for actual use of the system by the Government of the United States and for the value to the national defense and the general public benefit in having a safe, efficient airport and airway system in being and fully operational in the event of war or national emergency.

TITLE I—AIRPORT AND AIRWAYS FINANCING

ESTABLISHMENT AND ADMINISTRATION OF TRUST FUND

Establishment of Trust Fund

SEC. 101. (a) There is established in the Treasury of the United States a trust fund for airports and airways (hereafter in this Act referred to as the "trust fund"), consisting of such amounts as may be appropriated, credited, or transferred to the trust fund as provided in this section.

Transfer of Tax Receipts

(b) There is hereby appropriated to the trust fund (1) amounts equivalent to the taxes received in the Treasury after December 31, 1969, under subsection (c) of section 4041 (taxes on aviation fuel) and under sections 4261 and 4271 (taxes on transportation by air) of the Internal Revenue Code of 1954, as amended (26 U.S.C. 4041(c), 4261, and 4271), and (2) amounts determined by the Secretary of the Treasury to be equivalent to the taxes received in the Treasury after December 31, 1969, under section 4081 of such Code (26 U.S.C. 4081), with respect to gasoline used in aircraft. The amounts appropriated pursuant to this subsection shall be transferred at least monthly from the general fund of the Treasury to the trust fund on the basis of estimates made by the Secretary of the Treasury of the amounts described in clauses (1) and (2) of this subsection. Proper adjustments shall be made in the amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

Transfer of Unexpended Funds

(c) At the close of June 30, 1970, all unallocated funds, which have been appropriated for the purpose of carrying out the provisions of law referred to in subsection (f) of this section shall be transferred to the trust fund.

Appropriation of Additional Sums

(d) There are hereby authorized to be appropriated to the trust fund such additional sums as may be required to make the expenditures referred to in subsection (f) of this section.

Administration of Account; Report to Congress

(e) It shall be the duty of the Secretary of the Treasury to hold the trust fund, and (after consultation with the Secretary of Transportation) to report to the Congress not later than the 1st of March of each year on the financial condition and the results of the operations of the trust fund during the preceding fiscal year and on its expected condition and operations during subsequent fiscal years. Such report shall be printed as a House document of the session of the Congress to which the report is made. It shall be the duty of the Secretary of the Treasury to invest such portion of the trust fund as is not, in his judgment, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. The interest on, and proceeds from the sale of, any obligations held in the trust fund shall be credited to and form a part of the trust fund: *Provided, however*, That funds transferred to the trust fund pursuant to subsection (c) and funds appropriated to the trust fund pursuant to subsection (d) shall not be invested.

Appropriations

(f) Amounts in the trust fund shall be available as provided by appropriations Acts—

(1) to meet the obligations of the United States heretofore incurred under the Federal Airport Act, as amended (49 U.S.C. 1101 et seq.), and hereafter incurred under titles I, II, and III of this Act, including administrative expenses incidental thereto; and

(2) to meet the obligations of the United States heretofore and hereafter incurred under the Federal Aviation Act, as amended (49 U.S.C. 1301 et seq.), for the planning, research and development, construction, and operation and maintenance of the airway system.

As they relate to the Federal Airport Act and title II of this Act, administrative expenses include, but are not limited to, expenses of the character specified in subsection (a) of section 303 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1344 (a)), and expenses for planning and research.

Availability of Funds

(g) No moneys are available for expenditure from the trust fund before January 1, 1970. Sums appropriated under this section shall remain available until expended.

Transfers From Trust Fund on Account of Certain Refunds

(h) The Secretary of the Treasury shall pay from time to time from the trust fund into the general fund of the Treasury amounts equivalent to the amounts paid after December 31, 1969, in respect of fuel used in aircraft, under sections 6420 (relating to amounts paid in respect to gasoline used on farms) and 6421 (relating to amounts paid in respect of gasoline used for certain nonhighway purposes) of the Internal Revenue Code of 1954.

HIGHWAY TRUST FUND

SEC. 102. Subsection (c) of section 209 of the Highway Revenue Act of 1956, as amended (23 U.S.C. 120, note), is amended by adding at the end thereof the following new paragraph:

"(5) The amounts described in paragraphs (1) (A) and (3) (A) with respect to any period shall (before the application of this subsection) be reduced by any amounts transferred to the airport and airways trust fund under section 101 of the Airport and Airways Development Act of 1969 with respect to such period, and subsection (f) (3) of this section shall not apply to those amounts."

COST ALLOCATION STUDY

SEC. 103. The Secretary of Transportation (hereinafter in this title referred to as the Secretary) shall conduct a study respecting the appropriate method for allocating the cost of the airport and airway system among the various users and shall identify the costs to the Federal Government that should appropriately be charged to the system and the value to be assigned to the general public benefit. In conducting the study the Secretary shall consult fully with and give careful consideration to the views of the users of the system. The Secretary shall report the results of the study to Congress within two years from the date of enactment of this Act.

REVENUE ALLOCATION AND APPORTIONMENT STUDY

SEC. 104. The Secretary shall conduct a study respecting the appropriateness of that method of allocating and apportioning revenue provided by section 204 and section 205 of this Act for meeting the needs of the airport and airways system for the five-year period beginning July 1, 1975. In conducting the study the Secretary shall consult fully with and give careful consideration to the views of the users of the system. The Secretary shall report the results of the study to Congress not later than February 1, 1975.

TITLE II—AIRPORT DEVELOPMENT

DEFINITIONS

SEC. 201. As used in this title—

(1) "Airport" means any area of land or water which is used, or intended for use, for the landing and takeoff of aircraft, and any appurtenant areas which are used, or intended for use, for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon.

(2) "Airport development" means (A) any work involved in constructing, improving, or repairing a public airport or portion thereof, including the construction, alteration, and repair of airport passenger or freight terminal buildings and other airport administrative buildings and the removal, lowering, relocation, and marking and lighting of airport hazards, and including navigation aids used by aircraft landing at, or taking off from, a public airport, and (B) any acquisition of land or of any interest therein, or of any easement through or other interest in airspace, including land for future airport development, which is necessary to permit any such work or to remove or mitigate or prevent or limit the establishment of, airport hazards.

(3) "Airport hazard" means any structure or object of natural growth located on or in the vicinity of a public airport, or any use of land near such airport, which obstructs the airspace required for the flight of aircraft in landing or taking off at such airport or is otherwise hazardous to such landing or taking off of aircraft.

(4) "Airport master planning" means the development for planning purposes of information and guidance to determine the extent, type, and nature of development needed at a specific airport. It may include the preparation of an airport layout plan and feasibility studies, and the conduct of such other studies, surveys, and planning actions as may be necessary to determine the short-, intermediate-, and long-range aeronautical demands required to be met by a particular airport as a part of a system of airports.

(5) "Airport system planning" means the development for planning purposes of infor-

mation and guidance to determine the extent, type, nature, location, and timing of airport development needed in a specific area to establish a viable and balanced system of public airports. It includes identification of the specific aeronautical role of each airport within the system, development of estimates of systemwide development costs, and the conduct of such studies, surveys, and other planning actions as may be necessary to determine the short-, intermediate-, and long-range aeronautical demands required to be met by a particular system of airports.

(6) "Landing area" means that area used or intended to be used for the landing, takeoff, or surface maneuvering of aircraft.

(7) "Government aircraft" means aircraft owned and operated by the United States.

(8) "Planning agency" means any State (including the Commonwealth of Puerto Rico, the Virgin Islands, and Guam) or political subdivisions of a State or any other agency authorized by law to engage in airport system planning.

(9) "Project" means a project for the accomplishment of airport development, airport master planning, or airport system planning.

(10) "Project costs" means any costs involved in accomplishing a project.

(11) "Public agency" means the United States Government or any agency thereof; a State, or Puerto Rico, the Virgin Islands, or Guam or any agency of any of them; a municipality or other political subdivision; or a tax-supported organization; or an Indian tribe or pueblo.

(12) "Public airport" means any airport which is used or to be used for public purposes, under the control of a public agency, the landing area of which is publicly owned.

(13) "Secretary" means the Secretary of Transportation.

(14) "Sponsor" means any public agency which, either individually or jointly with one or more other public agencies, submits to the Secretary, in accordance with this Act, an application for financial assistance.

(15) "State" means a State of the United States, or the District of Columbia.

(16) "Terminal area" means that area used or intended to be used for such facilities as terminal and cargo buildings, gates, hangars, shops, and other service buildings; automobile parking, airport motels, and restaurants, and garages and automobile service facilities used in connection with the airport; and entrance and service roads used by the public within the boundaries of the airport.

(17) "United States share" means that portion of the project costs of projects for airport development approved pursuant to section 206 of this Act which is to be paid from funds made available for the purposes of this Act.

NATIONAL AIRPORT SYSTEM PLAN

Formulation of Plan

SEC. 202. (a) The Secretary is directed to prepare and publish, within two years of the date of enactment of this Act, and thereafter to revise at least once every two years, a national airport system plan for the development of public airports in the United States. The plan shall set forth, for at least a ten-year period, the type and estimated cost of airport development considered by the Secretary to be necessary to provide a system of public airports adequate to anticipate and meet the needs of civil aeronautics, to meet requirements in support of the national defense as determined by the Secretary of Defense, and to meet the special needs of the postal service. The plan shall include all types of development eligible for Federal aid under section 204 of this Act, and terminal area development considered necessary to provide for the efficient accommodation of persons and goods at public airports, and the conduct of functions in operational support of the airport. Airport development identified by the plan shall not be limited to the requirements of any classes of categories of public airports. In preparing the plan, the Secretary shall consider the needs of all segments of civil aviation.

Consideration of Other Modes of Transportation

(b) In formulating and revising the plan, the Secretary shall take into consideration, among other things, the relationship of each airport to the rest of the transportation system in the particular area, to the forecasted technological developments in aeronautics, and to developments forecasted in other modes of intercity transportation.

Federal, State, and Other Agencies

(c) In developing the national airport system plan, the Secretary shall to the extent feasible consult with the Civil Aeronautics Board, the Post Office Department, and other Federal agencies, as appropriate; with planning agencies, and airport operators; and with air carriers, aircraft manufacturers, and others in the aviation industry. The Secretary shall provide technical guidance to agencies engaged in the conduct of airport system planning and airport master planning to ensure that the national airport system plan reflects the product of interstate, State, and local airport planning.

Cooperation With Federal Communications Commission

(d) The Secretary shall, to the extent possible, consult, and give consideration to the views and recommendations of the Federal Communications Commission, and shall make all reasonable efforts to cooperate with that Commission for the purpose of eliminating, preventing, or minimizing airport hazards caused by the construction or operation of any radio or television station. In carrying out this section, the Secretary may make any necessary surveys, studies, examinations, and investigations.

Consultation With Department of Defense

(e) The Department of Defense shall make military airports and airport facilities available for civil use to the extent feasible. In advising the Secretary of national defense requirements pursuant to subsection (a) of this section, the Secretary of Defense shall indicate the extent to which military airports and airport facilities will be available for civil use.

Consultation With Secretary of the Interior

(f) In carrying out this section, the Secretary shall consult with and consider the views and recommendations of the Secretary of the Interior with respect to the need for development of airports in, or in close proximity to, national parks, national monuments, Indian reservations, and national recreation areas.

Cooperation With Federal Power Commission

(g) The Secretary shall, to the extent possible, consult, and give consideration to the views and recommendations of the Federal Power Commission, and shall make all reasonable efforts to cooperate with that Commission for the purpose of eliminating, preventing, or minimizing airport hazards caused by the construction or operation of power facilities. In carrying out this section, the Secretary may make any necessary surveys, studies, examinations, and investigations.

PLANNING GRANTS

Authorization To Make Grants

SEC. 203. (a) In order to promote the effective location and development of airports and the development of an adequate national airport system plan, the Secretary may make grants of funds to planning agencies for airport system planning, and to public agencies for airport master planning.

Amount and Apportionment of Grants

(b) The award of grants under subsection (a) of this section is subject to the following limitations:

(1) The total funds obligated for grants under this section may not exceed $150,000,000 and the amount obligated in any one fiscal year may not exceed $15,000,000.

(2) No grant under this section may exceed two-thirds of the cost incurred in the accomplishment of the project.

(3) No more than 5 per centum of the funds made available under this section in any fiscal year may be allocated for projects within a single State, Puerto Rico, the Virgin Islands, or Guam. Grants for projects encompassing an area located in two or more States shall be charged to each State in the proportion which the number of square miles the project encompasses in each State bears to the square miles encompassed by the entire project.

Regulations, Coordination With Secretary of Housing and Urban Development

(c) The Secretary may prescribe such regulations as he deems necessary governing the award and administration of grants authorized by this section. The Secretary and the Secretary of Housing and Urban Development shall develop jointly procedures designed to preclude duplication of their respective planning assistance activities and to ensure that such activities are effectively coordinated.

AIRPORT AND AIRWAY DEVELOPMENT PROGRAM

General Authority

SEC. 204. (a) In order to bring about, in conformity with the national airport system plan, the establishment of a nationwide system of public airports adequate to meet the present and future needs of civil aeronautics, the Secretary is authorized, within the limits established in appropriation Acts, to make grants for airport development by grant agreements with sponsors in aggregate amounts not less than the following:

(1) For the purpose of developing in the several States, Puerto Rico, and the Virgin Islands, airports served by air carriers certificated by the Civil Aeronautics Board and airports the primary purpose of which is to serve general aviation and to relieve congestion at airports having a high density of traffic serving other segments of aviation $270,000,000 for each of the fiscal years 1970 through 1979.

(2) For the purpose of developing in the several States, Puerto Rico, and the Virgin Islands, airports serving segments of aviation other than air carriers certificated by the Civil Aeronautics Board, $30,000,000 for each of the fiscal years 1970 through 1979.

(b) For the purpose of acquiring, establishing, and improving air navigation facilities under section 307(b) of the Federal Aviation Act of 1958, as amended, the Secretary is authorized within the limits established in appropriations Acts to obligate for expenditure not less than $250,000,000 for each of the fiscal years 1970 through 1979.

(c) The balance of the moneys available in the trust fund shall be allocated for the necessary administrative expenses incident to the administration of programs for which funds are to be allocated as set forth in subsections (a) and (b) of this section, and for the maintenance and operation of air navigation facilities and the conduct of other functions under section 37(b) of the Federal Aviation Act of 1958, not otherwise provided for in subsection (b) of this section, and for research and development activities under section 312(c) (as it relates to safety in air navigation) of the Federal Aviation Act of 1958, as amended: *Provided, however,* That the initial $50,000,000 of any sums appropriated to the trust fund pursuant to subsection (d) of section 101 of this Act shall be

allocated to such research and development activities.

DISTRIBUTION OF FUNDS, STATE APPORTIONMENT

Apportionment of Funds for Air Carrier and Reliever Airports

SEC. 205. (a)(1) Subject to the study required pursuant to section 104 of this Act, as soon as possible after July 1 of each fiscal year for which any amount is authorized to be obligated for the purposes of paragraph (1) of section 204 of this Act, the amount made available for that year shall be apportioned by the Secretary as follows:

(A) One-third for the several States, one-half in the proportion which the population of each State bears to the total population of all the States, and one-half in the proportion which the area of each State bears to the total area of all the States: *Provided, however,* That prior to such apportionment 3 per centum of such funds shall be available to Hawaii, Puerto Rico, and the Virgin Islands, to be distributed in shares of 40 per centum, 40 per centum, and 20 per centum, respectively.

(B) One-third to be distributed to airport sponsors for airports located in areas designated by the Civil Aeronautics Board as large hubs, medium hubs, or small hubs to be distributed among the hub areas in the same ratio as the number of passengers enplaned in each hub bears to the total of passengers enplaned in all such hubs.

(C) One-third to be distributed at the discretion of the Secretary.

Apportionment of Funds for Nonair Carrier Airports

(2) As soon as possible after July 1 of each fiscal year for which any amount is authorized to be obligated for the purposes of paragraph (2) of section 204 of this Act, the amount made available for that year shall be apportioned by the Secretary as follows:

(A) Seventy-three and one-half per centum for the several States, one-half in the proportion which the population of each State bears to the total population of all the States, and one-half in the proportion which the area of each State bears to the total area of all the States.

(B) One and one-half per centum for Hawaii, Puerto Rico, and the Virgin Islands, to be distributed in shares of 40 per centum, 40 per centum, and 20 per centum, respectively.

(C) Twenty-five per centum to be distributed at the descretion of the Secretary.

(3) The amounts apportioned to a State under paragraph (1)(A) and (2)(A) of this subsection shall, during the fiscal year for which they were first authorized to be obligated and the two fiscal years immediately following, be available only for approved airport development projects located in that State or sponsored by that State or some public agency thereof but located in an adjoining State. Therefore, any portion of the amounts remaining unobligated shall be redistributed as provided in subsection (c) of this section.

(4) Each hub area shall be credited each year with the apportioned amount of the preceding year's taxes as provided in paragraph (1)(B) of this subsection and to the extent such credit exceeds the amount of all payments to airport sponsors within such hub area in the current year under grant agreements entered into pursuant to this subsection (excluding payments under paragraph (1)(A) and (1)(C)), such excess shall remain to the credit of the hub area throughout the next following two years. If at any time during the current year or the next following two years, the Secretary shall approve a project for airport development within such hub area, such remaining credit, plus any remaining credit which may have been accumulated in the next succeeding two years, shall be available to the sponsor as a grant toward the payment of construction cost for such approved project. If the Secretary shall not have approved a project for airport development within such hub area prior to the end of the second fiscal year following the crediting of any sum to such sponsor, such sum shall be redistributed as provided in subsection (c) of this section.

For the purposes of this section, the term "passenger enplaned" shall include United States domestic, territorial, and international revenue passenger enplanements in scheduled and nonscheduled service of air carriers and foreign air carriers in intrastate and interstate commerce as shall be annually compiled by the Secretary pursuant to such regulations as he shall prescribe.

Discretionary Fund

(b)(1) The amounts authorized by subsection (a) of this section to be distributed at the discretion of the Secretary shall constitute a discretionary fund.

(2) The discretionary fund shall be available for such approved projects for airport development in the several States, Puerto Rico, the Virgin Islands, and Guam as the Secretary considers most appropriate for carrying out the National Airport System Plan, regardless of the location of the projects. In determining the projects for which the fund is to be used, the Secretary shall consider the existing airport facilities in the several States, Puerto Rico, the Virgin Islands, and Guam. Amounts placed in the discretionary fund pursuant to subsection (a) or by redistribution pursuant to subsection (c) of this section, may be used only in accordance with the purposes for which originally appropriated, except as provided in paragraph (3) of this subsection.

(3) Amounts placed in the discretionary fund pursuant to pargaraph (2)(C) of subsection (a) of this section to carry out paragraph (3) of section 204 of this Act shall also be available for approved projects for airport development sponsored by the United States or any agency thereof in national parks and national recreation areas, national monuments, national forests, and special reservations for Government purposes as the Secretary considers appropriate for carrying out the national airport system plan. No other funds authorized by this Act are available for these purposes. The sponsor's share of the project costs of any approved project shall be paid only out of funds contributed to the sponsor for the purpose of paying those costs (receipt of which funds and their use for this purpose is hereby authorized) or appropriations specifically authorized therefor.

Redistribution of Funds

(c) Any amount apportioned for airport development projects in other than Hawaii, Puerto Rico, or the Virgin Islands pursuant to paragraph (1)(A), (1)(B), or (2)(A) of subsection (a) of this section which has not been obligated by grant agreement prior to the end of the second fiscal year following the crediting of any sum to an airport project sponsor for which it was so apportioned shall be added to the discretionary fund established by subsection (b) of this section.

Notice of Apportionment, Definition of Terms

(d) Upon making an apportionment as provided in subsection (a) of this section, the Secretary shall inform the executive head of each State, and any public agency or airport sponsor which has requested such information as to the amounts apportioned to each State and hub area. As used in this section, the term "population" means the population according to the latest decennial census of the United States and the term "area" includes both land and water.

SUBMISSION AND APPROVAL OF PROJECTS FOR AIRPORT DEVELOPMENT

Submission

SEC. 206. (a) Subject to the provisions of subsections (b) and (c) of this section, any public agency, or two or more public agencies acting jointly, may submit to the Secretary a project application, in a form and containing such information, as the Secretary may prescribe, setting forth the airport development proposed to be undertaken. No project application shall propose airport development other than that included in the then current revision of the national airport system plan formulated by the Secretary under this Act, and all proposed developments shall be in accordance with standards established by the Secretary, including standards for site location, airport layout, grading, drainage, seeding, paving, lighting, and safety of approaches.

Public Agencies Whose Powers Are Limited By State Law

(b) Nothing in this Act shall authorize the submission of a project application by any municipality or other public agency which is subject to the law of any State if the submission of the project application by the municipality or other public agency is prohibited by the law of that State.

Applications by Federal Agencies

(c) Nothing in this Act shall authorize the submission of a project application by the United States or any agency thereof, except in the case of a project in Puerto Rico, the Virgin Islands, Guam, or in, or in close proximity to, a national park, national recreation area, or national monument, or in a national forest, or a special reservation for Government purposes.

Approval

(d)(1) All airport development projects shall be subject to the approval of the Secretary, which approval may be given only if he is satisfied that—

(A) the project is reasonably consistent with plans (existing at the time of approval of the project) of planning agencies for the development of the area in which the airport is located and will contribute to the accomplishment of the purposes of this Act;

(B) sufficient funds are available for that portion of the project which is not to be paid by the United States under this Act;

(C) the project will be completed without undue delay;

(D) the public agency or public agencies which submitted the project application have legal authority to engage in the airport development as proposed; and

(E) all project sponsorship requirements prescribed by or under the authority of this Act have been or will be met. No airport development project may be approved by the Secretary with respect to any airport unless a public agency holds good title, satisfactory to the Secretary, to the landing area of the airport or the site therefor, or gives assurance satisfactory to the Secretary that good title will be acquired.

(2) No airport development project may be approved by the Secretary which does not include provision for installation of the landing aids specified in subsection (d) of section 207 of this Act and determined by him to be required for the safe and efficient use of the airport by aircraft taking into account the category of the airport and the type and volume of traffic utilizing the airport.

(3) No airport development project may be approved by the Secretary unless he is satisfied that fair consideration has been given to the preservation and enhancement of the environment and to the interest of communities in or near which the project may be located.

Notice

(e) Upon submission of an application for a project for airport development the Secre-

tary shall publish notice of the pendency of the application in the Federal Register.

Hearings

(f) Applications for projects for airport development shall be matters of public record in the office of the Secretary. Any public agency, person, association, firm, or corporation having a substantial interest in the disposition of any application by the Administrator may file with the Secretary a memorandum in support of or in opposition to such application; and any such agency, person, association, firm, or corporation shall be accorded, upon request, a public hearing with respect to the location of any airport the development of which is proposed. The Secretary is authorized to prescribe regulations governing such public hearings, and such regulations may prescribe a reasonable time within which requests for public hearings shall be made and such other reasonable requirements as may be necessary to avoid undue delay in disposing of project applications, and shall provide for reasonable notice of any such hearing to any agency, person, association, firm, or corporation having a substantial interest in the disposition of any application by the Secretary.

Airport Site Selection

(g) (1) Whenever the Secretary determines (A) that a metropolitan area comprised of more than one unit of State or local government is in need of an additional airport to adequately meet the air transportation needs of such area, and (B) that an additional airport for such area is consistent with the national airport system plan prepared by the Secretary, he shall notify, in writing, the governing authorities of the area concerned of the need for such additional airport and request such authorities to confer, agree upon a site for the location of such additional airport, and notify the Secretary of their selection. If, within three years after the written notification by the Secretary referred to in the preceding sentence, he has not received notification from the governing authorities concerned of the selection of a site for the additional airport, he shall, after notice and opportunity for a hearing, select a site for such additional airport with respect to which the Secretary will accept project applications under this title for the construction of such additional airport. Unless the Secretary, after notice and opportunity for hearing, shall modify any site selection made by him under this section, no other site in such area shall be eligible for assistance under this title for the construction of an additional airport in such area. For the purposes of this subsection, the term "metropolitan area" means a standard metropolitan statistical area as established by the Bureau of the Budget, subject however to such modifications and extensions as the Secretary may determine to be appropriate for the purposes of this subsection.

(2) In the case of a proposed new airport serving any area which does not include a metropolitan area, the Secretary shall not approve any airport development project with respect to any proposed airport site not approved by the community or communities in which the airport is proposed to be located.

UNITED STATES SHARE OF PROJECT COSTS

General Provision

SEC. 207. (a) Except as provided in subsections (b), (c), and (d) of this section, the United States share payable on account of any approved project for airport development submitted under section 206 of this Act may not exceed 50 per centum of the allowable project costs.

Projects in Public Land States

(b) In the case of any State containing unappropriated and unreserved public lands and nontaxable Indian lands (individual and tribal) exceeding 5 per centum of the total area of all lands therein, the United States share under subsection (a) shall be increased by whichever is the smaller of the following percentages thereof: (1) 25 per centum, or (2) a percentage equal to one-half of the percentage that the area of all such lands in that State is of its total area.

Projects in the Virgin Islands

(c) The United States share payable on account of any approved project for airport development in the Virgin Islands shall be any portion of the allowable project costs of the project, not to exceed 75 per centum, as the Secretary considers appropriate for carrying out the provisions of this Act.

Landing Aids

(d) To the extent that the project costs of an approved project for airport development represent the cost of (1) land required for the installation of approach light systems, (2) touchdown zone and centerline runway lighting, or (3) high intensity runway lighting, the United States share shall be not to exceed 75 per centum of the allowable costs thereof.

PROJECT SPONSORSHIP

SEC. 208. As a condition precedent to his approval of a project for airport development under this Act, the Secretary shall receive assurances in writing, satisfactory to him, that—

(1) the airport to which the project for airport development relates will be available for public use on fair and reasonable terms and without unjust discrimination;

(2) the airport and all facilities thereon or connected therewith will be suitably operated and maintained, with due regard to climatic and flood conditions;

(3) the aerial approaches to the airport will be adequately cleared and protected by removing, lowering, relocating, marking, or lighting or otherwise mitigating existing airport hazards and by preventing the establishment or creation of future airport hazards;

(4) appropriate action, including the adoption of zoning laws, has been or will be taken, to the extent reasonable, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft;

(5) all of the facilities of the airport developed with Federal financial assistance and all those usable for landing and takeoff of aircraft will be available to the United States for use by military aircraft in common with other aircraft at all times without charge, except, if the use by Government aircraft is substantial, a charge may be made for a reasonable share, proportional to such use, of the cost of operating and maintaining the facilities used;

(6) the airport operator or owner will furnish without cost to the Federal Government for use in connection with any air traffic control activities, or weather-reporting and communication activities related to air traffic control, any areas of land or water, or estate therein, or rights in buildings of the sponsor as the Secretary considers necessary or desirable for construction at Federal expense of space or facilities for such purposes;

(7) all project accounts and records will be kept in accordance with a standard system of accounting prescribed by the Secretary after consultation with appropriate public agencies;

(8) the airport operator or owner will maintain a fee and rental structure for the facilities and services being provided the airport users which will make the airport as self-sustaining as possible under the circumstances existing at that particular airport, taking into account such factors as the volume of traffic and economy of collection;

(9) the airport operator or owner will submit to the Secretary such annual or special airport financial and operations reports as the Secretary may reasonably request; and

(10) the airport and all airport records will be available for inspection by any duly authorized agent of the Secretary upon reasonable request.

To insure compliance with this section, the Secretary shall prescribe such project sponsorship requirements, consistent with the terms of this Act, as he considers necessary. Among other steps to insure such compliance the Secretary is authorized to enter into contracts with public agencies, on behalf of the United States. Whenever the Secretary obtains from a sponsor any area of land or water, or estate therein, or rights in buildings of the sponsor and constructs space or facilities thereon at Federal expense, he is authorized to relieve the sponsor from any contractual obligation entered into under this Act or the Federal Airport Act to provide free space in airport buildings to the Federal Government to the extent he finds that space no longer required for the purpose set forth in paragraph (6) of this section.

GRANT AGREEMENTS

SEC. 209. (a) Upon approving a project application for airport development, the Secretary, on behalf of the United States, shall transmit to the sponsor or sponsors of the project application an offer to make a grant for the United States share of allowable project costs. An offer shall be made upon such terms and conditions as the Secretary considers necessary to meet the requirements of this Act and the regulations prescribed thereunder. Each offer shall state a definite amount as the maximum obligation of the United States payable from funds authorized by this Act, and shall stipulate the obligations to be assumed by the sponsor or sponsors. If and when an offer is accepted in writing by the sponsor, the offer and acceptance shall comprise an agreement constituting an obligation of the United States and of the sponsor. Thereafter, the amount stated in the accepted offer as the maximum obligation of the United States may not be increased by more than 10 per centum. Unless and until an agreement has been executed, the United States may not pay, nor be obligated to pay, any portion of the costs which have been or may be incurred.

(b) Any grant made pursuant to this section shall be deemed a contractual obligation of the United States subject to such funds being available as provided by appropriation Acts. Any such grant for payment in installments over a period in excess of one year shall not obligate the United States beyond June 30, 1975.

ALLOWABLE PROJECT COSTS

SEC. 210. (a) Except as provided in section 211 of this Act, the United States may not pay, or be obligated to pay, from amounts appropriated to carry out the provisions of this Act, any portion of a project cost incurred in carrying out a project for airport development unless the Secretary has first determined that the cost is allowable. A project cost is allowable if—

(1) it was a neccesary cost incurred in accomplishing airport development in conformity with approved plans and specifications for an approved airport development project and with the terms and conditions of the grant agreement entered into in connection with the project:

(2) it was incurred subsequent to the execution of the grant agreement with respect to the project, and in connection with airport development accomplished under the project after the execution of the agreement. However, the allowable costs of a project may include any necessary costs of formulating the project (including the costs of field surveys and the preparation of plans and specifications, the acquisition of land or

interests therein or easements through or other interests in airspace, and any necessary administrative or other incidental costs incurred by the sponsor specifically in connection with the accomplishment of the project for airport development, which would not have been incurred otherwise) which were incurred subsequent to May 13, 1946;

(3) in the opinion of the Secretary it is reasonable in amount. If the Secretary determines that a project cost is unreasonable in amount, he may allow as an allowable project cost only so much of such project cost as he determines to be reasonable. In no event may he allow project costs in excess of the definite amount stated in the grant agreement; and

(4) it has not been included in any project authorized under section 203 of this Act.

The Secretary is authorized to prescribe such regulations, including regulations with respect to the auditing of project costs, as he considers necessary to effectuate the purposes of this section.

Costs Not Allowed

(b) The following are not allowable project costs: (1) the cost of construction of that part of an airport development project intended for use as a public parking facility for passenger automobiles; or (2) the cost of construction, alteration, or repair of a hangar or of any part of an airport building except such as those buildings or parts of buildings intended to house facilities or activities directly related to the safety of persons at the airport or directly related to the handling of passengers or their baggage at the airport. The cost of construction, alteration, or repair of buildings or those parts of buildings directly related to the handling of passengers or their baggage shall not be an allowable project cost unless the Secretary finds that no reasonable financial alternative to inclusion as an allowable project cost exists. Such a finding must be based upon consideration of the feasibility and extent of other sources of financial participation, the financial condition of the airport sponsor as disclosed by uniform accounting procedures promulgated by the Secretary and any other factors relevant to such determination.

PAYMENTS UNDER GRANT AGREEMENTS

SEC. 211. The Secretary, after consultation with the sponsor with which a grant agreement has been entered into, may determine the times, and amounts in which payments shall be made under the terms of a grant agreement for airport development. Payments in an aggregate amount not to exceed 90 per centum of the United States share of the total estimated allowable project costs may be made from time to time in advance of accomplishment of the airport development to which the payments relate, if the sponsor certifies to the Secretary that the aggregate expenditures to be made from the advance payments will not at any time exceed the cost of the airport development work which has been performed up to that time. If the Secretary determines that the aggregate amount of payments made under a grant agreement at any time exceeds the United States share of the total allowable project costs, the United States shall be entitled to recover the excess. If the Secretary finds that the airport development to which the advance payments relate has not been accomplished within a reasonable time or the development is not completed, the United States may recover any part of the advance payment for which the United States received no benefit. Payments under a grant agreement shall be made to the official or depository authorized by law to receive public funds and designated by the sponsor.

PERFORMANCE OF CONSTRUCTION WORK

Regulations

SEC. 212. (a) The construction work on any project for airport development approved by the Secretary pursuant to section 206 of this Act shall be subject to inspection and approval by the Secretary and in accordance with regulations prescribed by him. Such regulations shall require such cost and progress reporting by the sponsor or sponsors of such project as the Secretary shall deem necessary. No such regulation shall have the effect of altering any contract in connection with any project entered into without actual notice of regulation.

Minimum Rates of Wages

(b) All contracts in excess of $2,000 for work on projects for airport development approved under this Act which involve labor shall contain provisions establishing minimum rates of wages, to be predetermined by the Secretary of Labor, in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a–5), which contractors shall pay to skilled and unskilled labor, and such minimum rates shall be stated in the invitation for bids and shall be included in proposals or bids for the work.

Other Provisions as to Labor

(c) All contracts for work on projects for airport development approved under this Act which involve labor shall contain such provisions as are necessary to ensure (1) that no convict labor shall be employed; and (2) that in the employment of labor (except in executive, administrative, and supervisory positions), preference shall be given, where they are qualified, to individuals who have served as persons in the military service of the United States, as defined in section 101(1) of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended (50 U.S.C. App. 511(1)), and who have been honorably discharged from such service. However, this preference shall apply only where the individuals are available and qualified to perform the work to which the employment relates.

USE OF GOVERNMENT-OWNED LANDS

Requests for Use

SEC. 213. (a) Whenever the Secretary determines that use of any lands owned or controlled by the United States is reasonably necessary for carrying out a project for airport development under this Act, or for the operation of any public airport, including lands reasonably necessary to meet future development of an airport in accordance with the national airport system plan, he shall file with the head of the department or agency having control of the lands a request that the necessary property interests therein be conveyed to the public agency sponsoring the project in question or owning or controlling the airport. The property interest may consist of the title to, or any other interest in, land or any easement through or other interest in airspace.

Making of Conveyances

(b) Upon receipt of a request from the Secretary under this section, the head of the department or agency having control of the lands in question shall determine whether the requested conveyance is inconsistent with the needs of the department or agency, and shall notify the Secretary of his determination within a period of four months after receipt of the Secretary's request. If the department or agency head determines that the requested conveyance is not inconsistent with the needs of that department or agency, the department or agency head is hereby authorized and directed, with the approval of the President and the Attorney General of the United States, and without any expense to the United States, to perform any acts and to execute any instruments necessary to make the conveyance requested. A conveyance may be made only on the condition that, at the option of the Secretary, the property interest conveyed shall revert to the United States in the event that the lands in question are not developed for airport purposes or used in a manner consistent with the terms of the conveyance. If only a part of the property interest conveyed is not developed for airport purposes, or used in a manner consistent with the terms of the conveyance, only that particular part shall, at the option of the Secretary, revert to the United States.

REPORTS TO CONGRESS

SEC. 214. On or before the third day of January of each year the Secretary shall make a report to the Congress describing his operations under this title during the preceding fiscal year. The report shall include a detailed statement of the airport development accomplished, the status of each project undertaken, the allocation of appropriations, and an itemized statement of expenditures and receipts.

FALSE STATEMENTS

SEC. 215. Any officer, agent, or employee of the United States or any officer, agent, or employee of any public agency, or any person, association, firm or corporation who, with intent to defraud the United States—

(1) knowingly makes any false statement, false representation, or false report as to the character, quality, quantity, or cost of the material used or to be used, or the quantity or quality of the work performed or to be performed, or the costs thereof, in connection with the submission of plans, maps, specifications, contracts, or estimates of project costs for any project submitted to the Secretary for approval under this Act;

(2) knowingly makes any false statement, false representation, or false report or claim for work or materials for any project approved by the Secretary under this Act;

(3) knowingly makes any false statement or false representation in any report required to be made under this Act;

shall, upon conviction thereof, be punished by imprisonment for not to exceed five years or by a fine of not to exceed $10,000, or by both.

ACCESS TO RECORDS

Recordkeeping Requirements

SEC. 216. (a) Each recipient of a grant under this Act shall keep such records as the Secretary may prescribe, including records which fully disclose the amount and the disposition by the recipient of the proceeds of the grant, the total cost of the plan or program in connection with which the grant is given or used, and the amount and nature of that portion of the cost of the plan or program supplied by other sources, and such other records as will facilitate an effective audit.

Audit and Examination

(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient that are pertinent to grants received under this Act.

GENERAL POWERS

SEC. 217. The Secretary is empowered to perform such acts, to conduct such investigations and public hearings, to issue and amend such orders, and to make and amend such regulations and procedures, pursuant to and consistent with the provisions of this title, as he considers necessary to carry out the provisions of, and to exercise and perform his powers and duties under, this title.

TITLE III—MISCELLANEOUS

AVIATION ADVISORY COMMITTEE

SEC. 301. (a) The Secretary shall establish an Aviation Advisory Committee (hereinafter in this section referred to as the "Committee") composed of fifteen members appointed by the Secretary. The Committee shall include individuals drawn from Federal and State governments, industry representatives, airport sponsors, and national organizations concerned with conservation or regional planning but no more than five such mem-

bers shall be from the Federal Government. The Secretary shall be the Chairman and shall select the Vice Chairman from among the Committee members. The Vice Chairman shall act as Chairman in the latter's absence.

(b) The Committee shall be available to advise, consult with, and make recommendations to the Secretary concerning the long range needs of aviation including but not limited to future airport requirements.

(c) Members of such Committee who are not regular full-time employees of the United States, shall, while serving on the business of the Commission, be entitled to receive compensation at rates fixed by the Secretary of Transportation, but not exceeding $100 per day, including traveltime; and, while so serving away from their homes or regular places of business, members may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 of the United States Code for persons in the Government service employed intermittently.

(d) The Secretary shall engage such technical assistance as may be required to carry out the functions of such Committee, and the Secretary shall, in addition, make available to the Committee such secretarial, clerical, and other assistance and such pertinent data prepared by the Department of Transportation as the Committee may require to carry out its functions.

PROCUREMENT PROCEDURES

SEC. 302. Section 303 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1344), is amended by adding a new subsection (e) to read as follows:

"Negotiations of Purchases and Contracts

"(e) The Secretary of Transportation may negotiate without advertising purchases of and contracts for technical or special property related to, or in support of, air navigation that he determines to require a substantial initial investment or an extended period of preparation for manufacture, and for which he determines that formal advertising would be likely to result in additional cost to the Government by reason of duplication of investment or would result in duplication of necessary preparation which would unduly delay the procurement of the property."

REPEAL, CONFORMING AMENDMENTS, AND SAVINGS PROVISIONS

Repeal

SEC. 303. The Act of May 13, 1946 (Federal Airport Act), as amended, is repealed as of the close of June 30, 1970.

CONFORMING AMENDMENTS

Department of Interior Airports Act

SEC. 304. (a) The Act of March 18, 1950 (64 Stat. 27; 16 U.S.C. 7a–7e), as amended, is further amended as follows:

(1) By striking out the words "national airport plan" in section 1 and by inserting the words, "national airport system plan" in place thereof;

(2) By striking out the words "Administrator of the Federal Aviation Agency" wherever they appear in section 1 and by inserting the words "Secretary of Transportation" in place thereof;

(3) By striking out the words "Federal Airport Act" in sections 1 and 5 and by inserting the words "Airport and Airways Development Act of 1969" in place thereof; and

(4) By striking out the words "Federal Airport Act" in section 3 and by inserting the words "Federal Airport Act or the Airport and Airways Development Act of 1969" in place thereof.

Public Works and Economic Development Act of 1965

(b) The Act of August 26, 1965 (79 Stat. 552; 42 U.S.C. 3121–3226), as amended, is further amended by inserting in the first sentence of section 509(c) thereof, immediately after the words "Federal Airport Act," the words "and the successor program under the Airport and Airways Development Act of 1969".

Demonstration Cities and Metropolitan Development Act of 1966

(c) The Act of November 3, 1966 (80 Stat. 1255; 42 U.S.C. 3301–3374), as amended, is further amended by inserting in section 208(2)) thereof, immediately after the words "Federal Airport Act;", the words "section 209 of the Airport and Airways Development Act of 1969;".

Federal Aviation Act of 1958

(d) The Act of August 23, 1958 (72 Stat. 737; 49 U.S.C. 1301–1542), as amended, is further amended as follows:

(1) By striking out the words "or by the Federal Airport Act" in the first sentence of section 313(c), and by inserting the words ", the Federal Airport Act, or the Airport and Airways Development Act of 1969" in place thereof; and

(2) By striking out the words "Federal Airport Act" in the first sentence of section 1109(e), and by inserting the words "Air port and Airways Development Act of 1969" in place thereof.

Applachian Regional Development Act of 1965

(e) The Appalachian Regional Development Act of 1965 (79 Stat. 5; 40 U.S.C. App. 1–405), as amended, is further amended by inserting in section 214(c) thereof, immediately after the words "Federal Airport Act;", the words "Airport and Airways Development Act of 1969;".

Surplus Property Act of 1944

(f) The Act of October 3, 1944 (58 Stat. 770; 50 U.S.C. App. 1622), as amended, is further amended by striking out the words "Federal Airport Act (60 Stat. 170)" in section 13(g)(1), and by inserting the words "Airport and Airways Development Act of 1969" in place thereof.

Reorganization Plan Numbered 14 of 1950

(g) Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267) is amended by inserting immediately after the words "the Act of May 13, 1946 (60 Stat. 170. ch. 251), as amended;" the following: "(h) the Airport and Airways Development Act of 1969; and (i) the Act of July 15, 1949, ch. 338, Public Law 171, Eighty-first Congress, first session."

SAVINGS AND SEPARABILITY PROVISIONS

Savings

SEC. 305. (a) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, grants, rights, and privileges which have been issued, made, granted, or allowed to become effective by the President, the Secretary of Transportation, or any court of competent jurisdiction under any provision of the Federal Airport Act, as amended, which are in effect at the time this section takes effect, are continued in effect according to their terms until modified, terminated, superseded, set aside, or repealed by the Secretary of Transportation or by any court of competent jurisdiction, or by operation of law.

Separability

(b) If any provision of this Act or the application thereof to any person or circumstances is held invalid, the remainder of the Act and the application of the provision to other persons or circumstances is not affected thereby.

On page 92, line 1, after the word "Title", strike out "II" and insert "IV"; at the beginning of line 3, change the section number from "201" to "401"; in line 5, after the word "of"; strike out "1969" and insert "1970"; at the beginning of line 12, change the section number from "202" to "402"; on page 94, line 2, after the word "section" strike out "4282 or 4283" and insert "4281 or 4282"; after line 3, insert:

"(5) TERMINATION.—On and after July 1, 1980, the taxes imposed by paragraphs (1) and (2) shall not apply."

On page 95, after line 22, strike out:

"SEC. 203. TAX ON TRANSPORTATION OF PERSONS BY AIR.

"(a) 8 PERCENT TAX.—Section 4261 (relating to imposition of tax) is amended by striking out 'November 15, 1962' each place it appears and by substituting in lieu thereof 'November 15, 1962, and before January 1, 1970, and 8 percent of such amount for transportation which begins on or after January 1, 1970'.

"(b) HEAD TAX.—Section 4261 is amended by adding at the end thereof the following new subsection:

"'(c) $3 HEAD TAX.—There is hereby imposed upon any amount paid (whether within or without the United States) for any transportation which begins in the United States after December 31, 1969, of any person by air a tax equal to $3. This subsection shall not apply to any transportation all of which is taxable under subsection (a) or (b) (determined without regard to sections 4281, 4282, and 4283).'

"(c) DEFINITION OF TRANSPORTATION.—Section 4262 (relating to definition of taxable transportation) is amended by adding at the end thereof the following new subsection:

"'(d) TRANSPORTATION.—For purposes of this part, the term 'transportation' includes layover or waiting time and movement of the aircraft in deadhead service.'"

And, in lieu thereof, insert:

SEC. 403. TAX ON TRANSPORTATION OF PERSONS BY AIR.

"(a) IMPOSITION OF TAX.—Section 4261 (relating to imposition of tax on transportation of persons by air) is amended to read as follows:

"SEC. 4261. IMPOSITION OF TAX.

"'(a) IN GENERAL.—There is hereby imposed upon the taxable transportation (as defined in section 4262) of any person which begins after April 30, 1970, a tax equal to 7.5 percent of the amount paid by such person for such transportation. In the case of taxable transportation paid for outside the United States, the tax imposed by this subsection shall apply only if such transportation begins and ends in the United States.

"'(b) SEATS, BERTHS, ETC.—There is hereby imposed upon seating or sleeping accommodations furnished to any person in connection with transportation which begins after April 30, 1970, and with respect to which a tax is imposed by subsection (a), a tax equal to 7.5 percent of the amount paid by such person for the use of such accommodations.

"'(c) USE OF INTERNATIONAL TRAVEL FACILITIES.—There is hereby imposed a tax of $3 upon any amount paid (whether within or without the United States) for any transportation which begins in the United States after April 30, 1970, of any person by aid. This subsection shall not apply to any transportation all of which is taxable under subsection (a) (determined without regard to section 4281 and 4282).

"'(d) BY WHOM PAID.—The taxes imposed by subsections (a) and (b) shall be paid by the person receiving the payment for the transportation or accommodations subject to the tax. Except as provided in section 4263 (a), the tax imposed by subsection (c) shall be paid by the person making the payment subject to the tax.

"'(e) REDUCTION, ETC. OF RATES.—Effective with respect to transportation beginning after June 30, 1980—

"'(1) the rate of the taxes imposed by subsections (a) and (b) shall be 4.8 percent, and

"'(2) the tax imposed by subsection (c) shall not apply.'

"(b) DEFINITION OF TAXABLE TRANSPORTATION.—Section 4262 (relating to definition of taxable transportation) is amended—

"(1) by striking out 'subchapter' in subsections (a) and (b) and inserting in lieu thereof 'part';

"(2) by striking out 'transportation' in subsection (a)(1) and inserting in lieu thereof 'transportation by air';

"(3) by striking out 'in the case of transportation' in subsection (a)(2) and inserting in lieu thereof 'in the case of transportation by air';

"(4) by striking out 'any transportation which' in subsection (b) and inserting in lieu thereof 'any transportation by air which'; and

"(5) by adding at the end thereof the following new subsection:

"'(d) TRANSPORTATION.—For purposes of this part, the term 'transportation' includes layover or waiting time and movement of the aircraft in deadhead service.'"

On page 99, after line 3, strike out:

"SEC. 204. TAX ON TRANSPORTATION OF PROPERTY BY AIR.

"Subchapter C of chapter 33 (relating to transportation by air) is amended by adding at the end thereof the following new part:

"'PART II—PROPERTY

"'Sec. 4271. Imposition of tax.
"'Sec. 4272. Shipment for export.

"'SEC. 4271. IMPOSITION OF TAX.

"'(a) IN GENERAL.—There is hereby imposed upon the amount paid within or without the United States for the transportation of property by air from one point in the United States to another, a tax equal to 5 percent of the amount so paid for transportation which begins after December 31, 1969. The tax imposed by this subsection shall apply only to amounts paid to a person engaged in the business of transporting property for hire by air.

"'(b) TRANSPORTATION OF PROPERTY INTO THE UNITED STATES.—There is hereby imposed upon the amount paid within or without the United States for the transportation of property by air from a point without the United States to a point within the United States, a tax equal to 5 percent of that portion of the amount so paid for transportation (which begins after December 31, 1969) which takes place within the United States. The tax imposed by this subsection shall apply only to amounts paid to a person engaged in the business of transporting property for hire by air.

"'(c) TRANSPORTATION.—For purposes of this part, the term 'transportation' includes layover or waiting time and movement of the aircraft in deadhead service.

"'(d) BY WHOM PAID.—The taxes imposed by this section shall be paid by the person making the payment subject to the tax. To the extent that the taxes imposed by this section upon any amount paid without the United States are not paid by the person making the payment subject to such taxes, such taxes shall be paid by the person to whom the property is consigned at its destination within the United States.

"'SEC. 4272. SHIPMENT FOR EXPORT.

"'Under regulation prescribed by the Secretary or his delegate, no tax shall be imposed under section 4271 upon amounts paid for the transportation of property in the course of exportation (including shipment to a possession of the United States) by continuous movement and in due course so exported or shipped.'"

And, in lieu thereof, insert:

"SEC. 404. TAX ON TRANSPORTATION OF PROPERTY BY AIR.

"Subchapter C of chapter 33 (relating to transportation by air) is amended by adding at the end thereof the following new part:

"'PART II—PROPERTY

"'Sec. 4271. Imposition of tax.
"'Sec. 4272. Definition of taxable transportation, etc.

"'SEC. 4271. IMPOSITION OF TAX.

"'(a) IN GENERAL.—There is hereby imposed upon the amount paid within or without the United States for the taxable transportation (as defined in section 4272) of property which begins after April 30, 1970, a tax equal to 5 percent of the amount so paid for such transportation. The tax imposed by this subsection shall apply only to amounts paid to a person engaged in the business of transporting property by air for hire.

"'(b) BY WHOM PAID.—The tax imposed by this section shall be paid by the person making the payment subject to the tax, except that, to the extent that such tax is imposed upon any amount paid outside the United States and is not paid by the person making the payment subject to such tax, such tax shall be paid by the person to whom the property is consigned at its destination within the United States.

"'(c) DETERMINATION OF AMOUNTS PAID IN CERTAIN CASES.—For purposes of this section, in any case in which a person engaged in the business of transporting property by air for hire and one or more other persons not so engaged jointly provide services which include taxable transportation of property, and the person so engaged receives, for the furnishing of such taxable transportation, a portion of the receipts from the joint providing of such services, the amount paid for the taxable transportation shall be treated as being the sum of (1) the portion of the receipts so received, and (2) any expenses incurred by any of the persons not so engaged which are properly attributable to such taxable transportation and which are taken into account in determining the portion of the receipts so received.

"'(d) TERMINATION.—Effective with respect to transportation beginning after June 30, 1980, the tax imposed by subsection (a) shall not apply.

"'SEC. 4272. DEFINITION OF TAXABLE TRANSPORTATION, ETC.

"'(a) IN GENERAL.—For purposes of this part, except as provided in subsection (b), the term 'taxable transportation' means—

"'(1) in the case of transportation by air from one point in the United States to another point in the United States, all of such transportation; and

"'(2) in the case of transportation by air from a point outside the United States to a point in the United States, that portion of such transportation which takes place within the United States.

"'(b) EXCEPTIONS.—For purposes of this part, the term "taxable transportation" does not include—

"'(1) that portion of any transportation which meets the requirements of paragraphs (1), (2), (3), and (4) of section 4262(b), or

"'(2) under regulations prescribed by the Secretary or his delegate, transportation of property in the course of exportation (including shipment to a possession of the United States) by continuous movement, and in due course so exported.

"'(c) EXCESS BAGGAGE OF PASSENGERS.—For purposes of this part, the term "property" does not include excess baggage accompanying a passenger traveling on an aircraft operated on an established line.

"'(d) TRANSPORTATION.—For purposes of this part, the term "transportation" includes layover or waiting time and movement of the aircraft in deadhead service.'"

On page 103, at the beginning of line 22, change the section number from "205" to "405"; on page 104, after line 4, strike out "'SEC. 4281. Certain Organizations"; at the beginning of the line following the amendment just above stated, change the section number from "4282" to "4281"; at the beginning of the line following the amendment just above stated, change the section number from "4283" to "4282"; after the material following line 4, strike out:

"'SEC. 4281. CERTAIN ORGANIZATIONS.

"'The taxes imposed by sections 4261 and 4271 shall not apply to amounts paid for transportation or facilities furnished to an international organization (as defined in section 7701(a)(18)) or to any corporation created by act of Congress to act in matters of relief under the treaty of Geneva of August 22, 1864.'"

At the beginning of line 12, change the section number from "4282" to "4281"; at the beginning of line 19, change the section number from "4283" to "4283"; on page 105, at the beginning of line 5, strike out "no tax shall be imposed under section 4261 or 4271 upon any payment received by one member of the affiliated group from another member of such group for services furnished to such other member in connection with the use of such aircraft", and, in lieu thereof, insert, "the taxes imposed by sections 4261 and 4271 shall not apply to transportation furnished by such member to another member of the affiliated group by the use of such aircraft."; on page 106, line 8, after the word "used", insert "after March 31, 1970,"; in line 20, after the word "used", insert "after March 31, 1970,"; on page 107, line 1, after "4251," strike out "4261," and insert "4261(c),"; after line 8, strike out:

"(4) Paragraph (2) of section 6416(b) (relating to special cases in which tax payments considered overpayments) is amended—

"(A) by striking out '(or under section 4041(a)(1) or (b)(1))' and inserting in lieu thereof '(or under section 4044 on the sale of any liquid)';

"(B) by amending subparagraph (G) to read as follows:

"'(G) in the case of a liquid in respect of which tax was paid under section 4041 on the sale thereof (whether such sale occurred on, before, or after December 31, 1969), if (i) the vendee used such liquid other than for the use for which sold, or resold such liquid, or (ii) such liquid was (within the meaning of paragraphs (1), (2), and (3), of section 6420(c)) used on a farm for farming purposes; except that the amount of any overpayment by reason of this subparagraph shall be reduced by an amount equal to the amount of tax applicable on the use thereof under section 4041 on the date used;';

"(C) by striking out subparagraphs (I) and (J); and

"(D) by amending subparagraph (M) to read as follows:

"'(M) in the case of gasoline, used or sold for use in the production of special fuels referred to in section 4041;'."

And, in lieu thereof, insert:

"(4) Subparagraph (M) of section 6416(b)(2) (relating to special cases in which tax payments considered overpayments) is amended to read as follows:

"'(M) in the case of gasoline, used or sold for use in the production of special fuels referred to in section 4041;'.

"(5) Section 6416 (relating to certain taxes on sales and services) is amended by adding at the end thereof the following new subsection:

"'(j) TRANSPORTATION OF PERSONS BY AIR.—

"'(1) IN GENERAL.—No credit or refund of any overpayment of the taxes imposed by sections 4261 (a) and (b) (taxable transportation of persons by air) shall be allowed or made unless the person who paid the tax establishes, under regulations prescribed by the Secretary or his delegate, that he—

"'(A) has not included the tax in the amount paid for the transportation and has

not collected the amount of the tax from the person who paid for the transportation;

"'(B) has repaid the amount of the tax to the person who paid for the transportation; or

"'(C) has filed with the Secretary or his delegate written consent of the person who paid for the transportation to the allowance of the credit or the making of the refund.

"'(2) CREDIT ON RETURNS.—Any person entitled to a refund of tax imposed by section 4261 (a) or (b) paid to the Secretary or his delegate may, instead of filing claim for refund, take credit therefor against the taxes imposed by such sections due on any subsequent return.'"

On page 109, line 24, after "4263.", insert "Such section (as so redesignated) is amended by striking out '4261' each place it appears and inserting in lieu thereof '4261 (c)'."; on page 110, after line 2, strike out:

"(3) Section 4261(d) is amended by striking out 'section 4264' and inserting in lieu thereof 'section 4263'."

At the beginning of line 6, strike out "(4)" and insert "(3)"; at the beginning of line 9, strike out "(5)" and insert "(4)"; at the beginning of line 14, strike out "(6)" and insert "(5)"; at the beginning of line 17, strike out "(7)" and insert "(6)"; on page 111, at the beginning of line 3, strike out "(8)" and insert "(7)"; at the beginning of line 10, strike out "(9)" and insert "(8)"; strike out the second paragraph following line 12; at the beginning of the third paragraph following 12, change "(3)" to "(2)"; at the beginning of the fourth paragraph following line 12, change "(4)" to "(3)"; at the beginning of line 13, change the section number from "206" to "406"; after the amendment just above stated, strike out "Registration Tax" and insert "Tax On Use Of Aircraft"; on page 112, after the second line after line one, insert "Sec. 4493. Special rules."; after line one, at the beginning of the fourth line, change the section number from "4493" to "4494"; in line 7, after "(2)", insert "in the case of any aircraft capable of providing a seating capacity for more than 4 adult individuals (including the crew)"; in line 15, after the word "Paid.", strike out "The" and insert "Except as provided in section 4493(a), the"; on page 113, after the material following line 13, strike out:

"'(e) SPECIAL RULES FOR PERIOD BEGINNING JANUARY 1, 1970, AND ENDING JUNE 30, 1970.—For purposes of this section, in the case of the year ending June 30, 1970—

"'(1) there shall not be taken into account any use before January 1, 1970, and

"'(2) that portion of the tax which is determined under subsection (a) (1) shall be $12.50 in lieu of $25'"

And, in lieu thereof, insert:

"'(e) SPECIAL RULES FOR PERIOD BEGINNING APRIL 1, 1970, AND ENDING JUNE 30, 1970.—For purposes of this section, in the case of the year ending June 30, 1970—

"'(1) there shall not be taken into account any use before April 1, 1970, and

"'(2) that portion of the tax which is determined under subsection (a) (1) shall—

"'(A) except as provided in subparagraph (B), be $6.25 in lieu of $25, and

"'(B) not apply in the case of taxable civil aircraft to which the portion of the tax which is determined under subsection (a) (2) does not apply.

"'(f) TERMINATION.—On and after July 1, 1980, the tax imposed by subsection (a) shall not apply.'"

On page 115, after line 14, insert a new section, as follows:

"'SEC. 4493. SPECIAL RULES.

"'(a) PAYMENT OF TAX BY LESSEE.—

"'(1) IN GENERAL.—Any person who is the lessee of any taxable civil aircraft on the day in any year on which occurs the first use which subjects such aircraft to the tax imposed by section 4491 for such year may, under regulations prescribed by the Secretary or his delegate, elect to be liable for payment of such tax. Notwithstanding any such election, if such lessee does not pay such tax, the lessor shall also be liable for payment of such tax.

"'(2) EXCEPTION.—No election may be made under paragraph (1) with respect to any taxable civil aircraft which is leased from a person engaged in the business of transporting persons or property for compensation or hire by air.

"'(b) CERTAIN PERSONS ENGAGED IN FOREIGN AIR COMMERCE.—

"'(1) ELECTION TO PAY TENTATIVE TAX.—Any person who is a significant user of taxable civil aircraft in foreign air commerce may, with respect to that portion of the tax imposed by section 4941 which is determined under section 4491(a)(2) on any taxable civil aircraft for any year beginning on or after July 1, 1970, elect to pay the tentative tax determined under paragraph (2). The payment of such tentative tax shall not relieve such person from payment of the net liability for the tax imposed by section 4491 on such taxable civil aircraft (determined as of the close of such year).

"'(2) TENTATIVE TAX.—For purposes of paragraph (1), the tentative tax with respect to any taxable civil aircraft for any year is an amount equal to that portion of the tax imposed by section 4491 on such aircraft for such year which is determined under section 4491(a)(2), reduced by a percentage of such amount equal to the percentage which the aggregate of the payments to which such person was entitled under section 6426 (determined without regard to section 6426(c)) with respect to the preceding year is of the aggregate of the taxes imposed by section 4491 for which such person was liable for payment for the preceding year.

"'(3) SIGNIFICANT USERS OF AIRCRAFT IN FOREIGN AIR COMMERCE.—For purposes of paragraph (1), a person is a significant user of taxable civil aircraft in foreign air commerce for any year only if the aggregate of the payments to which such person was entitled under section 6426 (determined without regard to section 6426(c)) with respect to the preceding year was at least 10 percent of the aggregate of the taxes imposed by section 4491 for which such person was liable for payment for the preceding year.

"'(4) NET LIABILITY FOR TAX.—For purposes of paragraph (1), the net liability for the tax imposed by section 4491 with respect to any taxable civil aircraft for any year is—

"'(A) the amount of the tax imposed by such section, reduced by

"'(B) the amount payable under section 6426 with respect to such aircraft for the year (determined without regard to section 6426(c)).'"

On page 118, at the beginning of line 1, change the section number from "4493" to "4494"; on page 119, after line 22, insert:

"'(c) REDUCTION IN CASE OF PAYERS OF TENTATIVE TAX.—In the case of any person who paid a tentative tax determined under section 4493(b) with respect to any aircraft for any period, the amount payable under subsection (a) with respect to such aircraft for such period shall be reduced by an amount equal to—

"'(1) the amount by which that portion of the tax imposed under section 4491 for such period which is determined under section 4491 (a)(2), exceeds.

"'(2) the amount of the tentative tax determined under section 4493(b) paid for such period.'"

On page 120, at the beginning of line 9, strike out "(c)" and insert "(d)"; at the beginning of line 14, strike out "(d)" and insert "(e)"; on page 121, after the material following line 6, insert a new section, as follows:

"SEC. 407. PAYMENTS WITH RESPECT TO CERTAIN USES OF GASOLINE AND SPECIAL FUELS.

"(a) PAYMENTS WITH RESPECT TO CERTAIN NONTAXABLE USES OF FUELS.—Subchapter B of chapter 65 (relating to rules of special application) is amended by adding after section 6426 (as added by section 406(c) of this title) the following new section:

"'SEC. 6427. FUELS NOT USED FOR TAXABLE PURPOSES.

"'(a) NONTAXABLE USES.—Except as provided in subsection (f), if tax has been imposed under section 4041 (a), (b), or (c) on the sale of any fuel and, after March 31, 1970, the purchaser uses such fuel other than for the use for which sold, or resells such fuel, the Secretary or his delegate shall pay (without interest) to him an amount equal to—

"'(1) the amount of tax imposed on the sale of the fuel to him, reduced by

"'(2) if he uses the fuel, the amount of tax which would have been imposed under section 4041 on such use if no tax under section 4041 had been imposed on the sale of the fuel.

"'(b) LOCAL TRANSIT SYSTEMS.—

"'(1) ALLOWANCE.—Except as provided in subsection (f), if any fuel on the sale of which tax was imposed under section 4041 (a) or (b) is, after March 31, 1970, used by the purchaser during any calendar quarter in vehicles while engaged in furnishing scheduled common carrier public passenger land transportation service along regular routes, the Secretary or his delegate shall, subject to the provisions of paragraph (2), pay (without interest) to the purchaser the amount determined by multiplying—

"'(A) 2 cents for each gallon of fuel so used on which tax was imposed at the rate of 4 cents a gallon, by

"'(B) the percentage which the purchaser's commuter fare revenue (as defined in section 6421(d)(2)) derived from such scheduled service during the quarter was of his total passenger fare revenue derived from such scheduled service during a quarter.

"'(2) LIMITATION.—Paragraph (1) shall apply in respect of fuel used during any calendar quarter only if at least 60 percent of the total passenger fare revenue derived during the quarter from scheduled service described in paragraph (1) by the purchaser was attributable to commuter fare revenue derived during the quarter by the purchaser from such scheduled service.

"'(c) USE FOR FARMING PURPOSES.—Except as provided in subsection (f), if any fuel on the sale of which tax was imposed under section 4041 (a), (b), or (c) is, after March 31, 1970, used on a farm for farming purposes (within the meaning of section 6420(c)), the Secretary or his delegate shall pay (without interest) to the purchaser an amount equal to the amount of the tax imposed on the sale of the fuel. For purposes of this subsection, if fuel is used on a farm by any person other than the owner, tenant or operator shall be treated as the user and purchaser of such fuel.

"'(d) TIME FOR FILING CLAIMS; PERIOD COVERED.—

"'(1) GENERAL RULE.—Except as provided in paragraph (2) not more than one claim may be filed under subsection (a), (b), or (c), by any person with respect to fuel used during his taxable year; and no claim shall be allowed under this paragraph with respect to fuel used during any taxable year unless filed by the purchaser not later than the time prescribed by law for filing a claim for credit or refund of overpayment of income tax for such taxable year. For purposes of this paragraph, a person's taxable year shall be his taxable year for purposes of subtitle A.

"'(2) EXCEPTION.—If $1,000 or more is payable under subsections (a) and (b) to any person with respect to fuel used during any of the first three quarters of his taxable year, a claim may be filed under this section by the purchaser with respect to fuel used during such quarter. No claim filed under this paragraph shall be allowed unless filed on or before the last day of the first quarter following the quarter for which the claim is filed.

"'(e) APPLICABLE LAWS.—

"'(1) IN GENERAL.—All provisions of law, including penalties, applicable in respect of the taxes imposed by section 4041 shall, insofar as applicable and not inconsistent with this section, apply in respect of the payments provided for in this section to the same extent as if such payments constituted refunds of overpayments of the tax so imposed.

"'(2) EXAMINATION OF BOOKS AND WITNESSES.—For the purpose of ascertaining the correctness of any claim made under this section, or the correctness of any payment made in respect of any such claim, the Secretary or his delegate shall have the authority granted by paragraphs (1), (2), and (3) of section 7602 (relating to examination of books and witnesses) as if the claimant were the person liable for tax.

"'(f) INCOME TAX CREDIT IN LIEU OF PAYMENT.—

"'(1) PERSONS NOT SUBJECT TO INCOME TAX.—Payment shall be made under this section only to—

"'(A) the United States or an agency or instrumentality thereof, a State, a political subdivision of a State, or an agency or instrumentality of one or more States or political subdivisions, or

"'(B) an organization exempt from tax under section 501(a) (other than an organization required to make a return of the tax imposed under subtitle A for its taxable year).

"'(2) EXCEPTION.—Paragraph (1) shall not apply to a payment of a claim filed under subsection (d)(2).

"'(3) ALLOWANCE OF CREDIT AGAINST INCOME TAX.—For allowance of credit against the tax imposed by subtitle A for fuel used or resold by the purchaser, see section 39.

"'(g) REGULATIONS.—The Secretary or his delegate may by regulations prescribe the conditions, not inconsistent with the provisions of this section, under which payments may be made under this section.

"'(h) CROSS REFERENCES.—

"'(1) For civil penalty for excessive claims under this section, see section 6675.

"'(2) For fraud penalties, etc., see chapter 75 (section 7201 and following, relating to crimes, other offenses, and forfeitures).'

"(b) TIME FOR FILING CLAIMS.—Section 6420(b)(2)(B) (relating to gasoline used on farms), section 6421(c)(3)(A)(ii) (relating to gasoline used for certain nonhighway purposes or by local transit systems), and section 6424(b)(1) (relating to lubricating oil not used in highway vehicles) are each amended by striking out 'time prescribed by law for filing an income tax return for such taxable year' and inserting in lieu thereof 'time prescribed by law for filing a claim for credit or refund of overpayment of income tax for such taxable year'.

"(c) CREDIT AGAINST INCOME TAX.—Section 39 (relating to certain uses of gasoline and lubrication oil) is amended—

"(1) by inserting ', SPECIAL FUELS,' after 'GASOLINE' in the heading of such section;

"(2) by striking out 'and' at the end of subsection (a)(2), by striking out the period at the end of subsection (a)(3) and inserting in lieu thereof ', and', and by adding at the end of subsection (a) the following new paragraph:

"'(4) under section 6427 with respect to fuels used for nontaxable purposes or resold during the taxable year (determined without regard to section 6427(f)).';

"(3) by striking out '6421 or 6424' in subsection (c) and inserting in lieu thereof '6421, 6424, or 6427'; and

"(4) by striking out '6421(i) or 6424(g)' in subsection (c) and inserting in lieu thereof '6421(i), 6424(g), or 6427(f)'.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—

"(1) Sections 874(a), 6201(a)(4), and 6401(b) are each amended by striking out 'uses of gasoline and lubricating oil' and inserting in lieu thereof 'uses of gasoline, special fuels, and lubricating oil'.

"(2) The heading of section 6201(a)(4) is amended by striking out 'FOR USE OF GASOLINE' and inserting in lieu thereof 'UNDER SECTION 39'.

"(3) Section 6206 is amended—

"(A) by striking out 'AND 6424' in the heading of such section and inserting in lieu thereof '6424, AND 6427';

"(B) by striking out 'or 6424' each place it appears in the text of such section and inserting in lieu thereof '6424, or 6427'; and

"(C) by striking out 'by section 4081 (or, in the case of lubricating oil, by section 4091)' and inserting in lieu thereof 'by section 4081 (with respect to payments under sections 6420 and 6421), 4091 (with respect to payments under section 6424), or 4041 (with respect to payments under section 6427)'.

"(4) Section 6416(b)(2)(G) is amended by inserting 'before April 1, 1970' after 'if'.

"(5) Section 6416(b)(2)(H) is amended by inserting 'beginning before April 1, 1970,' after 'during any calendar quarter'.

"(6) Section 6416(b)(2)(I) is amended by inserting 'before April 1, 1970' after 'used or resold for use'.

"(7) Section 6416(b)(2)(J) is amended by inserting 'before April 1, 1970,' after 'used or resold for use'.

"(8) Section 6675 is amended—

"(A) by striking out 'GASOLINE' in the heading of such section and inserting in lieu thereof 'FUELS';

"(B) by striking out 'or' before '6424' in subsection (a), and by inserting after 'motor vehicles)' in such subsection ', or 6427 (relating to fuels not used for taxable purposes)'; and

"(C) by striking out 'or 6424' in subsection (b)(1) and inserting in lieu thereof '6424, or 6427'.

"(9) Sections 7210, 7603, and 7604, and the first sentence of section 7605(a) are each amended by inserting '6427(e)(2),' after '6424(d)(2),'. The second sentence of section 7605(a) is amended by striking out 'or 6424(a)(2)' and inserting in lieu thereof '6424(d)(2), or 6427(e)(2)'.

"(10) The table of sections for subpart A of part IV of subchapter A of chapter 1 is amended by inserting ', special fuels,' after 'gasoline' in the item relating to section 39.

"(11) The table of sections for subchapter A of chapter 63 is amended by striking out 'and 6424' in the item relating to section 6206 and inserting in lieu thereof '6424, and 6427'.

"(12) The table of sections for subchapter B of chapter 65 is amended by adding at the end thereof the following new item:

"'SEC. 6427. Fuels not used for taxable purposes.'

"(13) The table of sections for subchapter B of chapter 68 is amended by striking out 'gasoline' in the item relating to section 6675 and inserting in lieu thereof 'fuels'.

"(e) HIGHWAY TRUST FUND AMENDMENTS.—Subsection (f) of section 209 of the Highway Revenue Act of 1956 (23 U.S.C., sec. 120 note) is amended—

"(1) by inserting at the end of paragraph (3) the following new sentence: 'This paragraph shall not apply to amounts estimated by the Secretary of the Treasury as paid under sections 6420 and 6421 of such Code with respect to gasoline used after March 31, 1970, in aircraft.';

"(2) by striking out 'GASOLINE AND LUBRICATING OIL' in the heading of paragraph (6) and inserting in lieu thereof 'GASOLINE, SPECIAL FUELS, AND LUBRICATING OIL';

"(3) by striking out '(relating to credit for certain uses of gasoline and lubricating oil) with respect to gasoline and lubricating oil' in the first sentence of paragraph (6) and inserting in lieu thereof '(relating to credit for certain uses of gasoline, special fuels, and lubricating oil) with respect to gasoline, special fuels, and lubricating oil';

"(4) by adding at the end of paragraph (6) the following new sentence: 'This paragraph shall not apply to amounts estimated by the Secretary of the Treasury as attributable to the use after March 31, 1970, of gasoline and special fuels in aircraft.'; and

"(5) by adding after paragraph (6) the following new paragraph:

"'(7) TRANSFERS FROM TRUST FUND FOR NONTAXABLE USES OF FUELS.—The Secretary of the Treasury shall pay from time to time from the Trust Fund into the general fund of the Treasury amounts equivalent to the amounts paid before July 1, 1973, under section 6427 of the Internal Revenue Code of 1954 (relating to fuels not used for taxable purposes) on the basis of claims filed for fuels used before October 1, 1972. This paragraph shall not apply to amounts estimated by the Secretary of the Treasury as paid under such section 6427 with respect to fuels used in aircraft.'"

On page 131, at the beginning of line 12, change the section number from "207" to "408"; in line 23, after the word "after", strike out "December 31, 1969" and insert "March 31, 1970, and before July 1, 1980,"; on page 132, line 6, after the word "after", strike out "December 31, 1969" and insert "March 31, 1970, and before July 1, 1980"; in line 11, after the word "after", strike out "December 31, 1969" and insert "March 31, 1970, and before July 1, 1980"; on page 135, line 24, after the word "after", strike out "December 31, 1969" and insert "March 31, 1970, and before July 1, 1980,"; on page 136, line 3, after the word "under", strike out "title I" and insert "titles I, II, and III"; on page 137, line 1, after the word "after", strike out "December 31, 1969" and insert "March 31, 1970, and before July 1, 1980,"; in line 5, after the word "farms)", strike out "and 6421," and insert "6421"; in line 7, after the word "purposes)," insert "and 6427 (relating to fuels not used for taxable purposes)"; in line 11, after the word "such", strike out "code" and insert "Code"; at the beginning of line 15, strike out "December 31, 1969" and insert "March 31, 1970."; in line 21, after the word "to" strike out "gasoline" and insert "fuel"; in line 22, after the word "years", strike out "beginning after December 31, 1969" and insert "ending March 31, 1970, and beginning before July 1, 1980, and attributable to use after March 31, 1970, and before July 1, 1980."; on page 138, line 15, after the word "section", strike out "207" and insert "408"; in line 16, after the word "of", strike out "1969" and insert "1970"; in line 17, after the word "such", strike out "period, and subsection (f)(3) of this section shall not apply to amounts so transferred"; and insert "period."; in line 23, after the word "section", strike out "207" and insert "408"; in line 24, after the word "of", strike out "1969" and insert "1970"; on page 139, at the beginning of line 1, change the section number from "208" to "409"; on page 140, at the beginning of line 3, change the section number from "209" to "410"; after line 22, insert a new section, as follows:

"SEC. 411. INCLUSION OF TAX IN AIR FARES.

"(a) ADJUSTMENT OF FARES TO INCLUDE TAX.—The Civil Aeronautics Board (hereafter in this section referred to as the 'Board') shall, as soon as possible after the date of the enactment of this Act, direct each air carrier which is subject to section 403(a) of the Federal Aviation Act of 1958 to file with the Board tariffs showing rates, fares, and charges for the transportation of persons by air which begins after April 30, 1970. Such tariffs shall show the rates, fares, and charges for such transportation as amounts which, after reduction by the amount (if any) of taxes imposed thereon by subsections (a) and (b) of section 4261 of the Internal Revenue Code of 1954, are equal to the rates, fares, and charges in effect for transportation of persons which begins on the date of the en-

actment of this Act, except that any rate, fare, or charge, shall be adjusted to the nearest multiple of 10 cents. Tariffs filed pursuant to this subsection shall be subject to the provisions of section 403 of the Federal Aviation Act of 1958, except that—

"(1) section 403(c) of such Act shall not apply, and

"(2) the Board shall reject tariffs filed by any air carrier pursuant to this subsection if, and only if, the Board determines that such tariffs are not in compliance with the provisions of section 403(a) of such Act or of this subsection.

"(b) FUTURE RATE CHANGES, ETC.—Whenever after April 30, 1970, there is a change in the rate of the tax imposed by subsection (a) or (b) of section 4261 of the Internal Revenue Code of 1954, or in the transportation of persons by air which is subject to tax under either such subsection, the Board shall require each air carrier which furnishes transportation of persons affected by such change to file tariffs reflecting such change effective with respect to transportation beginning on or after the effective date of such change. Any such filing shall be subject to the same conditions as provided by subsection (a) in the case of transportation of persons by air which begins after April 30, 1970."

And on page 142, after line 10, strike out:

"SEC. 210 EFFECTIVE DATE.

"(a) GENERAL RULE.—Except as provided in subsection (b), the amendments made by this title shall take effect on January 1, 1970.

"(b) EXCEPTION.—The amendments made by sections 203 and 204 shall apply to transportation beginning after December 31, 1969."

And, in lieu thereof, insert:

"SEC. 412. EFFECTIVE DATES.

"(a) GENERAL RULE.—Except as provided in subsection (b), the amendments made by this title shall take effect on April 1, 1970.

"(b) EXCEPTIONS.—The amendments made by sections 403 and 404 shall apply to transportation beginning after April 30, 1970. The amendments made by subsections (a), (b), and (c) of section 407 shall apply with respect to taxable years ending after March 31, 1970."

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum; and may I suggest to the attachés that they call the Senators on their respective sides and ask them to come over for a walk to the House of Representatives.

The VICE PRESIDENT. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The VICE PRESIDENT. Without objection, it is so ordered.

RECESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate (at 12:11 p.m.) took a recess subject to the call of the Chair.

Thereupon, the Senate, preceded by its Secretary (Francis R. Valeo), its Deputy Sergeant at Arms (William H. Wannall), and the Vice President, proceeded to the Hall of the House of Representatives to hear an address delivered by the Honorable Georges Pompidou, President of the Republic of France.

(For the address delivered by the President of France, see today's proceedings in the House of Representatives.)

At 1 o'clock and 9 minutes p.m., the Senate, having returned to its Chamber, reassembled, and was called to order by the Presiding Officer (Mr. HOLLINGS in the chair).

ORDER OF BUSINESS

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. BYRD of West 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.

AIRPORT AND AIRWAYS DEVELOPMENT ACT OF 1969

The Senate resumed the consideration of the bill (H.R. 14465) to provide for the expansion and improvement of the Nation's airport and airway system, for the imposition of airport and airway user charges, and for other purposes.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BOGGS. Mr. President, I send to the desk an amendment and I ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to state the amendment.

Mr. BOGGS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, reads as follows:

On page 55, line 22, strike out "The" and insert in lieu thereof "With the advice of the Aviation Advisory Commission established pursuant to section 301, the".

On page 86, beginning with line 5, strike out all through line 12 on page 87, and insert in lieu thereof the following:

"AVIATION ADVISORY COMMISSION

"SEC. 301. (a) The President, with the advice of the Secretary, shall appoint an Aviation Advisory Commission consisting of the representatives of six Federal agencies concerned in some manner with aviation and a total of ten individuals representing air carriers, general aviation, aircraft manufacturers, airport sponsors, ground access industry, local government, State government, regional planning, local planning and conservation organizations. The President shall appoint a highly-qualified private citizen who can effectively lead such Commission, as Chairman.

"(b) Such Commission shall—

"(1) advise the Secretary in the preparation and revision of the national airport system plan pursuant to section 202;

"(2) prepare a long-range national air system plan for at least the year 1980 or the foreseeable needs of the nation thereafter giving consideration to airport location and size, surrounding land use, terminal arrangements, ground access, airspace use, air traffic control, airline route structure and administrative arrangements, aircraft design, environmental effects, effect on urban areas, and the costs of carrying out the plan;

"(3) report an initial such plan to the Secretary and the President prior to March 1, 1971, or one year from date of enactment of this Act, and make any necessary revisions in such plan thereafter and report such revisions to the Secretary and the President; and

"(4) make such investigations and studies as are necessary to carry out its functions.

In carrying out its duties under this section, the Commission shall establish such task forces as are necessary to include technical representation from the organizations referred to in this section and from such other organizations and agencies as the Commission considers appropriate.

"(c) Members of such Commission who are not regular full-time employees of the United States, shall, while serving on the business of the Commission, be entitled to receive compensation at rates fixed by the Secretary but not exceeding $100 per day, including traveltime; and, while so serving away from their homes or regular places of business, members may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 of the United States Code for persons in the Government service employed intermittently.

"(d) The Secretary, at the request of the Commission Chairman shall engage such technical assistance as may be required to carry out the functions of such Commission, and the Secretary shall, in addition, make available to the Commission such secretarial, clerical, and other assistance and such pertinent data prepared by the Department of Transportation as the Commission may require to carry out its functions.

"(e) In carrying out its functions pursuant to this section, such Commission may utilize the services and facilities of any agency of the Federal Government, in accordance with agreements between the Secretary and the head of such agency.

"(f) There are authorized to be appropriated from the trust fund such sums, not to exceed $2,000,000, as may be necessary to carry out the provisions of this section."

Mr. BOGGS. Mr. President, I am happy to report that the distinguished Senator from Hawaii (Mr. FONG) and the distinguished Senator from North Dakota (Mr. YOUNG) would like to be cosponsors of the amendment and I ask unanimous consent that their names may be added.

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

Mr. BOGGS. Mr. President, I rise today to offer my support for this important legislation. The proposed Airport and Airways Development Act of 1969 will contribute greatly to the future of aviation and thus be one of the most essential pieces of legislation this body will consider during this session.

I would like to concentrate my remarks on what I regard as a key section of the bill, the portion that refers to planning and the planning process.

The American people are deeply concerned with the present course of aviation—our cluttered terminals and overworked personnel. Each day they demand more from a system that is already strained by the lack of supporting facilities that has come from a lack of funding and foresight. The people object to local guesswork in airport develop-

ment. They want, and would welcome an overall air system.

The legislation before us directs in section 202 that the Secretary of Transportation prepare a national airport system plan. It concentrates on the next 10 years, specifying that there be revisions each 2 years.

To achieve this goal, the Senate committee has recommended adoption of section 301, establishing a 15-member Aviation Advisory Committee. The committee would include five representatives of Federal agencies. The committee would be appointed and chaired by the Secretary of Transportation, and it would be available to "advise, consult with, and make recommendations to the Secretary concerning the long-range needs of aviation."

The House of Representatives takes a different approach in its version. It, too, recognizes that many areas of aviation must be consulted for coherent and comprehensive development. The House bill directs the President to appoint a commission consisting of nine top-level representatives of the industry and nongovernmental community. A private citizen would serve as chairman. The commission's assignment would be to design system guidelines by the end of this year.

In comparing these two approaches, I would like to make the following points:

First, if a plan is going to be effectively designed and implemented, it must include the information and views that can be supplied not only by Government, but by the interested and involved parties of the private sector. The best plan can only be made with the best and the greatest amount of information possibly obtainable. An aviation crisis will result if insufficient facts are used in the formation of this plan. We must have a partnership with a common goal. Therefore, a commission properly should represent both the public and private sector.

Second, if the commission is to be effective, it must be given a mission and a deadline. Only with a firm assignment can it accomplish the hardest and most vital part of its work—balancing the basic economic, technological, and social factors while determining the future course of aviation to recommend to the Secretary.

Third, the chairman of any advisory group should be able to devote substantial time to the assignment, and to be able to reconcile the major and diverse interests represented by such a body, while always remaining independent and acting in the best interests of the Nation.

Mr. President, therefore, I offer an amendment that is drawn to achieve this threefold goal. The Commission, as conceived by my amendment, would have 16 members appointed by the President. Six would come from Federal agencies, and 10 from the private sector. The chairman of the Commission would be selected by the President from the private sector.

The Commission would be able to recommend, but not to dictate, specific points to the Secretary for inclusion in the national airport system plan. In addition, the panel would be requested to examine the long-range aspects of aviation in an effort to plan for the future beyond 1980, and would report its findings within 1 year. The Commission would also play an important role in determining the guidelines necessary to protect our environent while allowing aviation to flourish.

In conclusion, the Department of Transportation believes that it can develop a plan for the future on its own—consulting, as it considers necessary, with other Federal agencies, industry, and community representatives. The Department of Transportation must play a central role in the planning process. But as I have said, an effective, comprehensive plan is the mark of the most extensive and complete consultation plus accurate information from those who have a stake in the goal. Such a commission, as I propose, would prove invaluable in this regard, providing a needed consultation with all users. For the national airport system plan is designed for just one end—to serve the people. This can only be assured when all segments of society are assured a role in the planning process.

Mr. President, I mentioned this amendment previously to the distinguished manager of the bill, the Senator from Washington (Mr. MAGNUSON), and to the distinguished ranking minority member of the committee, the Senator from New Hampshire (Mr. COTTON). I sent to the office of each Senator a copy of the amendment with a brief cover letter explaining the amendment and the need for it.

As the matter stands at the present time this section providing a commission or a committee would go to conference. It seems to me that the provision in the bill of the other body would somewhat usurp the duties of the Secretary of Transportation, and actually the commission created in that proposal would dictate the guidelines. It seems to me it goes too far. The committee provision that came from our able Committee on Commerce, on the other hand, is built around the concept that there be an "in-house" committee, so to speak, appointed by the Secretary of Transportation and chaired by the Secretary of Transportation. Therefore, while it would bring in industry and private sector representatives, it would not have the prestige and the overall dignity, perspective, and objectivity that a commission would have if it were appointed by the President and included both Government representatives and private sector representatives.

The proposal I make would overcome both the objections to the House provision and the "in-house" weakness in the present bill. At the same time it would strengthen the goal and objective of this very important and essential legislation.

I would hope that it might be possible that the distinguished manager of the bill, the committee, and the minority representatives would be able to accept this provision. I have had wide support. I bring this matter to the attention of the Senate at this time because of the widespread support I have received on this measure from all over the Nation.

Mr. President, I have no further comments at this time. I reserve the remainder of my time.

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

Mr. BOGGS. I yield.

Mr. CANNON. Mr. President, I wonder if the Senator would point out specifically, in what particulars, his proposal differs from, adds to, or improves upon the proposal in the present bill, because the proposal as written establishes an aviation advisory committee consisting of 15 members, and provides for broad representation of industry upon it.

Will the Senator point out some of the key methods he believes his proposal improves beyond the provisions of the bill.

Mr. BOGGS. Yes, I would be glad to respond to the Senator's question. As I indicated in a general way, the provision from the Committee on Commerce provides for the appointment of a committee. Therefore, it is considered as having committee status rather than commission status. It would be appointed by the Secretary of Transportation, as an arm of his, so to speak, which he could consult if and when he felt the need to consult with it.

It seems to me that that, in itself, is the weakness that my proposal would try to overcome. My proposal would seek to elevate the committee, to make it more objective, and to strengthen the provision. I do not say it would give more authority, although it would have more influence because it is still advisory to the Secretary of Transportation. There is a close distinction there.

Mr. CANNON. I must say I fail to see it. That is what I would be interested to know. I do not know that calling it a committee or a commission is a meaningful distinction. It seems to me they are set up to accomplish exactly the same thing. In one instance the Secretary is the chairman of the committee and its purpose is to develop long-range plans to study the long-range needs of aviation. It seems to me the Senator is saying that we will appoint a commission to do the same thing. The only distinction I can see is calling it a commission instead of a committee.

Mr. BOGGS. That is a distinction and I think it is an important distinction. There is a difference in the public eye between the connotation of committee and commission.

Mr. CANNON. What is the difference? I do not know myself.

Mr. BOGGS. I would say in this case the Commission is appointed by the President. As we all know, he is the highest duly elected officer of our Government. He is selected by the vote of all the people of the Nation. I would say we would be more likely to obtain persons of greater stature to serve on the commission appointed by the President than we would with an "in-house" committee named by an appointed Cabinet officer. I say that with all due respect to the able Secretary of Transportation. That is one of the big distinctions.

Mr. CANNON. The Senator in his

amendment provides that the appointment of the commission should be by the President with the advice of the Secretary. We have found that the President sometimes has difficulty in this body where we have the right to advise and consent to appointments; and I would say that certainly if he is going to appoint a commission with the advice of the Secretary, that means the appointees will be people recommended by the Secretary.

Mr. BOGGS. I think the distinguished acting manager of the bill, the very able Senator from Nevada (Mr. CANNON), has put his finger on a very important point that argues in behalf of the proposal I am offering. It is one of the important and valuable purposes of the legislation that we are striving to get by this legislation—an overall national recognition and cooperation in the development of an airport systems plan, just as we have had throughout the Nation in the development of an interstate highway system. It would achieve greater understanding and it would obtain broader participation, I think, to have a commission appointed by the President, rather than having an in-house committee appointed by the Secretary. We will get much more support and strength than we otherwise would get by the committee approach.

I yield to the distinguished Senator from Kansas.

Mr. PEARSON. Mr. President, let me say that I am much in sympathy with what the distinguished Senator from Delaware seeks to do. I introduced similar legislation some time ago.

Mr. BOGGS. And I compliment the Senator on it.

Mr. PEARSON. He has in mind what is distinctly needed for a long-range plan. However, I thought the committee had answered the need by the particular provision we have in the bill. True, it is not appointed by the President, but by the Secretary, but only five members of that 15-member committee can be members of the Federal Government. The rest will have to come from airport and aviation organizations and from the States. To that extent, I do not think we have an in-house committee or commission, or whatever one wants to call it.

I also want to agree with the Senator that this body, whatever it may be, ought to be in an advisory capacity.

I would rather have the committee version than the Senator's proposal because within this bill we have imposed upon the Secretary very important and precise duties to execute within a very short period of time. I make reference first to the cost allocation study which he has to make within 2 years, to ascertain whether the user charges we have imposed are really fair user charges. It was one of the difficulties the committee had in drafting this bill. He has to provide recommendations for a national airport system, and then update it every 2 years. Within 5 years, he must provide a study with respect to the allocation of the trust funds. He also must make a report to the Congress, and so forth.

It is just my feeling that the Secretary, starting on a new endeavor here, with the trust fund and the user charge concept, is going to be pioneering in this field and making studies and recommendations that an advisory committee appointed by himself, whose members may serve from the Federal Government, with the broad representation we have proposed, might well be a better vehicle to do precisely what the Senator from Delaware has worked on so long, and with whose purposes I agree entirely.

Mr. BOGGS. Mr. President, I certainly appreciate the remarks of my distinguished friend, the Senator from Kansas. I know he has studied this question and has held views on it for some time. I respect him in everything he has said. It is just a different point of view. I believe that every point the Senator was kind enough to mention is an argument for the Commission, as I construe it. The Secretary, who has to act by the delegation of responsibility and authority of the bill itself, needs the assistance of the Commission rather than his own in-house committee.

Mr. PEARSON. Mr. President, will the Senator yield further?

Mr. BOGGS. I yield.

Mr. PEARSON. Would the Senator feel that he would have achieved his purpose if the committee were appointed by the President, but the Secretary would be chairman of such committee?

Mr. BOGGS. No, I would not. I think that is a strong point.

Mr. PEARSON. The Senator feels that the merit of the proposal is to completely divorce it from the Department of Transportation and keep it advisory, but set it up as an independent commission?

Mr. BOGGS. Yes, with a mission. An in-house committee appointed by the Secretary does not have any responsibility, unless the Secretary calls on it for recommendations and advice. But this Commission would have a mission and a responsibility to do a job and a deadline within which to do it. It would give the information and advice, and then report to the President and to the Secretary of Transportation. The Secretary could take what he saw fit to take under the law, because it would be his final responsibility.

It seems to me he would have a great bank of knowledge and support on which to stand, with respect to the decisions he would then make. He would be in a stronger position to move forward in the very important development of our airports systems plan, which is so essential to the development and growth of the country, not only in the next 10 years, but many years into the future.

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

Mr. BOGGS. I am happy to yield.

Mr. CANNON. It seems to me the proposal of the Senator from Delaware would actually complicate the problem we are trying to resolve, rather than solve it. That is one of the things that concern me greatly. You propose to set up an independent commission, accountable to the President, with another civilian head, which amounts to another proliferation of authority. I notice the provision to appropriate not to exceed $2 million from the trust fund to finance the Commission which means we are going to siphon some of the trust fund moneys for the purpose of establishing another little bureaucracy.

If the Senator would feel better if we called what we have proposed a commission instead of a committee, I would have no objection to that, because I think that is the only meaningful distinction.

Certainly, the Secretary will use the advisory committee we have provided for in the bill to aid him in carrying out his responsibilities. The responsibilities the Senator seeks to give the Advisory Commission are responsibilities that are imposed by law on the Secretary now. I think we will have some confusion there if we are going to try to say, "This commission has the responsibility, but the law says the Secretary has." We are going to get into a problem of proliferation and scattering of responsibility with a sort of shotgun approach that I think is going to be disadvantageous.

Mr. BOGGS. I thank the distinguished acting manager for his views. I am glad to have them. I can understand his reaching that conclusion at first glance. But consider what we will be faced with when this legislation, assuming the proposed amendment I have offered is not adopted, goes to conference. That is one of the reasons why I was encouraged to offer the amendment. I think it will be a help to the conferees at the time of the conference. Certainly the provision in the bill passed by the other body is absolutely dictatorial. I think it usurps the power delegated in the bill to the Secretary, and I believe it would really hamper the Secretary in carrying out his duties. I do not see how he could really operate under it.

On the other hand, as I have said, the provision in the pending bill goes to the other extreme. It is an in-house—and, I think, weak—provision.

So I believe there is going to have to be some compromise. It was my hope and belief that the proposal I have suggested might be a happy solution to this problem. It would provide the flexibility for developing the airport systems plan, with the responsibility remaining, as it should be, with the Secretary of Transportation. But it would also have the assistance of the very highest level of consulting an advisory personnel representing every segment of our society involved. It would have in their counsel, information, knowledge, and experience, the know-how that would be necessary to develop the very best and finest airport systems plan, as we move on into the future.

There are many complicated problems involved in it, as the distinguished Senator knows.

Mr. CANNON. Will the Senator yield further?

Mr. BOGGS. I yield.

Mr. CANNON. I think the Senator's proposal is much more like the House provision. We are going to have more leeway in conference if we adopt the Senate provision than if we adopt the amendment of the distinguished Senator from Delaware, because the House bill does provide that:

> There is hereby established a National Air System Guidelines Commission (hereafter in this subsection referred to as the "Commis-

sion"). The Commission shall be composed of nine members appointed by the President from private life as follows—

And so on.

Mr. BOGGS. That is right.

Mr. CANNON. The duties of the Commission, in your amendment it seems to me, are similar to those proposed in the House bill. The committee considered this and did not adopt that approach. We did not like that approach.

Mr. BOGGS. My comment would be, if the Senator will yield, that the bill before us, the House bill, would appoint nine members from the private sector, not tied into Government agencies at all. So it is just the private sector, and it simply says, reading on page 12:

It shall be the duty of the Commission—

(A) to formulate guidelines for the national airport system plan described in subsection (a) of this section and for surrounding land uses, ground access, airways, air service, and aircraft compatible with such plan;

(B) to facilitate consideration of other modes of transportation and cooperation with other agencies and community and industry groups as provided in subsections (b) through (g) of this section.

It is not advisory, as I read that provision. It has a duty to perform, and it is in conflict, certainly, with the responsibilities of the Department of Transportation.

But the Senator is certainly correct; it would be in conference with the present Senate provision, as well as with the proposal I offer here.

I would hope, at least, that the manager of the bill and the conferees on behalf of the Senate would be strengthened in their position in conference by the concept of the amendment I have been privileged to propose, together with other Senators.

Mr. CANNON. Mr. President, I would simply say that if the Senator would feel better about it, I would have no objection to calling it a Commission rather than a committee, and I would have no objection to modifying the committee's recommendation to allow that the members of the Commission "be appointed by the President, with the advice of the Secretary."

But from that point on, I do not think we should get into the problem here of trying to give this Commission the obligation and the authority to carry out duties that are imposed by law on the Secretary. He is the man who is responsible, and he is the man who ought to be the chairman of that Commission or committee, whatever we call it, because we are going to look to him to carry out this job.

Mr. BOGGS. That is right.

Mr. CANNON. And he has a tremendous job ahead of him.

Mr. BOGGS. That is correct.

Mr. CANNON. I do not want to see some independent agency or commission making his decisions. This is a job we have to get on with, and if those modifications would be satisfactory to the Senator, I would be happy, as I say, to call it a Commission, and to say that it should be appointed by the President with the advice of the Secretary.

Mr. BOGGS. I thank the Senator for his suggestion, and I would be inclined to agree, except for one other point which I have in mind. Would the Senator be willing to take an amendment that the chairman of the Commission be from the private sector, rather than the Secretary?

Mr. CANNON. I think that would only complicate the problem. It would complicate the problem if we make some outsider the chairman of a commission to do the same thing that the Secretary is charged by law with doing. I think that is the only major distinction, and the major problem is that we would then be giving someone else the responsibility to do the Secretary's job.

If we give the Secretary an advisory commission, and he is the chairman of it, and that commission is appointed from a broad segment of the industry and government concerned with this problem, then, in his position as chairman, I think he and they can formulate and come up with a meaningful plan and a program that would be helpful over the years.

I should like to hear the views of our distinguished colleague from Kansas (Mr. PEARSON), who has worked so hard on this bill. I know he has some strong feelings on this point.

Mr. PEARSON. Mr. President, as I stated before in colloquy with the distinguished Senator from Delaware, I am in agreement, and have introduced legislation similar to his. That was at a time that we did not have this proposal before us.

The distinction, as I see it, is in the name of the body, whether it be called a committee or commission, and the independence that the Senator attaches to it.

I do not feel that I can concur with him on the independence he attaches to it. This does not seem to be an in-house committee to me. It seems to me that as far as the Secretary is concerned, with regard to the cost allocation study, the national airport study, and the allotment or proportion study which have to come in, this necessarily would have to be an advisory committee.

Mr. BOGGS. I agree.

Mr. PEARSON. Or very close to it, to fulfill its responsibilities.

I simply think, with all deference to my colleague, who has been associated with this subject for a long time and has made a substantial contribution, that the committee's judgment is best here, considering the total provisions of the bill and the steps it makes toward planning for the next 10 years.

Mr. BOGGS. I thank the Senator. As to the suggestion of the distinguished manager of the bill (Mr. CANNON) to amend the committee proposal to call this a commission, and have it appointed by the President, I feel inclined to accept his suggestion and withdraw my amendment, if we can do that. I think that would strengthen the Senate position in conference.

Mr. PEARSON. Will the Senator yield?

Mr. BOGGS. I yield.

Mr. PEARSON. With the provision that the Secretary becomes a member of the commission or committee.

Mr. BOGGS. I understand that, yes.

Mr. CANNON. He is the chairman.

Mr. BOGGS. He would be the chairman, and I think that would strengthen the Senate's position in conference. I think the appointing of the Commission members as a commission rather than as a committee denotes greater prestige and authority. The appointment by the President, I think, also adds strength to it as well, in the attainment of the objective which we are all seeking here.

I will say to my friend from Nevada (Mr. CANNON) that if those changes can be made, I would ask unanimous consent to withdraw my amendment.

Mr. CANNON. 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. CANNON. 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. BOGGS. Mr. President, I ask unanimous consent that the amendment that I previously offered be withdrawn at this time.

The PRESIDING OFFICER. The amendment is withdrawn. Unanimous consent is not necessary.

Mr. CANNON. Mr. President, I have conferred with the distinguished Senator from Delaware and have agreed that we can modify the committee language as follows, and the Senator from Delaware proposes this as an amendment:

On line 5, page 86, strike the word "committee" and insert "commission".

After section 301(a), on line 6, strike the words "the Secretary" and insert in lieu thereof "the President with the advice of the Secretary".

On line 7, strike the word "committee" and insert the word "commission".

Throughout the remainder of section 301, wherever the word "committee" appears, strike "committee" and insert in lieu thereof "commission".

On line 20, page 86, change the period to a comma and insert "and the national airport system plan."

That is what we have worked out with the distinguished Senator from Delaware. It is my understanding that he is offering that as an amendment now.

The PRESIDING OFFICER. Does the Senator from Delaware submit that as an amendment?

Mr. BOGGS. I submit that as an amendment, Mr. President, and hope it will be accepted, as suggested by the manager of the bill. I express my appreciation to him and to the members of the committee who have participated in this discussion.

Mr. CANNON. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with, based on that explanation.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendments will be printed in the RECORD.

The amendments are as follows:

On page 86, line 5, after the word "Advisory", strike out the word "Committee" and insert "Commission"; in line 6, after the word "The", strike out the word "Secretary"

and insert "The President with the advice of the Secretary"; in line 7, after the word "Advisory," strike out "Committee" and insert "Commission"; in line 8, after the word "the", strike out "Committee" and insert "Commission"; in line 17, after the word "The", strike out the word "Committee" and insert "Commission"; in line 20, after the word "requirements", strike out the period, insert a comma and "and the National Airport system plan."; in line 21, after the word "such", strike out "Committee" and insert "Commission"; on page 87, line 7, after the word "such", strike out "Committee" and insert "Commission"; and in line 9, after the word "the", strike out the word "Committee" and insert "Commission".

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

Mr. CANNON. On behalf of the committee, I am willing to accept the amendment of the Senator from Delaware.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Delaware.

The amendment was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, 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. 2) to amend the Federal Credit Union Act so as to provide for an independent Federal agency for the supervision of federally chartered credit unions, and for other purposes.

AIRPORT AND AIRWAYS DEVELOPMENT ACT OF 1969

The Senate continued with the consideration of the bill (H.R. 14465) to provide for the expansion and improvement of the Nation's airport and airway system, for the imposition of airport and airway user charges, and for other purposes.

Mr. DOMINICK. Mr. President, I send to the desk 2 amendments to the pending bill and ask that they be printed.

The PRESIDING OFFICER. The amendments will be received and printed, and will lie on the table.

Mr. DOMINICK. Mr. President, while I have the floor, I should like to ask a couple of questions of the manager of the bill or the distinguished Senator from Kansas.

Is there anything in this bill—if the manager of the bill does not mind commenting on this—which would reflect the need for environmental quality in the location of airports? I invite the Senator's attention to the bill I introduced earlier, which would have banned all jets from National Airport because of the noise factor and because of the 40 tons of pollution per day that they pour over Washington, D.C.

Unfortunately, we have not had time to have any hearings on that bill. A great number of people would like to be heard in favor of the bill, but obviously this is going to be a very complex and a very difficult bill to get passed.

I should like to know, however, in determining the location of new airports, whether we have built into this measure anything to do with the environmental quality of the country.

Mr. CANNON. I am happy to answer the Senator from Colorado.

This matter is covered in the report of the Committee on Commerce on page 36, under the heading "Environment Protection." I read:

> The Committee is concerned that airport development proceed with all due caution and concern for protection of the environment. Factors such as noise, air and water pollution, site selection consonant with the environmental surroundings and preservation of natural beauty should be taken into account.
>
> Section 206(d) (3) of this bill requires that the Secretary shall not approve any project application unless and until he is satisfied that fair consideration has been given to the preservation and enhancement of the environment and to the interest of communities in or near which the project may be located. In addition, the bill requires that legal notice be given, in the Federal Register, of the pendency of any project application in order that all project applications become a matter of public record.
>
> The Committee bill retains the provisions for public hearings provided in the Federal Airport Act of 1946.
>
> The Committee believes that should any project application for airport development assistance be objected to by any party with interest in the matter, the Secretary must have the primary responsibility to see to it that a fair and impartial hearing is afforded to ensure that the rights of all interested parties will be protected.

Mr. DOMINICK. I thank the Senator from Nevada.

I have an increasing concern over this. I might add that not only is it applicable to Washington, D.C., but also, as the Senator well knows, we have problems even with the supersonic airplane which is being developed, as to what it is going to do to our environment as a result of the contrails it may leave up there, which do not dissipate because there is no wind.

As I have said, I think the need for doing this is of the utmost importance in our overall battle for environmental quality.

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

Mr. DOMINICK. I yield to the Senator from Illinois.

Mr. PERCY. I should like to stress the importance of the remarks of the distinguished Senator from Colorado.

We have need in the Chicago area for a third airport. Serious consideration is being given to placing it right in Lake Michigan. In fact, the mayor of the city of Chicago has taken a position in favor of this. Despite a month of research, I cannot find whether one bit of technical consideration has been given to what it would do to the lake or what it would do to the environment.

Citizens in the whole Southside of Chicago are protesting the lake location, because it would put planes right over heavy concentrations of residential areas and cause noise pollution.

We do not know what such an airport would do to the ecology of the lake. We do not know what the construction of the airport in the center of the lake or in the offshore area would do.

I am delighted to hear from the Senator from Nevada that according to this bill such airport projects could not go ahead in the future with Federal funds unless full consideration had been given to its effect on the environment.

Mr. CANNON. I thank the Senator for his remarks. I may say that my understanding is, there is to be offered during the course of the hearings on the bill an amendment relating specifically to the environmental problem.

Mr. MAGNUSON. I was going to say that I think the Senator will be satisfied—although there are several different points of view on this—with it. We did not want any unconscionable delays in necessary airport development; however, we do want environmental safeguards and I think the Senator will be satisfied with the amendment. First, on major projects, under the new amendment, there have to be hearings before Federal grants are considered. If we had made grants first and then held hearings, of course, all parties would have their feet in concrete. I think that such an amendment like Senator HART will offer is absolutely necessary in the bill.

Mr. DOMINICK. My understanding is that airport development, as defined in section 201, means not only new airports but also new improvements in existing airports. Is that correct?

Mr. CANNON. If a project application is made under provisions of the bill, then the environmental provisions in section 206 would apply either to new or existing airports for which grants were requested.

Mr. DOMINICK. I understand that. Suppose money is appropriated under the Federal Airport Act, do the provisions in the bill apply to that, so that the money being used under the Federal Airport Act will come within the restrictions in the bill?

Mr. CANNON. The Senator is correct. The bill would require that the Secretary should not approve that project, when the application is made, unless and until he is satisfied that fair consideration has been given to the items we have been discussing, that is, the preservation of the environment. I think that is adequate provision for protection to those people close to airports.

Mr. DOMINICK. Could I ask one more question? I will try to get the record clear and make sure that my interpretation is correct.

Since this is a public airport, is a public airport something more than an airport where certificated carriers land? In other words, is a county airport or a municipal airport, or anything of that kind, considered to be a public airport, even though certificated carriers do not come in?

Mr. CANNON. Yes. There need be no certificated carriers coming in. Under the bill, we provide funds for reliever airports for general aviation aircraft—for airports serving certificated carriers and for general aviation airports. However, if an airport is not a public airport, it would not be eligible for assistance under this act, anyway.

Mr. DOMINICK. We have around Den-

ver now a number of so-called reliever airports which have been put in under the Federal Airport Act, or put in by the county, or by a conglomeration of counties. As such, I wanted to be sure they would be eligible for whatever it is they need. Some of them, I know, badly need either towers or new landing approaches or both in order to be able to assist in taking the load off the Denver International Airport, Stapleton.

I thank the Senator from Nevada very much for his comments.

Mr. MATHIAS. Mr. President (Mr. CRANSTON in the chair). I should like to direct the attention of the Senator from Nevada, and perhaps the Senator from Louisiana (Mr. LONG), to page 97 of the bill, which provides for the imposition of an airport tax.

I think I thoroughly understand the basis for the tax and the need for it.

The question has been raised actively with me—and I am sure with other Senators—as to whether there should be any expression of comity among the Federal Government and State and local governments on the imposition of this tax for public officials at any level of government traveling on public and official business, and as to whether this type of tax should be imposed upon the State governments themselves.

I am wondering whether the Senator from Louisiana would care to comment on that.

Mr. LONG. Mr. President, it was the feeling of the Finance Committee that if we were going to raise a lot of money with a tax—and we plan to raise a lot of it in the bill—it would be better to levy a tax to apply across the board to everyone, to have no exceptions, and to keep it as simple as possible; and also to have a tax so that the public will know what the total price will be on their fare with the tax included.

The Senator is well aware of the fact that as it stands today, if we pick up a newspaper, we read an advertisement of an airline that, say, flying from Friendship Airport to New Orleans will cost $50. But, it is not $50. It is $50 plus the tax.

When someone goes to the airport and puts down the $50, the little girl behind the counter will multiply that by 5 percent to get the tax, and add it on to the ticket, and that will be the total price. Meanwhile, people are standing in line waiting for her to do the arithmetic.

The airlines are justified in advertising their rates without the tax. But we feel it would be better, if we are going to levy a tax, rather than having people standing in line while someone computes the fare plus the tax, merely to levy the tax and put it right on the airline. As a result, this bill's tax provisions would increase the passenger tax to an equivalent of about 8 percent, and the airline will include the tax in its price for the ticket, without any exceptions, from now on.

With all due deference to Governors and State employees, in most instances, when they come up here, the States will be paying for it, anyway.

In many instances, the present law's exemptions are being claimed where the State's employees have no right to claim them. So far as I am concerned, Government people have a certain number of trips coming to them and the rest of the trips are theirs. They should be paying the tax themselves.

Then there is the problem of professors. Here is a professor of a State University and he would claim a tax exemption as a State employee because he is a professor at a State university. There is a man standing behind him, who is traveling with him, but he is a professor at a private college. The private colleges come in and say they are being discriminated against, that the State university is a lot better able to pay than a private college; yet the professor at a State university has a tax exemption which does not apply to the professor of a private college.

We bypass all of that. The Finance Committee said, "Why not put the tax on the airlines and let them pass it on to the customers, so that the airlines will pay the tax. Then we will not argue about any passenger having a tax exemption, whether he be a member of the clergy, the Red Cross, a State employee, or a Governor or a Federal employee." If the State thinks it is worth sending a man up here, the State should pay for the entire fare, including the tax.

In addition, may I say to my good friend from Maryland, a great deal of the money we are raising will be given to the States to begin with, so that I do not see why the States should complain about paying their share, as users of the system, which is about all we are talking about here.

Mr. MATHIAS. Mr. President, I gather from the helpful statement of the Senator from Louisiana that he would oppose adoption of any amendment which would provide such exemptions.

Mr. LONG. I would certainly hope that the Senate would not vote for such an amendment. Once we start making exceptions, we set the stage again for what I regard as misleading advertising such as appears now in every major newspaper.

We see an advertisement to the effect that it would cost $50 to fly someplace. It is a misadvertised price, because the man will not get there for that amount of money. There is a tax that goes on top of that price. And when we add the tax, it is then more than $50.

I think that everyone would be satisfied if everyone is treated the same.

I know that I have stood in line and somebody would say: "Are you claiming a tax exemption"? I never do. I know that everyone thinks, "There is an American public official living on our money, and he is claiming a special exemption." Other people do not get it, and they resent it.

In this case, I do not see how a Governor can claim that he should be exempt when it is not a tax on him. It is a tax on the airline.

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

Mr. MATHIAS. I yield.

Mr. PEARSON. Mr. President, the Senator from Louisiana has expressed the attitude of the Finance Committee.

I do not know whether this is terribly important, but from the trust fund about $300 million will be paid out for airports. This breaks down to $270 million for the certificated air carrier and reliever airports and $30 million for general aviation airports.

Out of the $270 million, $90 million is apportioned to the States for aviation. But the next $90 million has another basis for apportionment and that involves enplaning of passengers.

I do not know whether there are enough State government people or Federal Government people all over the United States to make up for that ratio. But that is part of the reason, perhaps, that all Government employees are not given the exemption, which they had in former years.

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

Mr. MATHIAS. I yield.

Mr. HANSEN. Mr. President, the chairman of the committee has very effectively described the circumstances which prompted the Committee on Finance to remove all exemptions from the air travel tax. While I have been a member of the committee only a short while, I was struck by the broad agreement within the committee on deleting these exemptions.

I would like to add these thoughts to what the chairman has already said. The committee discussed this amendment at considerable length; and during our discussion instances were recalled where Government officials have been criticized publicly at airports and aboard airlines for the favored status they received by virtue of this exemption. Other instances were described where long lines of angry and disgruntled passengers backed up at ticket counters while the clerks were working desperately to verify the tax exemption being claimed by some minor Government official who may or may not have been actually traveling on official business.

There is no reason for that sort of favoritism in the transportation tax, nor is there any reason why we should continue a situation which disrupts the orderly flow of passengers through an airport. These incidents reek of unfairness and breed contempt for the entire tax system.

These are some of the reasons why the committee felt it appropriate to end all the exemptions, but there is another important reason. Unlike the present law which imposes the tax on the purchaser of the ticket, the committee bill imposes the tax on the airline receiving the payment for the ticket. The difference, I think, is rather important. The tax is not imposed on the State or local government. It is imposed on the airline.

Moreover, I am convinced that if we approve that exemption, we would be opening a Pandora's box. Once an exemption to a tax is permitted, there is no end to the request and adoption of exemptions to benefit others. And in many cases these exemptions can be justified on the basis of the original exemption.

My own State of Wyoming has experienced this situation. When my good friend and distinguished predecessor in

this body, Milward Simpson, became Governor of Wyoming he insisted that all the exemptions to Wyoming's tax laws which benefited various groups be repealed. These exemptions had undermined the tax base, and he knew if the exemption remained for some, they could validly be requested by others. Governor Simpson prevailed. And it was the State of Wyoming which benefited. The same case is before us today, and all of the exemptions should be abolished.

The whole purpose of the airways user tax is to provide funds for the construction of new runways and air guidance systems in the States. The added tax revenues from the industry and new job opportunities this legislation will create will be far more rewarding to the States and will greatly exceed the small increase in air charges they may have to pay because of the loss of their exemption. Let us recognize that the committee bill is vastly more beneficial to the States than it is detrimental.

It seems to me that if we are going to have a user charge concept underlying this tax, then it should be a charge on all the users of the airlines; and I note for the record that the committee bill taxes travel by Federal officials just as it taxes travel by State officials. It even taxes the Federal mail. I see no reason why the State and local governments should be placed in a more favored status under a Federal tax than the Federal Government itself occupies.

I support the committee bill, and I urge that the amendment be rejected.

Mr. MATHIAS. Mr. President, I should like to ask the Senator from Louisiana to make the record crystal clear whether these funds end up in the trust fund.

Mr. LONG. The Senator is correct.

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

Mr. MATHIAS. I yield.

Mr. PROUTY. Mr. President, over the years as a member of the Aviation Subcommittee of the Commerce Committee, I have watched with concern the increase of problems affecting our national airport and airway system. During the last few years my concern has increased as the amount of money available for expenditures under the Federal Airport Act of 1958 has dwindled to almost an insignificant amount.

Last year, for example, the Federal Government provided only $30 million in grants to airports throughout the country.

Naturally, Mr. President, local communities and State governments kept our airports operating by contributing significantly more. The State commitment particularly for this fiscal year is impressive—43 States had a total of nearly $179 million available for airport development during this current fiscal year.

I ask unanimous consent, Mr. President, to insert a chart which gives a State-by-State breakdown of the amount of money which is presently being spent by the States for the development of aviation.

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

STATE OWNED AIRPORTS

State	Served by CAB certified carriers	Not served by CAB certified carriers	State funds available for airport development, fiscal year 1970
Alabama		4	$350,000
Alaska [1]	283	215	35,000,000
Arizona			200,000
Arkansas			125,000
California		1	[2] 1,900,000
Connecticut	2	3	7,000,000
Georgia		2	250,000
Hawaii [3]	12	2	71,952,000
Florida		3	
Idaho		30	268,000
Illinois	[4] 1		8,458,000
Iowa			200,000
Kentucky		3	1,225,000
Louisiana		1	500,000
Maine	1	2	[5] 3,447,500
Maryland	([6])		1,300,000
Massachusetts [7]	2		500,000
Michigan	1	4	4,100,000
Minnesota			4,000,000
Mississippi	1		87,500
Missouri	[8] 1		200,000
Montana	1	11	248,000
Nebraska		5	600,000
New Hampshire		1	750,000
New Jersey			([9])
New Mexico		5	127,000
New York			[10] 17,500,000
North Carolina			250,000
North Dakota		2	100,000
Ohio			4,000,000
Oklahoma			150,000
Oregon		43	675,000
Pennsylvania	3	2	1,000,000
Rhode Island [11]	1	4	2,800,000
South Carolina	2	19	906,985
South Dakota			778,000
Tennessee			1,350,000
Texas		3	650,000
Utah			1,700,000
Vermont	3	8	360,000
Virginia			2,500,000
Washington		13	125,000
West Virginia			500,000
Wisconsin			700,000
Wyoming			126,500
Total	314	377	178,959,485

[1] Alaska owns and operates all public-owned airports in State, except 2.

[2] California will also pay $200,000 in 1970 for Decca system—part of a 3-year, $600,000 test of system for low level navigation.

[3] Hawaii owns and operates all public-owned airports and heliports in State.

[4] Illinois constructing new airport, to be owned by that State but primarily to serve St. Louis, Mo. metropolitan area.

[5] Legislative action on airport development funds not yet completed.

[6] State presently contemplating purchase of Baltimore-Friendship airport.

[7] Two airports operated by Massachusetts Port Authority. Legislation stipulates that Authority is branch of State government.

[8] Airport to be opened in fall of 1969—air carrier service expected within a year.

[9] New Jersey will request $1.5 million for airport development when legislature convenes in 1970.

[10] Amount obligated from $50,000,000 available.

[11] Rhode Island owns and operates all public-owned airports in State. Legislative action on airport development funds not yet completed—part of a 10-year long-range program totaling $28 million. An additional $1.7 million will be available for operation, maintenance, and minor improvements.

Mr. PROUTY. Mr. President, while the financial contributions of States and local governments made our aviation system one of the best in the world, it has nevertheless become abundantly clear that many of the problems, such as congestion, safety, and lack of adequate landing strips, have grown to the point where the Federal Government must take on a much greater share of the burden and responsibility for preserving our national air transportation system.

Ironically, Mr. President, our national prosperity and affluence are probably responsible for many of the problems facing aviation today. For example, in the past 7 years the number of passengers carried by the scheduled airlines in the United States has increased from 62 million to 153 million. During this same period of time, the assets of scheduled airlines have increased from $3.8 billion in 1961 to $11 billion in 1968. This tremendous growth in passenger transportation by the airlines has created pressures on the durability of our entire airport and airways system.

Mr. President, I suspect that every Member of this body has personally experienced some of the problems which are facing our airport-airways system. Just last week, for example, I found myself in a major metropolitan city with the almost impossible task of getting a seat on an airline in order to return to the Nation's Capital. It has almost become fashionable, Mr. President, for the topic of conversation by those of us who use air transportation to be more frequently centered around the length of time we had to circle New York City or National Airport. This contrasts sharply with conversation of a few years ago which used to center around the wonders of fast, efficient air transportation between major cities of the United States.

During the hearings conducted by the Committeee on Commerce, both in this Congress and the last Congress, it became abundantly clear that if we were to advance in air transportation, we would have to provide some mechanism whereby the necessary funds could be assured for State development. The bill before us to day, Mr. President, faces up to the problem and creates a trust fund which will help solve problems facing aviation inasmuch as badly needed dollars will be earmarked for the development and improvement of airports and airways.

In my individual views in the committee report on S. 3108, I pointed out that overall I was pleased that the Senate Committee on Commerce had decided on a piece of legislation which faces up to the shortcomings of the National Government's participation in the maintenance of our national aviation system. In these same views, Mr. President, I also pointed out that this piece of legislation, while representing a major step toward determining the kind of airport/airway system we will have in the 21st century, does not offer a panacea to all the problems facing the development of airports/airways. States and localities will continue to be the major source of financing for this most important link in our national transportation system.

For that reason, Mr. President, I attempted to restore a provision of the bill which would have encouraged the 23 States which do not have channeling laws to enact them. The provision I fought for in the committee is substantially the same as the amendment which I understand will be offered by the distinguished Senator from Florida (Mr. GURNEY). I congratulate him on his amendment and will do all that I can to help obtain the support of the majority of the Senate for its adoption.

The States have long been active in the field of aviation development and regulation. It is believed that the first aeronautical law of regulation in the world was enacted by the State of Connecticut on June 8, 1911. This was entitled: "An

Act Concerning the Regulation, Number, and Use of Air Ships, and the Licensing of Operators Thereof." The first U.S. Air Commerce Act was adopted in 1926.

Forty-eight States currently have a department, commission, or similar agency to administer aviation and airport programs. A majority of these agencies were created under laws patterned after a "Model State Aeronautics Commission or Department Act" which was prepared jointly by the National Association of State Aviation Officials, the then Civil Aeronautics Administration—now Federal Aviation Administration—and the Council of State Governments.

The "State Channeling of Federal Aid Airport Funds Act," another model State act which was developed by the same three State and Federal organizations, supplements the aeronautics commission or department act, and is designed to facilitate full implementation of the Federal Airport Act of 1946, as amended.

This is not a new problem, Mr. President. Back in 1946 when the Federal Government for the first time began to accept a major responsibility in the development of air transportation, Col. Alvin B. Barber, testifying before the Committee on Commerce best articulated the need for channeling local grant applications and local planning through an effective State aviation agency. In May of 1945, he stated:

> We wish to emphasize the superior effectiveness of a system in which there will be such an airport organization in each State with close knowledge of the territory, its needs and resources, and with primary responsibility for the airport program within that State. Such a system will be characteristically American, with a free rein given to the airport agencies in different States to improve their techniques and to develop projects, subject to the approval and coordinating control of the Federal authority in the national interest, a control which will easily take care of any needs of interstate commerce requiring special attention. Actually airport development up to this time has been very largely devoted to meeting interstate air transport needs and while further improvements will be required we do not regard this as the primary objective of a Federal-aid airport program. This objective, we believe, should be a balanced program to meet all needs including those of fixed-based operations and personal flying.
>
> In considering ways of best securing progressive and balanced airport development we have in mind the fact that almost from the beginning one of the strongest influences in highway improvement has been through the technical studies and varied experimental work conducted by the different State highway departments, all their information being pooled and interchanged among them in an organized manner under the general supervision of the former Bureau of Public Roads, now the Public Roads Administration. Furthermore, the greatest recent advances in highway work have been the outgrowth of the cooperative State-Federal highway planning surveys conducted in the middle thirties and we believe there is a vital need for similar decentralized, yet coordinated, surveys and planning for airports. Experience shows that it is much easier to build up competent technical service in the State organizations than in a vast number of independent municipalities with only such coordination as can be supplied from a national organization.

I agree, Mr. President, that it is somewhat odd, both in committee and on the Senate floor, that we should have to devote so much time to a part of this bill which represents but a $5 million annual expenditure as compared to the overall expenditure which approaches one-half million dollars. However, Mr. President, I am firmly convinced that the amount of money available is less important than the principle which is embodied in the encouragement of State channeling.

In my individual views, I pointed out that it was strange that many who recognize the need for close coordination and cooperation in the areas of transportation programs within the Federal Government seem unwilling to encourage closer cooperation and coordination between the Federal Government and the States. President Nixon in his administration has set about the very difficult task of reestablishing effective and meaningful State relationships. The bill that he sent to the Senate in June of 1969 contained a provision to encourage the channeling of funds through State agencies. The Department of Transportation in letters both to the Senate Commerce Committee and individual Senators, reaffirmed the President's desire to have in this very important piece of legislation a section devoted to better Federal-State relationships. That section, Mr. President, is the one embodied in the amendment to be offered by the Senator from Florida (Mr. GURNEY). I feel that it is essential in order to make this legislation really viable.

There are several other features of the legislation which I believe should be carefully examined and reevaluated by the Senate as we now debate this bill. First, section 204 of the bill proposes a 10-year program with both fixed authorizations for airport development and contract obligation authority to the Secretary of Transportation for airway development. The bill passed by the other body envisioned a program of but 3 years so that Congress would not become locked into features which in their application may prove to be ineffective.

I am hopeful that the Senate will amend section 204 so that a 5-year program can be envisioned and the role of our Senate Appropriations Committee may be preserved.

Finally, Mr. President, I am particularly concerned about the provision to permit the use of airport development funds for terminal areas. As you know, under the present Federal Airport Act money is available for runway improvement, landing areas and so forth. However, money is not made available for building fancy terminals which in most cases are self-sustaining. Money is not available for fancy administration buildings or parking lots which also more than pay for themselves.

Now, Mr. President, I gave this matter a great deal of thought before we decided that we should not extend Federal airport grants into terminal areas. I do think there is a basic problem here, particularly in smaller cities which perform a function of providing a vital link in our overall national transportation system.

During the hearings I expressed my concern about the unavailability of comprehensive and accurate financial statements from all of the commercial airports in this country. To me, the only basis for providing Federal assistance for airport terminal areas would be on the basis of financial need. Such a concept has not been a part of the grant formulas under either the Federal Airport Act or the Federal Aviation Act. As a matter of fact, there is no provision in S. 3108 which makes absolutely certain that only those airports which cannot possibly raise the money themselves will be recipients of the proposed terminal assistance.

It is my contention that many commercial airports may be making handsome profits which are often siphoned off for local projects unrelated to aviation.

Financial statements of several of the Nation's leading airports reveal that they are doing quite well in producing income which might easily be used for air terminal construction projects.

Selected at random, I cite the following figures from the financial statements of the airports themselves. Incidentally, these figures are for profits after deducting all costs for operations and for debt services:

	Profit	Fiscal year ending
Seattle-Tacoma International Airport	$1,326,409.00	Dec. 31, 1968
Lambert-St. Louis Municipal Airport	2,007,123.00	Mar. 31, 1969
City of Birmingham, Ala.	337,685.00	Aug. 31, 1968
Indianapolis Airport Authority	141,667.00	Dec. 31, 1968
Port of Portland	1,961,027.00	June 30, 1968
Milwaukee County Airport Department General Mitchell Field	862,830.00	1968
City of Fort Wayne, Ind.	110,723.10	Jan. 31, 1969
Friendship International Airport	769,295.00	June 30, 1967
New Orleans International Airport Moisant Field	1,069,586.60	Dec. 31, 1968
Massachusetts Port Authority	10,478,986.79	June 30, 1969
Miami International Airport	7,266,710.81	Sept. 30, 1968
Greater Cincinnati Airport	806,118.00	Dec. 31, 1968
San Diego Unified Port District	3,985,217.00	June 30, 1968
Minneapolis-St. Paul Metropolitan Airports Commission	389,802.49	Dec. 31, 1968
Los Angeles Department of Airports	8,673,714.00	1967-68
Kansas City Airports	1,060,256.39	Apr. 30, 1969
Memphis International Airport	1,017,406.38	June 30, 1969
City of Houston	377,308.32	June 30, 1968
Port of Oakland	578,290.00	June 30, 1968
San Francisco International Airport	5,670,995.00	June 30, 1968
Port of New York Authority Air Terminal	47,800,000.00	June 30, 1968

I am firmly convinced that before we commit the National Government to a policy of providing financial assistance to airport terminals, we need to have comprehensive financial data from each and every airport operator. That financial data should include receipts from rentals for business establishments, parking lot fees, land rentals, and all of the other money-making operations which comprise a significant part of the business activity at any large terminal.

Mr. President, this is a good bill and deserves prompt action by the Senate. I am hopeful that we can make it a better bill by action on the Senate floor.

Mr. JAVITS. Mr. President, I submit two amendments to H.R. 14465, the Airport and Airways Development Act of 1969. One, coauthored by Senator GOODELL, deals with airport site selec-

tion; the other concerns the scheduling of airline flight times.

The airport legislation now before us is the culmination of long, strenuous congressional effort to satisfactorily grapple with the enormous and increasing need for civil aviation, and I think, on balance, this legislation is meritorious and deserves the support of the Senate. Indeed, I am pleased that the combined effect of the bills are reported by the Senate Commerce Committee and the Senate Finance Committee is in large measure similar in concept to my own bill, S. 1265, which I had originally introduced in August 1968, as S. 2379. Although I had varied the levels and scheme of the taxes imposed, I, too, suggested collecting user charges and depositing them in a trust fund to help develop airports and airways.

Like the legislation now before us, the intentions of my bill were multiple. Central among its purposes, along with the improvement and expansion of our national aviation network, was the concentrated effort to relieve airport and air traffic congestion and delay which increasingly threaten not only the safety of aircraft passengers and crews, but the economic stability of the area in which the airports are located, and in the case of New York City, the stability of the whole country. A recent Rand Corp. study estimates delays to have cost aircraft operators and passengers $37 million at Kennedy Airport and $6 million each at La Guardia and Newark, and, as one witness a former FAA attorney wrote the Senate Commerce Committee, 80 percent of the Nation's air traffic delays was attributable in some way to air traffic congestion at New York City. The direct and indirect economic impact, I think, is obvious.

Facts, figures, testimony, and our own experiences attest to the conditions that do or will result in frustrating congestion and delay. For example, the reported passenger miles flown in 1968 was 106.5 billion, while the forecast for 1974 is 204 billion and for 1979, 342 billion; and Secretary of Transportation Volpe has testified that he "waited for 45 minutes on a ramp at La Guardia 2 weeks in a row; once for 50 minutes and once for 45 minutes" for a takeoff space for which he was 18th in line.

It is my belief that many steps must be taken to cushion the impact which the continuing congestion crisis has on so many lives. One step, which everyone agrees must be taken, is to provide funds adequate to improve, expand and add necessary aviation facilities. The bill before us expects to raise approximately $10 billion and spend over the next 10 years $5.5 billion for airport development and airway facilities. Mine would have allowed for approximately $1¼ billion per year, raised by a combination of user charges and subsidy of the interest on locally issued bonds. This spending step alone is not sufficient, however, to battle the congestion problems. Additional measures must be coordinated with that of spending money.

Another step I had taken in my bill which the legislation before us has not, was to impose a tax on all fuels used by both commercial and noncommercial aviation, not only to raise revenue, but also to provide an incentive to airlines to shift their arrival and departure schedules to avoid air traffic congestion at peak hours so they may reduce fuel costs.

Although I had made such provision in my bill, it is not my intention to seek to modify the revenue raising user taxes in the legislation before us, which has been so thoroughly considered by four congressional committees: the House Ways and Means Committee, the House Interstate and Foreign Commerce Committee, the Senate Commerce Committee and the Senate Finance Committee. In a letter to the Senate Finance Committee during the course of its consideration of the legislation, I had said, "I believe that it is most important that some form of legislation be acted upon by the Senate now to help alleviate the problems confronting aviation today, and if at all possible, a lengthy detailed deliberation over the taxing features should be avoided. So, it is with the thought in mind of expediting this bill that I recommend that the Finance Committee strongly emphasize the availability and importance of section 103 of S. 3108, "The Cost Allocation Study," which will allow Congress to fully review the taxing provisions and make equitable adjustment if necessary. That is still my belief, and I hope each Senator, recognizing the urgent need for this legislation, will consider section 103 and the present section 409 of H.R. 14465 before attempting to modify the financing provisions of this bill.

Further, I ask that a copy of my letter to the Finance Committee be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. JAVITS. Mr. President, my first amendment, coauthored by Senator GOODELL, concerning airport site selection is designed to give the Secretary of Transportation certain discretionary authority to help remedy impaired airport service resulting from fragmentation of decisionmaking concerning airport development. Nowhere has the indecision concerning airport development been more apparent than in the current controversy in the New York City metropolitan area over the fourth jetport. And, nowhere has the resulting damage been more acute.

For 13 years it has been considered necessary by the governing authority of New York and New Jersey and the Federal Government to alleviate the pressures on the three major airports in the New York City area. As early as 1957 a Port of New York Authority study determined there was a need, and over the years more than 30 alternative sites have been suggested. For the past 10 years, the FAA has approved the development of an additional airport in the New York City area in its annual national airport plan, just awaiting project applications.

Mr. President, to alleviate just this sort of condition, it is the intent of this amendment to authorize the Secretary of Transportation, after he has first met certain requirements, to establish a priority in the use of funds authorized by this act for aviation facilities within a metropolitan area, as he determines necessary in order to provide for the construction of an additional airport in that metropolitan area. To invoke this authority, the Secretary must first determine that the metropolitan area comprised of more than one unit of State or local government is in need of an additional airport to adequately meet the air transportation needs of such area, and that an additional airport for such area is consistent with the national airport system plan prepared by the Secretary. These requirements are consistent with the language in section 16(e)(1) of the House-passed bill and section 206(g)(1) of S. 3108 (now H.R. 14465). Upon such determination, the Secretary shall notify, in writing, the governing authorities of the area concerned of the need for such an airport and request such authorities to confer, agree upon a site for the location of such additional airport, and notify the Secretary of their intention. This, too, is consistent with the language in both bills.

Then, if the Secretary, after 2 years have elapsed, has not received notification from the governing authorities concerned of the selection of a site and the intention to submit a project application for the additional airport, and only after he has established an Airport Priority Review Panel and has considered its public report of the total effect of a tentative determined priority in the use of funds, shall he be authorized to actually establish the priority in the use of the funds.

Mr. President, we have reached the point where hardly anyone will disagree that the major airports in the New York City area are overburdened, and the unhappy facts associated with this problem have been used by people around the world to demonstrate what can happen when government, through indecision, fails to take significant remedial action.

Presently, there are those who believe a fourth jetport is not the answer—that the problem can be solved by some combination of new roadway arteries and access routes, the constructing of high-speed ground transportation and mass transportation facilities, improved railroad facilities, the expansion of the existing airports, or the developing of VTOL and STOL airports. I do not agree. This approach alone is unrealistic. As I see it, with the fantastic population growth expected for the region both the massive improvement and expansion of ground transportation and the fourth jetport will be needed. I do not wish to suggest a particular site for the airport, nor is it my intention, by this amendment, to allow the Secretary of Transportation to choose a particular site, which is the intent of present section 206(g)(1) of S. 3108.

It seems to me that discretionary authority is essential for the Secretary of Transportation in order to deal with that problem, without vesting in him absolute power over where such an airport should be located. We know that allowing the

Secretary to choose a site will not work in the face of opposition in many States, but at the same time it is not sufficient to merely restate powers he already has in order to have some influence on airport site selection, as is contained in the amendment intended to be proposed by the Senators from New Jersey—the so-called Frelinghuysen amendment, which came from the other body.

I believe it is the responsibility of State and local government primarily to determine what best will solve their own present and future air transportation difficulties. It is up to them to choose an airport site. But when 13.1 million people enplane annually at O'Hare in Chicago, 17.2 million at three New York airports, 10 million at Los Angeles, and over 1 million annually in 19 other cities such as Seattle, Kansas City, and Denver we are certainly dealing with a national problem. By calling this a national problem, I do not mean to imply that it is exclusively a problem to be solved by the Federal Government, but one that all governments must help solve. My amendment preserves the choice of an airport site for the governing authorities of the area, but at the same time, after the need becomes apparent—and I happen to believe it has in this case—it allows the Secretary of Transportation greater authority to fulfill the Federal Government's obligation to the people to insure that all Federal funds spent on aviation facilities in a particular area will in fact be utilized in the best possible way to eliminate the hazards and inconvenience associated with aviation congestion and delay. Should it be determined that certain funds should be spent in one way over another in order to provide for the construction of an additional airport, this amendment could allow the Secretary to so provide in his priority schedule.

It seems to me that is a very fair proposal, and at the same time tries to bring about some progress, without giving the Secretary of Transportation the site selection authority which some persons would recommend. State and local governments should determine what is best to solve their own present and future air transportation difficulties. It is up to them to choose an airport site; but with respect to the measures which we will be taking under this bill the U.S. Congress also has a right to see to it that its money is not wasted by allowing at least a determination of what ought to be the priority in the expenditure of that kind of money, based, first, on a sufficient length of time for the local people to choose, and, second, the findings of some disinterested public body as to what is the fair thing to do in the situation.

I believe the point has already been reached when unchecked, uncoordinated spending in the New York City area merely to expand existing airports and their associated facilities will have diminishing returns. Introducing additional aircraft into already saturated airspace and into already congested terminals will not bring additional commerce to the area but instead will cause a decline—to wit, New York City, I am informed, lost more than $1 million a day from a decline in tourism last summer, and an estimated annual economic loss for New York City unless airport capacity increases are achieved at at least Kennedy and La Guardia airports is forecast to be in 1970, $54 million; $205 million in 1975; and $589 million by 1980.

Mr. President, a number of purposes will be served by requiring the Secretary to first establish an Airport Priority Review Panel and to consider its report concerning the total impact a schedule of priorities in the use of funds might have before implementing such a schedule. Such a panel, composed of the Secretary, the governing authorities of the area concerned—in the case of New York City metropolitan area, it might include the Governors of New York and New Jersey, the mayors of New York City and Newark, and a representative from the Port of New York Authority—and other experts the Secretary may designate, will be best able to identify what funds must continue to be spent to insure aviation safety, while at the same time it will be able to point out to the Secretary and to the people of the region just what the economic impact is likely to be as a result of a funding priority schedule.

Certainly, other measures which we in the New York City area would not like to see, could be taken to encourage a resolve of such inaction as is witnessed in the New York City area. To solve the New York City problem, the President by Executive order could designate another coastal airport as an international port of entry, thereby I am told reducing air traffic at John F. Kennedy International Airport by 20 percent; or Congress could pass legislation requiring the Civil Aeronautics Board to deny any new route authority application into the New York City region, thereby decreasing the total number of aircraft operations at the airports which are found by the Secretary to be congested.

The New York City metropolitan area airports need relief. I am confident that the governing authorities of the area together, acting in good faith with the Federal authorities, can solve the problems. Senator GOODELL and I have tried to present to the Senate a plan which we hope will have some real impact on solving the jetport problems of the New York area, one which is stronger than what we consider a very weak Frelinghuysen proposal, yet one which does not impinge upon the necessity of allowing the States and local governments to choose an airport site. I hope my amendment will be a sufficient impetus to those parties responsible for the resolution of these problems to come to some solution.

Mr. President, I ask that the amendment be printed under the rule, and also printed as a part of my remarks.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table; and, without objection, will be printed in the RECORD.

The amendment is as follows:

On page 70, line 21, after the "(1)" insert "(a)".

On page 71, line 6, strike out "three" and insert in lieu thereof "two".

On page 71, line 9, after "site", add the following: "and the intention to submit a project application".

On page 71, strike lines 10 through 17, and insert in lieu thereof the following: "the Secretary may establish such priority in the use of funds granted pursuant to this Act for aviation facilities serving such metropolitan area as is necessary in order to provide for the construction of such additional airport as soon as practicable, provided, however, he shall first consider a public report of the total effect such an establishment of priorities would have on the metropolitan area, prepared by an Airport Priority Review Panel that he shall establish to advise him. The Airport Priority Review Panel shall consist of the Secretary, or his designate, the governing authorities concerned, or their representatives, and such additional members experienced in transportation, urban planning, or the problems of the environment as the Secretary may designate."

On page 71, after the period on line 22, insert the following:

"(b) Members of panels established pursuant to subsection (g) (1) (a) of section 206 who are not regular full-time employees of the United States, shall, while serving on the business of a panel, be entitled to receive compensation from the United States at rates fixed by the Secretary, but not exceeding $100 per day, including travel time; and, while so serving away from their homes or regular places of business, members may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of Title 5 of the United States Code for persons in the government service employed intermittently."

Mr. JAVITS. Mr. President, I have also submitted another amendment. I realize that the first amendment will be a matter of considerable struggle, but the second amendment I hope the committee will consider carefully. It, too, is designed to deal with the problem of airport congestion.

What it would do is ask the Department of Transportation and the Civil Aeronautics Board to conduct a joint study to determine the feasibility of requiring commercial air carriers to submit a schedule of service as a condition to any certificate issued to the air carrier by the CAB and the feasibility of authorizing the CAB to amend such a schedule when it determines that such a change would reduce or avoid undue congestion at the major airports.

Mind you, I am not asking that this power be given; I am asking only that the question be studied as to its feasibility, and that we have a report within a year. It may very well be that giving this kind of authority, if we decide to give it after receiving the results of that study, may be another way in which to help us in the very near term with the dreadful problems of airport congestion, bearing in mind, Mr. President, that at best, a new fourth jet port for New York or another jet port for Chicago or Los Angeles will require something in the area of an average of 6 to 7 years to build, and that therefore we have to have some interim way of reducing the congestion now. One way, of course, is through what we do about general aviation. Another way is in the scheduling of commercial airlines themselves.

In my bill, S. 1265, I had included provisions amending the Federal Aviation Act of 1958 that would have given the CAB the authority which is the subject of this study I am calling for, but unfortunately, the Senate Commerce Committee did not have the opportunity to thoroughly investigate such a proposal.

Recognizing that such authority should not be granted without first thor-

oughly considering the impact of such authority, I am at this time calling for a study.

With regulations now in operation restricting aircraft from flying within 10 miles or 4 minutes of the 747's, I think it apparent that a concerted effort must be made to most effectively coordinate airline schedules. Certainly, a study of this nature would have to consider that general aviation and nonscheduled commercial aviation do not fly on fixed time.

A study such as this might best put in focus for the Congress the problem of scheduling and how a coordination of airline scheduling might reduce or avoid congestion, and I sincerely hope that all who have an interest, including the airline industry, would vigorously participate in such a study.

I ask unanimous consent that my second amendment be printed in the RECORD as a part of my remarks.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table; and, without objection, the amendment will be printed in the RECORD in accordance with the Senator's request.

Mr. JAVITS' amendment is as follows:

On page 51, after line 23, insert the following:

"SUBMISSION OF SCHEDULES STUDY

"SEC. 105. The Department of Transportation in cooperation with the Civil Aeronautics Board shall conduct a study to determine the feasibility of (1) authorizing the Board to require the submission of a schedule of service as a condition of any certificate issued to a commercial air carrier by the Board and (2) authorizing the Board to require revision of such schedule of service where necessary in order to reduce or avoid undue congestion at major airports. The Department of Transportation shall complete such study within one year from the enactment of this Act and shall submit a report to the Congress for reference to the appropriate Committee."

EXHIBIT 1

JANUARY 29, 1970.

Hon. RUSSELL B. LONG,
Chairman, Senate Finance Committee,
Washington, D.C.

DEAR MR. CHAIRMAN: I am informed that the Finance Committee will shortly be holding an executive session to consider proposals to levy airport and airway user taxes and to establish an Airport and Airway Trust Fund.

The legislation before the Committee is in most respects meritorious and deserves the support of the Senate. Indeed, I am pleased that the bill reported by the Senate Commerce Committee and those now before the Senate Finance Committee are in large measure similar in concept to my own bill, S. 1265, which I had originally introduced in August, 1968 as S. 2379. There are a few thoughts with reference to the tax provisions, however, that I wish to ask the Committee to consider.

I believe that it is most important that some form of legislation be acted upon by the Senate now to help alleviate the problems confronting aviation today, which I think all agree are enormous, and if at all possible, a lengthy detailed deliberation over the taxing features should be avoided. So, it is with the thought in mind of expediting this bill that I recommend that the Finance Committee strongly emphasize the availability and importance of section 103 of S. 3108, "The Cost Allocation Study" and section 208 of H.R. 14465, "Investigation and Report to Congress", either of which will allow Congress to fully review the taxing provisions and make equitable adjustment if necessary.

I urge the basic concepts of collecting user charges and depositing them in a trust fund to help develop airports and airways and have incorporated a similar system into my bill, S. 1265, although I varied the levels and scheme of the taxes imposed. The user taxes I had proposed in my bill included a tax of 2 cents per gallon on all commercial airline aviation fuel—including jet fuel, a five cent per gallon tax on all fuels used by general aviation, and a 2 percent increase in the passenger ticket tax to 7 percent.

It was then and is now my belief that both commercial and non-commercial aviation should be required to pay some tax on the fuel used. Such a tax allows the airline to distribute the resulting increased "operating cost" among the users of the airlines in perhaps the most economic and efficient manner, with the Government still ensured of a relatively constant source of income. Further, a tax on fuel provides an incentive to airlines to shift their arrival and departure schedules to avoid air traffic congestion at peak hours so they may reduce fuel costs. It remains my belief that the tax on passenger tickets should be increased, but under the scheme of my bill, I would have allowed the revenues from the existing tax to continue to go into general revenues to pay FAA airway costs while depositing the additional revenue in the new trust fund.

Among the alternative revenue raising provisions presented in the bills before the Senate, I would subscribe to the inclusion in some coordinated fashion of a tax on air cargo waybills and a registration fee on airplanes used in commercial aviation.

But, I have serious reservations about the levying of a charge on enplaning passengers destined for international points. At a time when our balance of payments situation does not warrant so drastic a measure as a restriction on international travel, it seems inadvisable to levy such a tax when other revenue sources are available.

In addition to your consideration of the user taxes, I hope you will consider retention of present exemptions of the tax on passenger tickets for state and local governments and for non-profit schools and colleges. With municipalities and educational institutions hard pressed for funds, and the Federal Government making every effort to help them reduce their financial needs, it would seem incongruous to impose this additional burden upon them.

Let me assure you I will do my best to help expedite this bill.

With warm personal regards,

Sincerely,

JACOB K. JAVITS.

Mr. LONG. Mr. President, I call up an amendment which I have at the desk, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 46, beginning with line 21, strike out all through "revenue" in line 17, page 51, and insert the following:

"TITLE I—STUDY OF ALLOCATION AND APPORTIONMENT OF FEDERAL FUNDS

"STUDY AND REPORT BY SECRETARY OF TRANSPORTATION

"SEC. 101. The Secretary of Transportation shall conduct a study respecting the appropriateness of that method of allocating and apportioning funds."

On page 61, line 18, strike out "101" and insert "408".

On page 61, line 24, strike out "104" and insert "101".

On page 139, line 5, strike out "President," and insert "President and through full consultation with and consideration of the views of the users of the system,"

On page 139, line 22, after "made." insert the following new sentence: "In addition, the Secretary of Transportation shall identify the costs to the Federal Government that should appropriately be charged to the system and the value to be assigned to the general public benefit."

Mr. LONG. Mr. President, under the bill as drafted, because it was drafted in both the Senate and the House of Representatives, and was acted upon by the Committee on Commerce as well as the Committee on Finance there is some duplication in the bill. For example, there are two trust funds created, when there should be only one trust fund. My amendment would eliminate one of the trust funds, which is necessary to avoid duplication.

There are other minor technical amendments involved as well, which the staff of the Committee on Finance advises the committee are necessary. I believe the amendment has been cleared with the staff of the Commerce Committee, and that they have agreed the amendment is necessary.

Mr. CANNON. Mr. President, we have no objection to the amendment of the Senator from Louisiana.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Louisiana.

The amendment was agreed to.

Mr. DOMINICK. Mr. President, I send to the desk for printing two additional amendments. I might say to the distinguished Senator from Nevada and the distinguished Senator from Louisiana that my first two amendments dealt with the registration and taxes imposed upon general aviation aircraft. These two amendments, however, deal with different subjects. They deal with not the finance end, but the more substantative end, one dealing with the requirement providing for emergency locator beacons, which I have talked about on this floor about four times, and the other dealing with the question of jets at National Airport.

How many of my amendments I shall bring up for a vote I do not know, but I think we should have them before us, so that the managers of the bill can have a chance to look at them and decide what their position may be. I am hopeful that in at least a couple of these matters, the management will agree to accept my proposals.

The PRESIDING OFFICER. The amendments will be received and printed, and will lie on the table.

Mr. CANNON. Mr. President, I send to the desk an amendment, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. The Senator from Nevada (Mr. CANNON) proposes an amendment as follows:

On page 92, line 19, strike out the figure "7" and insert in lieu thereof "6".

Mr. CANNON. Mr. President, I ask unanimous consent that the names of the distinguished Senator from Kansas (Mr. PEARSON) and the distinguished Senator from Washington (Mr. MAGNUSON) be added as cosponsors of my amendment.

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

Mr. CANNON. Mr. President, if I may have the attention of the Senator from Louisiana, the amendment that I have just proposed would reduce the 7 cents per gallon fuel tax this legislation would place on general aviation fuel to 6 cents a gallon. That is the rate that the Committee on Commerce recommended when it first reported S. 3108 to the Senate.

As a matter of background on this particular tax, the administration requested a rate of 9 cents a gallon on general aviation fuel, the House of Representatives reduced that figure to 7 cents, we in the Commerce Committee recommended 6 cents, and the Committee on Finance has raised it back to 7 cents per gallon.

Mr. President, I believe we should reduce the tax to 6 cents, because I believe general aviation is sharing an undue portion of the expenditure increases that are provided for in this bill.

The PRESIDING OFFICER. The Senate will be in order.

Mr. CANNON. General aviation operators are also up against a number of other new charges not included in the bill. The costs of the general aviation pilot are being increased. For example, the FAA is planning sometime in the future to bar from tower-controlled airports all aircraft not equipped with a transponder. That means that if general aviation pilots are going to fly, they are going to have to have a transponder to get into the larger airports equipped with control towers. This transponder is an item costing several hundred dollars; the cost may run as high as $800 for the types installed in some aircraft. So this is quite an additional burden imposed by FAA regulations, as a result of increased traffic.

In addition, the bill we have before us, as recommended by the Committee on Finance, imposes a flat aircraft annual registration fee of $25 on the general aviation pilot, and if he has more than four seats in his plane, he also pays a tax based on airplane weight. He will be required to pay a fee of 2 cents a pound. If it is a turbine powered plane, 2½ cents a pound, based on takeoff weight, will be charged.

Of course, as I have stated, if he has a four-seat plane or smaller he does not pay the tax on weight, but in any event he must pay the $25 registration fee.

So he will be faced with the cost of the transponder and the cost of the registration fee, plus the fact that he cannot fly without great difficulty into some airports, under FAA regulations, today.

If we increase his fuel tax to 7 cents a gallon, we are almost doubling the present rate. It is 4 cents per gallon now. However, he can get a 2-cent-per-gallon refund if he files for it. So in actuality we are doubling the actual amount of the tax he is having to pay.

My amendment—the 1-cent reduction from 7 to 6 cents a gallon—would reduce the revenues from this tax by $6.7 million for fiscal 1971, the first year it is effective. That is not a very significant loss of revenue using projections for fiscal 1980, that 1-cent-per-gallon decrease would represent only $12.2 million in lost revenue. That may seem large to some people, but compared with the overall income or revenue from this bill, I think that the amount is rather insignificant, and I would hope that the distinguished chairman of the Committee on Finance would be willing to accept the amendment. He certainly recognizes that we are placing an added burden on the general aviation pilots and small aircraft owners; and if we raise their fuel tax to 6 cents per gallon, we are still increasing their tax one-third over the present rate. In addition, under present law they now are entitled to a 50-percent refund so actually the real present tax rate is only 2 cents per gallon on aviation gasoline.

So I would hope that the distinguished chairman of the Committee on Finance would recognize that his proposal is an undue burden on general aviation and I hope he would go along with the amendment I have proposed, which is cosponsored by the distinguished Senator from West Virginia (Mr. RANDOLPH); the distinguished Senator from Washington (Mr. MAGNUSON), the chairman of our full committee; and the distinguished Senator from Kansas (Mr. PEARSON).

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

Mr. CANNON. I yield.

Mr. GOLDWATER. I might point out, in supporting what the distinguished Senator from Nevada has said, that he forgot to mention—or if he did, I did not hear it—the fact that an annual inspection has to be held on each aircraft; and this can run all the way from $100 to well over $1,000. I think his amendment would be well taken, particularly at this time.

Mr. CANNON. I thank the Senator for pointing that out. I had not commented on it.

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

Mr. CANNON. I yield.

Mr. PEARSON. Mr. President, I concur in the comments of the distinguished Senator from Nevada, and express my own support, as exhibited by my cosponsorship of this amendment.

This may seem very small, as the Senator has said, but, to be very frank about it, the opposition to this bill, which is needed so desperately today, comes from the general aviation field. They feel that they have been denied and discriminated against, particularly in the use of some of the medium and large hubs in this country.

I make reference to the allocation of funds of the trust fund, where $270 million will be going to, in effect, the hubs—small, medium, and large—and $30 million allocated to general aviation airports. That will be the code—the formula, perhaps—for the next 5 years.

As indicated in the table on page 39, 6 cents will provide approximately $18 million next year, but $39 million in 1971. So 6 cents really equates to a large extent the amount of money that general aviation will be paying.

I think it manifests some sense of fairness on the part of our committee, and this was the judgment of the Aviation Subcommittee and the Commerce Committee at the time we reported this bill; and I would hope, in like manner, that the distinguished chairman would find this acceptable.

Mr. LONG. Mr. President, I really do not understand why anyone would think that general aviation is paying more than its share under this bill. The House sent us a bill under which general aviation would be paying 9.1 percent of the amount of money that is paid for the airports and airline safety. We on the Finance Committee voted to reduce this by approximately 5 percent. We cut it down to where they would be paying 8.6 percent of the revenues that would be used to pay for air safety and for airports.

As this is projected ahead—who will be paying and how much they will be paying under the tax here—it will be found that the burden shifts as years go by to where general aviation will be paying an even smaller percentage. By 1980, they will be paying only 5.6 percent, or about $1 of every $20 that goes for the airways.

While I acknowledge that none of us know precisely what is the appropriate division of the tax burden between commercial aviation and general aviation I thought that the Finance Committee bill leans over backward to give general aviation a fair shake in this respect. However, the amendment here offered reducing the fuel tax from 7 to 6 cents would reduce the percentage of the burden borne by general aviation down to 7.4 percent in 1971. This would be further reduced to 4.9 percent by 1980.

This change will result in a revenue loss of approximately $7 million in 1971 and is expected to grow to an annual revenue loss of slightly over $12 million in 1980.

Why should general aviation pay anything? Well, in 1970, this year, the estimates are that total aircraft operations on the Federal aviation traffic control services will amount to 55.7 million operations. Commercial air carriers are expected to account for only 11.1 million operations out of this total, while general aviation is expected to account for 41.4 million. Military use accounts for the remaining 3.2 million.

So we have 52.5 million aviation operations at these airports from general and commercial aviation. Only 11 million of these operations are conducted by the commercial operators. So the people who have one operation in five are paying 90 percent of the cost already, and it costs just as much for a tower to direct a small, private plane into the flight pattern and land it on the field and to direct it back into the air traffic as it does to bring in a major airplane which might have 80 or 100 passengers aboard.

This disparity of use of the facilities by general aviation will increase. For example, by 1980, the operations of commercial airlines are expected to increase by only 53 percent, but in the same 10-year period it is estimated that the general aviation usage will increase by 228 percent.

Let us look now at aircraft using instrument flight rules handled at FAA air route traffic control centers. In 1970, it is estimated there will be 14 million commercial aircraft handled at these centers. It is expected that general aviation aircraft handled at these centers will amount to 3.7 million. By 1980, it is expected, however, that there will be a much larger increase in general aviation aircraft handled at these centers than is true of the commercial airlines.

By that time it is expected that general aviation aircraft handled at these centers will have increased to 14.7 million operations while commercial aviation will have increased only to 22.5 million. In other words, general aviation aircraft handled at traffic control centers is expected from 1970 to 1980 to increase by 297 percent while commercial aircraft so handled at these centers is expected to increase by 61 percent.

I give you this material not because it gives any specific or definite indication as to what the burden of general aviation should be relative to commercial aviation, but rather to show you that under any type of measurement you care to apply, the use of airports and the airway system by general aviation already is substantial and is expected to show a much larger increase in the use of this system in the years ahead.

Mr. President, we on the Finance Committee have certainly tried to consider the problems and needs of general aviation and to be considerate of them. For example, we provided that the poundage portion of the tax on aircraft, the so-called use tax, would not apply beyond a $25 registration fee on all airplanes that are four-place or less. If a person buys the kind of airplane we ordinarily see used by the small operator, which has a seat for the pilot and someone sitting beside the pilot and two seats behind, he would not pay any more than one would ordinarily pay for an automobile license tag.

While the administration asked for a 9-cent-per-gallon fuel tax, we provide for a 7-cent tax. It seems to me that general aviation should pay some reasonable amount; and if there is any disparity, it seems to me that the disparity is the heavy burden that is being placed upon the commercial carriers. They are willing to pay their part. They only insist that the other fellow, who is paying very little, should pay a more reasonable share. I would think that when you get it down to where general aviation is paying less than 9 percent of the total user taxes and more than 80 percent of the operations of the airports are for general aviation, the commercial operators are perhaps the ones who are paying the disproportionate share.

I know that we modified the bill to general aviation's advantage to compare with the House bill. It seems to me that we have gone as far as they ought to ask.

Mr. CANNON. Mr. President, the President initially requested a tax of 9 cents a gallon, and we recognize that my amendment provides for a reduced revenue and would cost general aviation less. But, for example, general aviation cannot even fly into some of the airports except on a reservation basis, which means that only the larger aircraft, the so-called executive type aircraft, can go into some of the larger airports of the country today.

As I mentioned earlier, the matter of the possible transponder requirement had not come along at that time. If the general aviation pilot is going to continue to fly into commercial airports—and this means the small, medium, and large hubs—he will have to have a transponder eventually, and this will cost from $600 to $800. So these are added costs that are placed on him. All we are trying to do is to not whack him with too much additional expense at one time. A registration fee would be imposed, his fuel tax would be more than double, and he would be restricted from many of the airports; and he does not need many of the big facilities that are at some of the airports. We would be doing all this to him at one time.

In the bill, as the Senator knows, we have a provision directing the Secretary to conduct a study and determine the appropriate cost allocation. When he does that, we may then find that perhaps general aviation is not charged enough; and, if not, we can change it. But until that is done, let us not hit general aviation with everything in the book.

As I pointed out earlier, the tax would increase under the proposal recommended by the Finance Committee, from 4 cents to 7 cents, with none of it refunded. At this time, they are paying 4 cents per gallon and can get 2 cents refunded. The cost to the general aviation pilot of the tax on the fuel would be more than trebled, plus the transponder problem, plus the restraint on use of some of the airports.

Certainly the commercial carriers are taxed heavily under the proposal but they cannot absorb the new tax so that it will be passed on to the passengers. They will pay it as a hidden tax as an increased fare. But the commercial carriers will not absorb one nickel of the new tax because they are all in financial trouble today. They will have to pass the tax on to the passenger and I think that they should.

Mr. RANDOLPH. Mr. President, I should like to have the attention of the distinguished chairman of the Finance Committee. As he studies the proposal, which I cosponsor, because I still think he is in the posture of considering the amendment, I would observe that men in the Senate, like the Senator from Arizona (Mr. GOLDWATER) and the Senator from Nevada (Mr. CANNON), who continue to fly aircraft, and others of us who have a knowledge in aircraft, airports, airways, and related problems, that we can agree that the wear and tear on the runways is not from the smaller private aircraft, general aviation categories in the United States. It is, of course, the large aircraft, that cause the necessity for huge sums of money to be spent on the development of the runways. Those aircraft are operated by the commercial airliners and the vital air transport industry understands equities. We must take into consideration the realities as we discuss the problem.

Mr. LONG. Permit me to say that, so far as I am concerned, the Finance Committee did what it thought was right about this matter. We tried to consider both sides of the argument. We took 75 percent of the private airplane users out from under the poundage portion of the use tax and said that they would pay only a $25 annual fee. We have been most kind and considerate to them, in my judgment. However, if the Senate wants to be more considerate, that is the privilege of the Senate. It will not wreck the bill one way or the other. I think they should pay the 7 cents, as the committee voted it, but I am not going to lose a lot of sleep about it one way or the other.

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

The PRESIDING OFFICER (Mr. SCHWEIKER in the chair). Does the Senator from Louisiana yield to the Senator from Arizona?

Mr. LONG. I yield.

Mr. GOLDWATER. I agree with the distinguished Senator from West Virginia that the Senator from Louisiana seems to be in the process of making up his mind, so I would like to put another argument or two onto the amendment.

It would be a different thing if the general aviation user could use every airport in the United States today. But he cannot. He is restricted from flying into five of the major airports in the East, and 21 others are either in the process of being added to, or will be added. This means that, unless he applies for a slot, which means within a 3-minute time limit, to say he will take off and to say he will report to the control center from the aircraft he is flying, he cannot take off from Washington National, Kennedy, LaGuardia, or O'Hare. This is being extended to airports like the one in my hometown of Phoenix, Ariz., and some 21 others.

Thus, in effect, the general aviation pilot is not now entitled to all the benefits that the airlines are entitled to.

I am not arguing against this idea of controlling takeoffs and landings at the large hubs. I think it had to come. It is working out rather well. But, remember, the pilot who wants to fly, say, from the Washington area to, let us say, any of the airports in the East, like LaGuardia Airport, he cannot use Washington National because he cannot get the time, and there is not another controlled airport in the area that he can takeoff from under instrument conditions, or land under instrument conditions. There is only one instrument landing system for airline aviation—two, I believe, one at Dulles and one at National; and there is of course the one at Andrews and at other military facilities. So there is the problem of not being able to fly when one wants to fly because he cannot takeoff under control conditions. This has been imposed by the needs of the airlines for more use of the fields which I have mentioned. This is inconvenient to the men flying in general aviation. There is the additional cost. Say he has to drive to Dulles Airport, that is a 25- to 30-minute drive. Then he has to land at Westchester in New York, and that is another 30 to 35 minutes to drive back to the city; or he lands at Teterboro in New Jersey, which is about the same thing.

So there is the additional cost today that we have not even recognized here, which I think should compel the distinguished chairman to accept the amendment because we can always look at it next year when the transponders, as the Senator from Nevada has mentioned, will be general equipment, and when the equipment as suggested, I believe, by the Senator from Colorado (Mr. DOMINICK), will be installed on all aircraft.

I think that at that time, we should take another look at it. We are dumping quite a load on the back of general aviation.

I am not pleading the case for corporate aircraft. I am pleading the case for the private pilot whose insurance fees alone have gone up 300 percent in the past several years.

I think it would be wise to take this little decrease with the almost certainty that we will have to increase it in the years ahead.

Mr. LONG. Mr. President, my attitude about the facilities is that we can have all the airports, all the runways, all the air space we want, and we can have all the highways we want, but someone has got to pay for it. The fellow who benefits from it is the one who should be willing to pay for it.

The Finance Committee's position is that whatever the Senate wants is OK but someone will have to pay for it. So far as I am concerned, I would hope that the people pay for what we have suggested. But if the Senate feels that is too much, why then, let the Senate so express itself.

I personally would rather hope that we would stay by what was reported.

Mr. CANNON. Mr. President, I ask unanimous consent that the name of the Senator from North Dakota (Mr. BURDICK) be added as a cosponsor of the amendment.

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

Mr. CANNON. Mr. President, I am ready to vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Nevada.

The amendment was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 8656. An act to authorize the use of certain real property in the District of Columbia for chancery purposes;

H.R. 10335. An act to revise certain provisions of the criminal laws of the District of Columbia relating to offenses against hotels, motels, and other commercial lodgings, and for other purposes;

H.R. 10336. An act to revise certain laws relating to the liability of hotels, motels, and similar establishments in the District of Columbia to their guests;

H.R. 13307. An act to amend chapter 3 of title 16 of the District of Columbia Code to change the requirement of consent to the adoption of a person under twenty-one years of age;

H.R. 14982. An act to provide for the immunity from taxation in the District of Columbia in the case of the International Telecommunications Satellite Consortium, and any successor organization thereto;

H.R. 15381. An act to amend the District of Columbia Income and Franchise Tax Act of 1947 with respect to the taxation of regulated investment companies; and

H.R. 15980. An act to make certain revisions in the retirement benefits of District of Columbia public school teachers and other educational employees, and for other purposes.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H.R. 2) to amend the Federal Credit Union Act so as to provide for an independent Federal agency for the supervision of federally chartered credit unions, and for other purposes, and it was signed by the President pro tempore.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred to the Committee on the District of Columbia:

H.R. 8656. An act to authorize the use of certain real property in the District of Columbia for chancery purposes;

H.R. 10335. An act to revise certain provisions of the criminal laws of the District of Columbia relating to offenses against hotels, motels, and other commercial lodgings, and for other purposes;

H.R. 10336. An act to revise certain laws relating to the liability of hotels, motels, and similar establishments in the District of Columbia to their guests;

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H.R. 15381. An act to amend the District of Columbia Income and Franchise Tax Act of 1947 with respect to the taxation of regulated investment companies; and

H.R. 15980. An act to make certain revisions in the retirement benefits of District of Columbia public school teachers and other educational employees, and for other purposes.

AIRPORT AND AIRWAYS DEVELOPMENT ACT OF 1969

The Senate continued with the consideration of the bill (H.R. 14465) to provide for the expansion and improvement of the Nation's airport and airway system, for the imposition of airport and airway user charges, and for other purposes.

Mr. GOLDWATER. Mr. President, I wish to address myself to the present legislation.

There can be no question that we must enact legislation that will provide funding to finance the growth of our national airways and airport system. We were warned by a Presidential Commission study in 1958 that the rapid advancement in aircraft technology and tremendous growth of all facets of aviation would create a situation whereby our airport/airways system would be totally inadequate within 10 years if action was not taken to enlarge and modernize the entire system.

The past year has proven that prediction to be correct. Our airports can no longer meet the needs of those who choose to use aviation as their means of transportation. The users of our airport/airways system must be called upon to pay the cost necessary to maintain, enlarge and properly equip this system that provides them with such tremendous benefits.

Many here know of my profound interest and continued dedication to aviation. My aviation career started when I first felt the controls of an airplane and soon became a pilot in 1930. I have since logged over 10,000 hours of pilot time, acquired in more than 100 different types and classes of aircraft. Over the past 40 years I have either checked-out or have flown in most of the aircraft we have in all categories. I am proud to say that my interest is as keen today as it was when I first climbed into a cockpit so long ago.

I have witnessed aircraft performance advance from the undependable early airplanes of the 1920's flown by men dedicated to the advancement of aviation, to the high performing modern day luxury jet transports that cover our Nation from coast to coast faster than the sun. I am informed by the FAA that in 1969 there was in excess of 175 million aircraft boardings by those who chose to travel as passengers on our commercial airlines. Private aviation has grown by leaps and bounds and the latest figures show that our airway/airport system is serving 133,000 general aviation aircraft.

These figures clearly indicate that we are a nation that is receiving great advantages from aviation.

I would like to emphasize further the benefit general aviation is receiving from our airport/airway system.

Recent FAA figures show that last year there were 41.4 million takeoffs and landings by general aviation aircraft at the 330 airports with FAA control towers. Our airways enroute traffic control system will handle 3.7 million IFR operations in fiscal year 1970 for this segment of aviation as well as 8.5 million radio contacts by FAA flight service stations and over 10 million pilot weather briefings. Many other figures could be emphasized. However, I feel the fact is clear that our Federal airways system is providing a service that is indispensable to its users.

My feelings are that the users of the system must contribute most of the funds necessary for the modernization, expansion and revitalization of our airport/airways system. We must be extremely cautious to recognize that our airport system was developed under the jurisdiction of a large number of local governmental agencies and our airways system operates under the authority and at the expense of the Federal Government. It is mandatory that any legislation enacted assure that funds needed for one are not spent on the other.

In this general area, Mr. President, I believe that the Federal Government through the FAA should have some exercise—and I hate to use the word—of control over the construction of the airports themselves.

We find in traveling across this country such a great variety in the architecture of the airport buildings that it has become almost laughable and, in fact, it is archaic in my humble opinion. We have only one modern airport in the United States, and that is Dulles. Yet we see fields like O'Hare, John F. Kennedy, and the airport in Phoenix, Ariz., expanding their facilities. People have to walk 2 or 3 miles, and baggage handling must be taken into consideration.

I do not think I am wrong in saying that if I wanted to travel today from Washington to downtown New York, I could make better time on a train than on an airplane. This is not because air-

planes are flying slower. They are flying faster.

We are not improving the airports if we leave it entirely up to local determination, although they should have a major say in it. If we leave it up to them entirely, we will continue to have this hodge-podge of poorly planned systems and poorly built airports.

Any legislation enacted must inform both the airport and airways system planners of what is expected from them and how much assistance they can depend on from the trust fund.

The level of funding must be adequate to meet forecast needs of the entire system, and the levels allocated for each purpose must be specific over the authorized life of the program to assure a stable base for financial planning. I am disturbed that there is a movement afoot to discourage long range planning. Contract authority must be authorized so as to provide assurance of a stable financial planning base. I strongly urge the desirability of multiyear contracting authority.

There has been a tendency in our country to think of an airport merely as somewhere for an airplane to land. This philosophy must be discarded and the need for intense, long range studies concerned with environmental problems and use begun immediately. Funds must be allocated for study of and to provide for uniform and functional processing of passengers, baggage, cargo, parking, and services. We must assure that our airports have an adequate balanced capability to accommodate the demands that exist within the airport for all they serve.

It is my feeling that a new expanded national plan for airport development must consider the adequacy of all elements of the airport and the airport systems as a whole. Such a plan has to include estimates of air transportation demands, an assessment of the existing ability to accommodate demand, and recommendations for system developments required to maintain adequate facilities.

Due to the fact that legislation must be enacted to modernize, expand and revitalize our airport/airways system, and a large portion of the cost will be derived by levies imposed on the users of the systems, fairness dictates the use of such funds be extended to all system facilities in a manner beneficial to the "paying public" interest and convenience.

In this regard, Mr. President, I would like to mention a fact that we have not talked about as yet. This is the continuing problem that our airway controllers face—not just the controllers who operate the control towers, but also the man who sits in the Washington center, the Albuquerque center, or wherever it may be, and is required to look at a very difficult radar screen most of the period of his 8-hour working day.

Mr. President, any of us who have been acquainted with radar knows that this is a very, very difficult assignment. It is difficult on their eyes. And it is difficult mentally. It is an extreme responsibility to place on one man, the responsibility for a dozen or more aircraft in a heavily congested part of the airway system. This would include both those controllers in centers and those controllers in the tower.

I am glad to see that in the pending legislation there is a recognition of this problem.

I do not go along with those who feel that the controllers should be allowed in effect to join a union so that they could threaten the system with strikes or even to strike. I think we should be ahead of them and provide all they are asking. We are long overdue on this. In that way, we could prevent another catastrophe from happening such as the sick-out we had before or a strike because the controllers justifiably think they should be getting something more than they get today.

I cannot think of a job today that is more exacting or demanding on a man's physical ability than the jobs I am talking about.

In this regard, some of the things this fund would cover are long overdue. In our airway system, it is hard to believe that we only have height-finding radar, I believe, at two of our centers. And 16 years ago, this was just around the corner.

We have a lot of research and development to do before we bring our aircraft up to the state of modernization that high-speed-jet travel will call for.

I know that in discussing some of the problems of the airways connected with supersonic jet flight, the normal clearance altitude is 2,000 feet with the subsonic jets and airplanes. These people are talking about separation altitudes of 10,000 feet. We do not know how much one degree nose-up or nose-down degree in altitude will mean in the loss or gain of altitude of a plane traveling around Mach 3, or 2,100 miles an hour.

The controllers will be taxed as they have never been taxed before. We are talking about speeds faster than a rifle bullet. We are going to ask a man to look in a semidark room at a bluish light and try to clock the route of those aircraft over congested areas.

I think the day will come when flight control will be automatic, when the man's job will be to see the computer is putting out the information that is needed.

I think some day there will be a system that I have discussed in the past. I think that some day we will have a system where if I wanted to fly my airplane from Washington to St. Louis, I would go to the airport and buy a flight plan for $5 that has weather briefing and the time for takeoff from Washington and the time for approach to St. Louis. This money would be spent to simplify my job of planning the flight.

That day is approaching, and the day is approaching when I will be able to buy a card for $5 or $10, depending on where I want to fly, and that card can be placed inside the cockpit. As soon as the airplane is turned loose by the control tower, I merely hit a button and that card will fly the airplane from Washington to St. Louis or to any other airport around here. These things are a long way off.

But these are some things that had we spent this $5 billion on them over the last 10 years we would have them today. We would have airways—I do not like to say much safer than today because I do not go along with those people in our country who are trying to scare the daylights out of passengers in airplanes by talking about near-misses. In 40 years of flying I have had one near-miss, and that was in flying over Mexico when I did not know another plane was around.

If we can improve the airways and fund them as is being suggested, in a few years we can have a system which is second in the world to none and which will serve as a model all over the world.

Taxation levels on any user must be consistent with the benefits which will accrue to that user with the ability of that user group to accept the taxation level with minimum impact on its growth. I must insist on a cost allocation study to determine the cost of the airport/airways system among the various users. This study must be completed and not just started within 2 years. This will guarantee that the system cost will, as it should, be borne on an equitable basis by its users. This study must also consider the benefit to the public as a whole including our national defense of a safe, efficient, reliable airport/airways system.

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

Mr. GOLDWATER. I am happy to yield.

Mr. CANNON. Mr. President, I wish to commend the distinguished Senator from Arizona on a very fine statement. He has pointed up a number of key issues involved in this problem. I share his views and concern about many of the items he discussed. The Senator discussed the very important and critical problem of air controllers. I would like to point out that last year Congress authorized hiring 2,000 new controllers to try to relieve this problem. The Senator from Washington (Mr. MAGNUSON), as the leader in the Committee on Appropriations year before last, added funds over and above those funds requested by the administration.

In the forthcoming period of time and with assistance from funds provided in this bill the number of controllers in fiscal 1971 will be increased by 4,141; in 1972 we add another 1,075 new controllers; and in 1973 add another 1,380; in 1974 we add another 1,406; and in 1975 we add another 1,679, so that between today and 1980 we will provide funds to hire 19,109 additional air controllers.

It is true that in many instances controllers are operating with outmoded equipment and that certainly is not consistent with present day technology and capability. But in the bill we have provided a very substantial portion of the total funds for the purpose of upgrading the entire airways system.

Under subsection 2(b) of section 204 we have provided a provision for improving air navigation facilities which states:

The Secretary is authorized within the limits established in appropriations acts to

obligate for expenditure not less than $250,000 for each of the fiscal years 1970 through 1979.

This will permit the Secretary to upgrade air navigation facilities and the facilities with which the controllers do their job. We also provide in subsection (c) for additional funds available to assist in providing research and development. We try to get up to date on the problems and find better ways to solve them as they relate to safety and air navigation, and things of that sort. This is the kind of attack this bill is going to make on a very serious problem. I share the views of the distinguished Senator from Arizona who has so much experience and expertise in this area.

The bill, if it is passed as we have proposed it, will go a long way toward solving some of these difficult problems.

Mr. GOLDWATER. I might say I am happy that the Senator has pointed out these points in the bill. I was fully aware that they are there; in fact, it was the major reason I long ago decided I would support this kind of legislation.

I have discussed this matter with the distinguished chairman, the Senator from Washington (Mr. MAGNUSON) and I think it is very well that all this material has been placed in the RECORD so people will know what we are talking about.

I compliment the Senator for these inclusions.

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

Mr. GOLDWATER. I am happy to yield.

Mr. MAGNUSON. Mr. President, it is not too soon to get started in this area, because too few people realize that we do not just go out and hire air controllers off the street. It takes 18 months or more to simply train them.

Second, the type of equipment the Senator so ably talked about we hope will be available in the future. That must be given a little time. It sometimes takes 12 to 18 months to get it delivered. The time is ripe to get going on this matter.

Mr. GOLDWATER. The Senator is so correct. I only hope that those Senators who are opposed to spending money in any area other than the big cities and for urban problems will recognize that we have made tremendous advances in aviation. We have led the world in aviation. Aviation is the reason we are the world leader today. We might also begin to look at France, which is beginning to become a competitor of ours, as well as Sweden, Japan, and England.

I would hope we never become derelict in our responsibilities to the rapidly growing aviation industry and the use of aviation in this country.

Again, I compliment the committee for the job they have done. It is a real pleasure for me to support them.

Mr. GURNEY obtained the floor.

Mr. PROXMIRE. Mr. President, will the Senator from Florida yield for 3 minutes?

Mr. GURNEY. I yield 3 minutes to the Senator from Wisconsin.

AIRWAY TRUST FUND

Mr. PROXMIRE. Mr. President, the Senate should be aware that once again, it is weakening congressional control over spending by establishing an airway trust fund under section 101 of the bill. Just last month, the Senate voted to bypass the normal appropriated procedure when it approved $3.1 billion in contract authority for the mass transit program. In addition, the administration has proposed similar contract authority financing in the amount of $4 billion for the Federal Water Pollution Control Administration. The highway trust fund, already on the books, shields over $4.5 billion in annual revenue from the normal appropriation review. And now this bill would add to the growing list of uncontrollable programs by setting up an airport trust fund. Over $600 million a year in tax revenue would be siphoned into the airport trust fund where it could only be spent for airports.

Mr. President, if this trend continues, Congress will soon surrender complete control over the budget. Congress has already lost substantial power to the executive branch. The power of the purse is one of the few meaningful constitutional powers which Congress has left. However if the trend to trust funds, contract authority financing and other backdoor spending methods continues, this power too will be surrendered to the executive branch. Congress will wake up some day to discover that it has practically no budget to control. By then, it will be too late.

Recently, the Joint Economic Committee, after exhaustive hearings, concluded with only one dissent, that the highway trust fund ought to be abolished. Highways are wonderful investments and in many areas of the country they have contributed to economic growth. However highway construction is just one of many programs competing for Federal funds.

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

Mr. PROXMIRE. I have only a brief period of time. As soon as I have completed my remarks I will be delighted to yield.

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

Mr. PROXMIRE. I will yield when I have concluded my remarks.

Mr. LONG. Mr. President——

Mr. PROXMIRE. I will not yield until I complete my remarks and then I will yield if the Senator from Florida will permit.

Mr. President, when we shield a program behind a trust fund, we give it an inside track in the competition for money. More importantly, we deny to ourselves the ability to weigh all our programs and reorder national priorities consistent with our national needs. Trust fund financing ties up Federal revenue and makes it extremely difficult to shift funds to where they are needed the most.

Another serious problem with trust fund financing is that the program it finances tends to become immune from the requirements of fiscal policy. Because of overall conditions in our economy, it does become necessary from time to time to cut back on Federal spending. Programs financed through trust funds tend to become exempt from this process on the grounds that the revenues are earmarked for a specific purpose and that they cannot be reduced. This means that the burden of adjustment falls more heavily on those programs which do not enjoy trust fund financing such as housing. If we increase the number of programs with trust fund financing, we increase still more the burden which the nontrust fund programs must carry.

The bill before us would segregate $600 million in Federal tax revenue for airport construction and for airport facilities. I am sure that in many cases, airports are good investments and the money should be spent. But in a tight budget year, when we are trying to fight inflation, does it make sense to go full speed ahead with building airports and cut back on more socially urgent programs such as housing? Does it make sense to tie the hands of the executive branch and the Congress when we should be reassessing all our national needs? Does it make sense to continue to whittle away at the power of Congress to control spending, when Congress must ultimately answer to the American people on the level and distribution of Federal expenditures?

I think Congress needs to take notice that it is undermining its own authority when it bypasses the regular appropriations procedure. I realize that it is too late to completely restructure the financing methods contained in this bill. Nonetheless, as a member of the Appropriations Committee, I feel a duty to point out to the Congress that by approving trust fund financing for airport construction, it is starting down a dangerous road.

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

Mr. GURNEY. I yield to the Senator from Louisiana.

Mr. LONG. Permit me to say that I do not think Congress would vote for the tax if it were not to be paid by people using the airways for the benefit of themselves. Most people do not fly in an airplane the whole year, and there is no reason why those people should have to pay that tax. We just passed a revenue bill last year. On the whole it was a revenue reducer. It was a tax reform bill, but, on balance, it provided for a tax cut in the long run.

The people of this country feel there is a great deal of unnecessary spending in this Government. I applaud the Senator for most of his efforts to reduce Government spending.

On the other hand, this bill is based on the assumption that people are willing to pay an additional tax, provided they know what they are paying for and provided they get what they are paying for. In this instance, they know where the airways are and they know what they are paying for. On that basis, the House of Representatives was willing to vote for this additional tax.

I have heard the argument and agree that there is much to be said for appropriating money separately. However, there is also much to be said for the view that people should have as good airports and airways as they are willing to pay for and to have modern highways as they are willing to pay for. So while there is much to be said for overall budgetary control, there is also much to be said for

having user taxes permitting people to have services or facilities if they are willing to pay for them.

Mr. PROXMIRE. Mr. President, if the Senator from Florida will yield me 1 more minute, I agree wholeheartedly that airport financing should be through user taxes. I know that is the principle behind this bill, and it is a good principle. What I object to is having a segregated trust fund that frees those funds and makes them immune from any reductions which may need to be made in Federal expenditures.

Mr. MAGNUSON. Mr. President, if the Senator will yield, the Government could impound and freeze those funds, as it often does with highway funds.

Mr. PROXMIRE. I understand.

Mr. MAGNUSON. I do not want to be critical of the Senator——

The PRESIDING OFFICER. The Chair will state that the Senator from Florida still has the floor.

Mr. MAGNUSON. Mr. President, will the Senator yield me half a minute?

Mr. GURNEY. I yield.

Mr. MAGNUSON. The Senator from Wisconsin used the words "airport bill." I am sure he wants to be accurate. A major thrust of the bill is to improve the airways, because relatively little of the money we are talking about is going to go into airports. More than two-thirds will be spent for airway facilities and operations.

Mr. PROXMIRE. I will change that.

Mr. MAGNUSON. It is called the airport and airways bill.

Mr. GURNEY. Mr. President, I yield to the Senator from Maine such time as she may need.

ALL-VOLUNTEER ARMED FORCE

Mrs. SMITH of Maine. Mr. President, I have refrained from commenting on the report and recommendations of the Presidential Commission on an All-Volunteer Armed Force until I could read and study the report and the recommendations.

I have repeatedly supported draft legislation. I recall so vividly that close vote in the House shortly before the outbreak of World War II when Japan attacked Pearl Harbor—the vote by which the draft passed by the margin of one vote. Of course, everyone of us who voted for the draft could claim that we provided the vote that saved the draft.

I recall the condemnation I received on that vote. But I shudder to think what would have happened to our country if the draft had not been retained.

If the military manpower required by our national security can be obtained both in quality and quantity by an all-volunteer armed force and at an increased cost that the American taxpayers are willing to pay, then I can see no reason for opposition to such an all-volunteer armed force.

I am impressed with the Commission's report and recommendations. I think they are sound and well supported by the marshaled facts and statistics. It is to be noted that the Commission proposes insurance against the possibility that an all-volunteer armed force might be a complete failure in providing the manpower in quality and quantity at an acceptable price to taxpayers by proposing an effective standby draft.

The Commission proposes the elimination of the draft when the present Selective Service Act expires on June 30, 1971, with replacement of it by an all-volunteer armed force made attractive by increased pay and other reforms.

There are those who say that this is too soon and that it will be several years before we can make such a transfer from the draft to an all-volunteer armed force. In view of our involvement in Vietnam, perhaps they are right and perhaps such a transfer should not take place until our disengagement from Vietnam.

Yet, the Commission finds that annually 77 percent of our pre-Vietnam force nearly 325,000 enlistment requirements came from "true" volunteers who would enlist even in the absence of the draft. Thus, when Vietnam is over only 75,000 additional volunteers would be needed annually and could be obtained through pay increases and other reforms.

As for the current level required by the Vietnam war, the Commission finds that the volunteer rate would have to be increased by 225,000 annually. In other words, the Commission says that at our current level requirement the rate of volunteer enlistments would have to double in order to make up for the loss from termination of the draft.

And the Commission says it can be done by the end of fiscal year 1971 only a little more than a year away.

There are those who are dubious and skeptical that it can be done so fast. I am not so sure myself. But a former Secretary of Defense says it can be done—and two former Supreme Allied Commanders, Europe, say it can be done. More than that, they have been at the top of the three armed services—one a former Secretary of the Navy, one a retired general of the Army and chief adviser to the late President, Dwight D. Eisenhower, and one a retired general of the Air Force.

They recommend terminating the draft by June 30, 1971, even though we are now in the midst of the Vietnam war. I am confident that they would not so recommend if they had the slightest thought that to do so under present conditions would undermine or jeopardize our national security.

With the President committed to end the draft as soon as possible—and with his Commission unanimously reporting that the draft can be ended as soon as June 30, 1971, regardless of Vietnam, as the ranking member of the President's party on the Senate Armed Services Committee I am willing to take their judgment and to assist the President in keeping his pledge.

I hold myself in readiness to introduce such legislation as the President desires toward effecting the replacement of the draft with an all-volunteer armed force system just as soon as he tells me he wants such legislation introduced.

And in view of the action taken by his Commission, I would expect that that would be very soon.

Let us find out as soon as possible whether the proposed all-volunteer armed force will be a success or a failure. Let us not delay in making this test. After all, even if it should prove to be the failure that some predict, we would still have the insurance of the Commission's recommended effective standby draft.

AIRPORT AND AIRWAYS DEVELOPMENT ACT OF 1969

The Senate continued with the consideration of the bill (H.R. 14465) to provide for the expansion and improvement of the Nation's airport and airway system, for the imposition of airport and airway user charges, and for other purposes.

EFFECT ON ALASKA OF PROPOSED AVIATION USER TAXES

Mr. STEVENS. Mr. President, the airport and airways bill, now before this body, proposes a number of new or increased user taxes to finance a long needed expansion and modernization of our Nation's airports and air navigation and control facilities. It has been repeatedly stated by the proponents of this bill that users should pay the costs of the facilities they use, and I can hardly disagree with that.

But the effect of these taxes on Alaska will be precisely the opposite of the desired goal. Alaskan flyers will be paying for new and improved facilities that they can never use. Many of Alaska's pilots live in the bush, flying from one gravel strip to another, never using air traffic controllers, equipment, and other facilities for which they will now be paying taxes.

The problem of this unfair distribution of the burden of the airport and airways tax provisions on Alaska has been pointed out in an editorial in the Anchorage Daily Times. I ask unanimous consent that the editorial, "Tax Bite on Wings," be printed in the RECORD.

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

[From the Anchorage (Alaska) Daily Times, Feb. 5, 1970]

TAX BITE ON WINGS

Generally missed in the maze of budgetary charts and tables which followed President Nixon's appropriations proposals to Congress this week were some sharp increases in tariffs and fees applying to aviation.

The total monetary impact of these proposed increases is noted today in David Lawrence's dispatch from Washington, on the other side of this page. Nationwide, the proposals may make good sense. But the effect will be particularly felt in Alaska, if implemented.

As the nation's largest state—and the only one without an adequate highway system and the only one which depends so much upon air transportation—Alaskans will pay a disproportionate share of the proposed increases.

Sen. Ted Stevens already has asked the Senate Finance Committee to exempt Alaska from the proposed higher fuel levies which would be collected on gasoline sold for use within the 49th State.

He also asked for an exemption from a proposed registration fee on aircraft which spends 80 per cent of the time inside Alaska. His argument in this regard was based on the premise that small airplanes

in Alaska, in so many instances serve the same purpose as the family automobile in other states, where highway routes are available.

The pending legislation particularly strikes at Alaska again in proposing the elimination of tax-free ticketing for state and local officials traveling on government business. In Alaska, there is hardly any other way to travel—whereas officials in other states can use different methods.

In seeking such exemptions, Sen. Stevens deserves the support of Alaskans—including, of course, our other senator, Democrat Mike Gravel.

We need not seek congressional approval of the exemptions in any hat-in-hand manner, either.

The proposed increases, which might well provide a fair and reasonable way to raise necessary government income when applied to the rest of the states, simply are not fair and not reasonable when applied to Alaska's vast and undeveloped distances.

Taxes which are not equally applied are unjust—and in Alaska's case, the new levies against aviation fall in that category.

The Senate Finance Committee very likely will recognize this and agree. But it wouldn't hurt for Alaska's aircraft owners and air travelers to let the members of the committee know their views.

AMENDMENTS NO. 516

Mr. GURNEY. Mr. President, at this time I call up my amendments No. 516, which I offer on behalf of myself and other Senators.

The PRESIDING OFFICER. The amendments will be stated.

The assistant legislative clerk proceeded to read the amendments.

Mr. GURNEY. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

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

The amendments (No. 516) are as follows:

On page 80, between lines 20 and 21, insert the following:

"STATE AGENCIES

"Authorization To Make Grants

"SEC. 212. (a) In accordance with such terms and conditions as he may prescribe, the Secretary may make grants to agencies designated by the States for the purpose of assisting those agencies in carrying out the functions contained in subsection (b) of this section.

"Functions of Agencies

"(b) A State agency shall not be eligible to receive a grant under subsection (a) of this section unless it is empowered to—

"(1) act as the agent of sponsors located in the State;

"(2) accept in behalf of the sponsors and disburse to them all payments made pursuant to agreements under section 209;

"(3) acquire by purchase, gift, devise, lease, condemnation, or otherwise, any property, real or personal, or any interest therein, including easements, necessary to establish or develop airports;

"(4) engage in airport systems planning on a statewide basis; and

"(5) undertake airport development, or provide financial assistance to public agencies within the State for carrying it out.

"Amount of Grants

"(c) The total funds obligated for grants under this section may not exceed $25,000,000, and the amount obligated in any one fiscal year may not exceed $5,000,000.

"Apportionment of Funds

"(d) The funds made available each fiscal year for the purposes of making grants under this section shall be apportioned among the States, one-half in the proportion which the population of each State bears to the total population of all the States, and one-half in the proportion which the area of each State bears to the total area of all the States, except that (1) not more than 10 per centum of the funds made available under this section in any fiscal year may be apportioned to any State, and (2) the total of the amount of any reductions in State apportionments for any fiscal year pursuant to clause (1) shall be available to the Secretary for the purpose of increasing, subject to the limitation in such clause (1), apportionments for such year to such other States under this section as he determines will best carry out the purpose of this section. Any amount apportioned to a State which is not obligated by grant agreement at the expiration of the fiscal year for which it was so apportioned shall be added to the discretionary fund established by subsection (b) of section 205, and be available for use for the purposes stated in paragraph (1) of section 204(a).

"Definition of Terms

"(e) As used in this section, 'State' means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, or Guam. For the purposes of this section, the terms 'population' and 'area' shall have the definitions given to such terms by section 205."

On pages 80 through 86, redesignate sections 212 through 217 as sections 213 through 218, respectively.

Mr. GURNEY. Mr. President, I ask unanimous consent that the names of the distinguished Senator from California (Mr. MURPHY) and the distinguished Senator from Hawaii (Mr. FONG) may be added as cosponsors of the pending amendment.

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

Mr. GURNEY. Mr. President, I am offering today an amendment to S. 3108, an act to expand airport and airways, which inserts into that act language similar to that contained in section 22 of H.R. 14465. That language was not included in the Senate version of this bill.

Briefly stated, my amendment would permit the Secretary of Transportation to make grants to agencies designated by the several States for the purpose of assisting those agencies in carrying out airport systems planning on a statewide basis and to undertake airport development in a systematic fashion within the State. The total funds to be obligated for such grants would not exceed $25 million over a 5-year period, or $5 million per year.

We have inserted a limitation on the amount any one State may receive under this program: the ceiling is 10 percent. That means that no State may receive more than 10 percent of the entire fund during any one year, thus not more than $500,000. This was done to insure that the smaller States would have an opportunity to receive a fair share. Since the allocation is based on a combination of physical size and population size, only four States—Texas, New York, California, and Alaska—stand to receive in excess of 5 percent of the total available in any given fiscal year. The 10 percent figure is intended, then, as an outside ceiling: We do not anticipate that any one State's share will ever reach that level in practice.

I can report that this amendment has the support of the Department of Transportation and the administration. The National Governors' Conference and the National Association of State Aviation Officials have unanimously endorsed the idea and very many individual Governors have communicated with me and encouraged me to press for its inclusion in the bill. And, I am honored that so many of my distinguished colleagues have indicated their approval and their intention to cosponsor this amendment.

Some general observations:

We are dealing here with not a great deal of money when we compare the figure of $25 million with the total amount involved in the bill, over $600 million in expected revenues for fiscal year 1971. But this sum, to be expended over a 5-year period, is an important one, giving, as it does, recognition to the role to be played by the States in planning for our national airways system.

I think it is axiomati. that the States should play a major role in airport planning, and the coordinated national system, which this act envisions, must necessarily enlist the States and give them an opportunity to be heard, offer them "a piece of the action" and a voice in the decisions touching on their well-being. This is a modest recognition of that need and that role. This amendment will not take funds away from any other existing program and the discretion resides with the States to take part or refrain as they choose.

I want to emphasize that as much as I can, because I know there is some objection on the part of some Senators who live in States that do not have State coordinating agencies where the airports deal directly with the national government. This amendment will not interfere with that relationship at all.

Mr. CASE. Mr. President, will the Senator from Florida yield, with the understanding, of course, that he will not lose the floor?

Mr. GURNEY. I yield briefly to the Senator from New Jersey.

DECLARATION IN SUPPORT OF PEACE IN THE MIDDLE EAST

Mr. CASE. Mr. President, I thank the Senator from Florida, and I am very happy indeed, jointly with the Senator from Maryland (Mr. TYDINGS), to have cosponsored a declaration in support of peace in the Middle East. Sixty-four other Senators have joined us in placing their names on this bipartisan declaration.

I joined in sponsoring this declaration because the situation in the Middle East is a major concern for all of us. For the well-being of the peoples of that area and for the peace of the world, the Middle East must be at peace. This peace, I believe, should be arrived at by negotiations between the parties and should be binding on all concerned. Neither side should believe itself threatened by the other; neither side should threaten the other.

In this latter regard, we have expressed the view, in our declaration, that Israel must not be left defenseless. This, we have said, would not be in the interests of the United States or in the interests of world peace.

Peace in the Middle East must be our aim as well as our desire. Only when war is ended can the peoples of the Middle East pursue their social and economic betterment.

Before I ask that the declaration be printed in the RECORD, perhaps the Senator from Maryland would like to make a brief statement.

Mr. TYDINGS. Mr. President, I thank the Senator from New Jersey, and commend him for his leadership in this matter. I think the fact that 64 of our fellow Senators have seen fit to sign this Declaration of Principles is in and of itself a testimonial to the merit of its content. I think it is quite obvious that since the declaration has been signed, the Department of State and the President of the United States have seen fit to adopt the principles stated therein insofar as their public pronouncements on Middle East policy are concerned, and I am delighted, at this time, to join the Senator from New Jersey in formally presenting to the Senate of the United States this declaration, which has been signed by 64 of our fellow Senators.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. TYDINGS. I think the Senator from New Jersey has the floor.

Mr. CASE. I am happy to yield to the Senator from West Virginia. As a matter of fact, if I may, I would like, on his behalf, to add his name to this declaration, making it 65 Senators in addition to the Senator from Maryland and myself.

Mr. BYRD of West Virginia. I thank the Senator. That was the purpose of my request.

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

Mr. CASE. I join with Senator TYDINGS in asking unanimous consent that the Declaration in Support of Peace in the Middle East be printed in the RECORD.

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

We, the undersigned Members of the United States Congress, declare:

A just and lasting peace in the Middle East is essential to world peace.

The parties to the conflict must be parties to the peace achieved by means of direct, unhampered negotiations. We emphasize these significant points of policy to reaffirm our support for the democratic State of Israel which has unremittingly appealed for peace for the past 21 years. Our declaration of friendship for the State of Israel is consistent with the uninterrupted support given by every American President and the Congress of the United States since the establishment of the State of Israel.

It would not be in the interest of the United States or in the service of world peace if Israel were left defenseless in face of the continuing flow of sophisticated offensive armaments to the Arab nations. We adhere to the principle that the deterrent strength of Israel must not be impaired. This is essential to prevent full-scale war in the Middle East.

All the people of the Middle East should have a common goal in striving to wipe out the scourge of disease, poverty and illiteracy, to meet together in good faith to achieve peace and turn their swords into plowshares.

James B. Allen.
Birch Bayh.
Alan Bible.
J. Caleb Boggs.
Edward W. Brooke.
Quentin N. Burdick.
Robert C. Byrd.
Harry F. Byrd, Jr.
Howard W. Cannon.
Clifford P. Case.
Frank Church.
Marlow W. Cook.
Norris Cotton.
Alan Cranston.
Carl T. Curtis.
Thomas J. Dodd.
Bob Dole.
Thomas F. Eagleton.
Sam J. Ervin, Jr.
Paul J. Fannin.
Hiram L. Fong.
Barry M. Goldwater.
Charles E. Goodell.
Mike Gravel.
Robert P. Griffin.
Edward J. Gurney.
Fred R. Harris.
Philip A. Hart.
Vance Hartke.
Ernest S. Hollings.
Roman L. Hruska.
Harold E. Hughes.
Henry M. Jackson.
Jacob K. Javits.
B. Everett Jordan.
Edward M. Kennedy.
Russell B. Long.
Eugene J. McCarthy.
Gale W. McGee.
George McGovern.
Thomas J. McIntyre.
Warren G. Magnuson.
Charles McC. Mathias, Jr.
Jack Miller.
Walter F. Mondale.
Joseph M. Montoya.
Frank E. Moss.
George Murphy.
Edmund S. Muskie.
Gaylord Nelson.
John O. Pastore.
Claiborne Pell.
Charles H. Percy.
Winston L. Prouty.
William Proxmire.
Abraham A. Ribicoff.
William B. Saxbe.
Richard S. Schweiker.
Hugh Scott.
Margaret Chase Smith.
Ralph Smith.
John J. Sparkman.
William B. Spong, Jr.
Ted Stevens.
Stuart Symington.
John G. Tower.
Joseph D. Tydings.
Harrison A. Williams, Jr.
Ralph W. Yarborough.
Stephen M. Young.

Mr. CASE. I thank the Senator from Florida for his generosity.

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

Mr. GURNEY. Mr. President, reserving my right to the floor, I yield briefly to the Senator from Missouri.

SITUATION IN LAOS

Mr. SYMINGTON. Mr. President, the American public has watched for the past several weeks as, by bits and pieces, the stories on the secret war in Laos have been disclosed. That there is an American involvement there is no doubt. But what it is in terms of the extent of U.S. activities and expenditures has never been disclosed to the American people.

As Senator MANSFIELD today has already pointed out, events of the past 24 hours, including a public statement attributed to the American Ambassador in Vientiane that "the American mission has lost any interest in helping out the press whatsoever because of what happened this afternoon," indicates that even the trickle of information from Laos by American newsmen is now to be impeded by the U.S. Government.

The Subcommittee on U.S. Security Agreements and Commitments Abroad has for 4 months tried to get release of its transcripts on Laos so that the American public could know about this activity.

We believe it now more urgent than ever that this transcript be released; and in order to complete this record on U.S. activities since October, we have today asked Secretary Rogers to direct Ambassador Godley to return to Washington as soon as possible to appear before the subcommittee.

I ask unanimous consent that an article published in the New York Times of February 25, 1969, labeled "3 Newsmen Arrested," be printed at this point in the RECORD.

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

[From the New York Times, Feb. 25, 1970]

THREE NEWSMEN ARRESTED

VIENTIANE, February 24.—Laotian Army troops today arrested three Western newsmen who had made their way unannounced to the Government base at Long Cheng. They were later released to a United States Embassy official.

G. McMurtrie Godley, the United States Ambassador to Vientiane, said in a statement that "the American mission has lost any interest in helping out the press whatsoever because of what happened this afternoon." He did not elaborate.

The newsmen arrested were John Saar of Life magazine, Max Coiffait, of Agence France-Press, and T. D. Allman, a part-time employe of The New York Times and The Bangkok Post.

Mr. SYMINGTON. I also ask unanimous consent that an article by one of these three newsmen in the London Times of February 23, "What Really Happened in the Plain of Jars?" be printed at this point in the RECORD.

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

[From the London Times, Feb. 23, 1970]

WHAT REALLY HAPPENED IN THE PLAIN OF JARS?

VIENTIANE, February 22.—It is a hard life for the 30 correspondents in Vientiane. Yesterday we were told that the Plain of Jars had been "swamped" by the communists. Today we were told that the attackers numbered no more than 400 and that the losses of the 1,500 defenders had been "extremely light" for the excellent reason that the positions had almost all been abandoned before the offensive.

The most embarrassing part is that the source of information was identical in both cases. The source is not Laotian but is cer-

tainly better placed than anyone else here to know what is happening, and it only supplies "news" on a "don't quote me" basis.

The sole fount of knowledge about the battlefield is the United States Embassy in Laos, thanks to its military attachés, who work out the tactics applied by government forces and supervise their application. Journalists and most Government leaders know from one day to the next only what the Embassy lets them know.

Knowledge after the event and the development of the unofficial statements coming directly or not from the Embassy confirmed today that the North Vietnamese offensive against the Plain of Jars was only a middling one, certainly less powerful than the offensives launched by the North Vietnamese this time last year against other objectives.

It was, however, preceded and accompanied by an American propaganda barrage on all levels which seemed to have been aimed in particular at getting public opinion to accept B52 bombing of the communications routes linking the North Vietnamese frontier with the Plain of Jars.

It seems that the North Vietnamese troops deployed in this sector never exceeded 3,000 or 4,000 men; that no attack involved more than 400 North Vietnamese at a time; and that the Government positions east of the plain and in the plain itself were deliberately evacuated, like the civilian population, with a minimum of losses for the Government side.

Tactics of this kind, accompanied by a propaganda campaign inflating the importance of the present North Vietnamese offensive, have many advantages and some inconveniences for the Americans and their allies.

The evacuation of civilians deprived the North Vietnamese of logistic support, food and labour that they would have received from that population after the withdrawal of Government troops.

The troop withdrawal to mountain positions west of the plain, which will be defended, eliminated the danger of posts relatively close to the North Vietnamese frontier being captured by surprise attack.

The withdrawal, presented as a series of defeats resulting from a powerful North Vietnamese offensive, rendered "acceptable" to public opinion the use of B52s, which would have been hard to use against a zone where the positions were extremely interlocked.

The American strategists were apparently banking on the proverbial headstrong nature of the North Vietnamese, reasoning that they would not fail to thrust forward on progressively surrendered terrain even if it meant undergoing non-stop bombing. This result was partially achieved and one may expect "blanket bombing" of the North Vietnamese to continue.

Communist propaganda will not fail to exploit the withdrawal of the royal forces as a victory for the Pathet Lao. In the Government camp itself, the inflation of the North Vietnamese offensive by the only available information sources caused a ripple of anxiety that today's announcement of the small number of North Vietnamese troops in the offensive was perhaps intended to quell.

It looks in any case as if the United States does not intend to let up in Laos. This time last year the Plain of Jars and bordering areas are still forbidden territory for United States aircraft. Now B52s are being used against them.—Agence France Presse.

Mr. SYMINGTON. I thank the Senator from Florida for his courtesy in yielding to me.

Mr. GOLDWATER. Mr. President, will the Senator yield, so that I may ask the Senator from Missouri a question?

Mr. GURNEY. I yield.

Mr. GOLDWATER. Does the Senator mean by his statement that the United States has troops in combat in Laos?

Mr. SYMINGTON. It depends on a definition.

Mr. GOLDWATER. I mean Americans engaged in fighting on the ground.

Mr. SYMINGTON. I am not in a position to answer any questions on the floor of the Senate in open session at this time asked by the able Senator from Arizona, because the transcript has not been released as yet on any meaningful basis, and we are not going to release said transcript unless it is meaningful.

Mr. GOLDWATER. The reason I ask is that it has not been any secret that we have been flying fighter support missions in support of the Laotian Army up on the Plaines des Jarres. The Senator, I know, has known about that for a long time. If the information is classified, I shall not press the point, but I wonder if there is information that there are actually ground troops engaged.

Mr. SYMINGTON. There are a lot of other ways of fighting besides the use of acknowledged and obvious ground troops.

Mr. GOLDWATER. I am sure the Senator knows what he is talking about. He just got back from over there. I was interested to hear whether there had been additional developments during the last month.

Mr. SYMINGTON. Especially because of my respect for the Senator from Arizona, I want to be as free as possible under the normal restrictions of disclosing classified information. But there has been a heavy escalation in the air war.

Mr. GOLDWATER. That is correct.

Mr. SYMINGTON. And it has not been only with respect to operations incident to the Ho Chi Minh trails.

Mr. GOLDWATER. That is true, to some extent.

Mr. SYMINGTON. It is not true just to some extent. It is true, period.

Mr. GOLDWATER. I look forward with a great deal of interest to what the Senator can develop on that.

Mr. SYMINGTON. I too, look forward to getting this transcript released on some meaningful basis. When the American people go to war, whether by land, or sea, or air, they should know something about it. The President of the United States, in his talk on the third of November, stated the American people would not support a war unless they did know something about it. We have had in the press reiterating what is still classified in our hearings.

Today the majority leader and, I believe also the distinguished junior Senator from Maryland had a colloquy. I did not hear it, but understand they thought that, inasmuch as the American Ambassador in Laos said from here on in, he would have no interest in helping the newsmen do their job, we had better find out what is going on.

Mr. GOLDWATER. I agree with the Senator, but I reiterate that the air support of the Laotian army certainly has not been a secret, nor has the expansion of it been any secret. It has been reported rather accurately in print.

Mr. SYMINGTON. What has not been officially acknowledged is the nature and degree of our military operations in Laos. We had witnesses day after day last October. For 4 months now we have been trying to get declassified what the State Department still says should be classified. I disagree, especially as it has nothing whatever to do with security. If we agreed with State as to what should be released, the record would be meaningless and misleading.

Mr. GOLDWATER. I will look forward to seeing it.

Mr. SYMINGTON. I thank the Senator.

AIRPORT AND AIRWAYS DEVELOPMENT ACT OF 1969

The Senate continued with the consideration of the bill (H.R. 14465) to provide for the expansion and improvement of the Nation's airport and airway system, for the imposition of airport and airway user charges, and for other purposes.

Mr. GURNEY. Mr. President, if we can get out of Southeast Asia and back to this airport bill, perhaps we had better do that.

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

Mr. GURNEY. As I was stating, my amendment seeks to encourage State initiative in airport planning.

Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. GURNEY. It has been suggested by its opponents that this amendment would make State channeling agencies mandatory. That was not my intention in drafting it or even offering it. To my knowledge at least 33 States have adopted legislation which requires some degree of State responsibility in airport planning and in the administration of funds coming to them under the Federal airport aid programs. My amendment, as far as I can see, would in no way interfere with the freedom of choice of the remaining 17 States. I think that there would be created an incentive—a very modest incentive considering the total dollars here involved—but an incentive none the less for the 17 States currently without such State coordinating agencies or instrumentalities to bring such agencies into existence. The funds under my amendment would be available to those States which have channeling agencies in existence and which have accepted responsibility in connection with the Federal airport program. I stress that the amendment is in no way coercive: funds are available elsewhere for individual airport assistance. Candidly, I must say that I think it would be very salutary if all States were to have State agencies through which the Federal Government could channel funds. Uniformity of this sort would ease administrative problems, probably make the program run more efficiently, and perhaps save some money. But I recognize that the choice to act or refrain properly resides with the individual States. I would point out that our experience under the Federal Highway Act shows the utility of a single State agency coordinating the entire program. As it stands now, the Department of Transportation is very frequently forced to deal with a multiplicity of applicants: individual cities, counties, towns, airport authorities, and

the like. I am not by disposition or philosophy an advocate of rigidly structured Federal programs. But I do have a great deal of respect for the States as States and as members of the Federal union. I think statewide planning in this area makes a good deal of sense.

Our experience with the highway program should be recalled: We should recognize here, as we did with highways, the need to plan and develop airports as component and integrated parts of a national system—in this case, a national air transportation system. To do that we have to forgo the luxury of purely local—by that I mean city or county—priorities, be they priorities of financing or what-have-you. We need a broader perspective, the kind we can expect to get from the States themselves. Cities and counties, of course, can and should continue to own airports, to run them and to profit by their operation. In all probability, city and county-owned airports could profit from this amendment since States would supply additional revenue and technical assistance to them. My experience has been that jealousy and rivalry between State and county governments are more frequently found in theory than in fact. In reality, States and their counties and cities cooperate on a host of common problems and on a variety of levels; in housing, in law enforcement, in education, highway and street building, in transportation problems generally and, of course, on the new problems of pollution control. They can, I think, be expected to cooperate fully on the problems of airport planning and development.

In his individual views in the report on this bill on page 77, the distinguished Senator from Vermont (Mr. PROUTY) spoke of the need to deal with our national airport problems by enlisting Federal, State, and local cooperation. His statement, I think, underscores the need for a provision in the bill which hopefully my amendment will supply. Senator PROUTY said:

> I think all of us realize that the nation's transportation problems can be solved only by the cooperation of the Federal, State and local governments. More and more we see states recognizing the need for a more coordinated attack on transportation problems by instituting state departments of transportation.
>
> The Senate Commerce Committee three years ago followed the leadership of its distinguished Chairman in urging the formation of the Department of Transportation at the Federal level.
>
> It is strange to me that those who see need for close cooperation between agencies concerned with problems of transportation somehow fail to carry this concept to its logical conclusion by fostering cooperation by the Federal, State and local governments. I, for one, believe that vertical cooperation and coordination are as important as horizontal cooperation and coordination.
>
> I continue to believe that S. 3108 would be a better bill if it recognized the need for involving the states in the great task we have ahead of insuring a safe and adequate aviation system for the 21st Century. Unfortunately, in its present form, S. 3108 offers absolutely no recognition of the great contributions state aviation agencies have made. By lumping state aviation agencies into the same category as every local airport operator under section 203 of the bill, the Committee has simply added 50 competitors for the meager planning funds provided for planning assistance.

That certainly makes sense to me.

Let me speak briefly about the historical development in this burgeoning field:

In my own State of Florida, before World War II, State officials developed, and the legislature enacted, the Florida 10-year plan for aviation development 1935–45. With that comprehensive plan for airport and aviation development. Florida State officials were able to increase State funds for airport and aviation development from $20,000 to over $2 million a year. The entire 10-year plan and program was completed in just about 4 years. During that time 87 new airports, and extensive improvements to 33 existing airports, were completed in Florida.

And this was done, Mr. President, in the years preceding World War II—when aviation had little to sell in comparison to the booming industry we have today.

This systematic planning was accomplished before the Federal Government ever got involved in airport construction—a task that was really forced upon it by our military needs during the war.

The Federal Airport Act of 1946 was largely developed by the Truman administration as a way to dispose of surplus military airports. They were given to local governments for commercial use. Up to that time the Federal Government never had been involved in civilian aviation development. But the States had been—and for a long time. So, actually, the Federal Government is a Johnny-come-lately in this business.

Only a few of the major commercial airports are actually owned by local governments themselves. Chicago, and Los Angeles are two outstanding examples. Most airports are owned by special authorities created under State enabling legislation and funded by special bond issues rather than out of city government budgets. The Port of New York is a bi-State agency, created by an interstate compact between New York and New Jersey. The States of Hawaii, Alaska, Rhode Island, and the Commonwealth of Puerto Rico own and operate all airports in their jurisdictions. States own and operate 700 airports, 315 of which are commercially served by certified carriers. So States are indeed in this business in a big way, certainly in numbers.

The Federal Government owns only two commercial airports. Yet we readily accept its role in airport development. Of the nearly 10,000 airports in America, only 535 are commercially served. The FAA does nothing about these other airports. How do they mesh into the national system? How are they maintained? Who is going to plan their future development into commercial airports? What role can these airports play in new economic development; the creation of new towns; the redistribution of population? The States are the most logical level of government to do this planning and to coordinate this development.

Transportation, like any field, has its share of special interest groups. There is intense competition between the various modes. But every leader in transportation, from the Secretary of Transportation, to major industry and labor leaders, recognizes that we must look at this situation as one comprehensive system of transportation. We must realize that there must be integration of the various modes of transportation.

We are all familiar with accounts of carelessly constructed facilities that produced disjointed transportation.

The States are now in the midst of the most progressive development in this area—one of the complete integration of transportation planning and development.

The first comprehensive department of transportation was not in the Federal Government, but in Hawaii, California, New Jersey, and New York. The 10 States that now have these departments have broader control than does the Federal department. They also coordinate maritime and harbor development. The Federal Department of Transportation does not do this.

To allow airports special interests to go off on their own, apart from coordinated cooperation, under State guidance, would be to frustrate the entire system. Part of the mess we are in now can be directly traced to the fact that airports have been built in some areas without regard for total transportation needs or for community concerns.

The States, to a very great extent, have taken a leadership role in this area. As I pointed out previously, 33 States already have agencies in existence to coordinate State airport planning. The State of Connecticut, incidentally, began its program in 1911, fully 15 years before U.S. Government entered the field or enacted any law dealing with airports or airport development. The States have shown much initiative.

Through the National Association of State Aviation Officials, the States, in 1967, called upon the Federal Aviation Administration to join in the preparation of a guide for State aviation planning. After 17 months of intensive work, the FAA published in March of 1969 the guide for "Planning the State Airport System." Nearly half the States have already begun this effort. The guide establishes time period for short, medium, and long range airport system plans, as well as policies, standards, and criteria that can be applied at both the State and Federal levels in order that State plans can be used in the preparation of a realistic national plan.

Thus, the States were the first to push the FAA into the planning task. The States saw the need for a national airport plan, even before the Federal Government did. The States saw the logic of developing State airport plans that would be the building blocks for a national plan.

Now, we should note that while State aid to airports is 14 times higher than a decade ago, Federal aid for airport development is less than half the amount appropriated 10 years ago. In fiscal year 1970, States are spending approximately $180 million for airport development. This is six times greater than the $30 million fiscal year 1970 Federal aid to airports appropriation.

The outstanding measure now before

the Senate is an attempt to get the Federal Government to catch up. But in that effort, let us not shut the States out. Let us recognize what States have done, and give them a continuing role in the unfolding national airport program.

I think the bill is a splendid bill and certainly deserves the support of all the Senate. The chairman of the committee, the distinguished Senator from Washington, and his committee have done a fine job. My effort here is to make it just a little better.

What I suppose I am urging is that a truly national airport system demands coordination and cooperation among and between local, State, and Federal governments. I do not think we can achieve the very worthy objective of that national system by ignoring or slighting the States.

I do not feel doctrinaire or dogmatic about this amendment in any way. I hope it can achieve what it sets out to do. If it can be improved in any way, I invite correction or improvement. I do think it would serve a useful purpose and fill a real need. I earnestly urge its adoption.

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

Mr. GURNEY. I yield to the Senator from Wyoming.

Mr. HANSEN. Mr. President, I rise today in support of the amendment of the distinguished junior Senator from Florida. I agree with Senator GURNEY that this amendment will add more flexibility to the bill, a goal which the chairman seeks.

The Senator from Florida's amendment provides for the Secretary to make grants to agencies designated by the States for the purpose of assisting those agencies in carrying out the functions of the act. This proposal was included in the administration's bill and was part of the bill as it passed the House of Representatives.

Adoption of the amendment does not mean that all moneys must be channeled through State agencies. As the chairman knows, section 203 of the bill authorizes the Secretary to make grants to planning agencies for airport system planning and to public agencies for airport master planning. It would not be necessary for the money to be channeled through State agencies under this section.

In addition to the authority given to the Secretary to make grants under section 203, the amendment before the Senate would provide, as the administration and the House-passed bills also provided, for grants to be made to agencies designated by the States. This amendment does take into account that 48 States do have aviation agencies.

This amendment does take into account the fact that 25 States own and operate more than 700 airports, nearly half of which are served by commercial air carriers. This amendment does take into account that 43 States have budgeted more than $180 million for fiscal year 1970 for airport development, a sum exceeding the present Federal effort. The amendment does take into account that 33 States have laws requiring varying degrees of State approval for Federal aided local airport development projects. These States might be forced to change their laws unless the amendment before us is adopted.

Yesterday, the distinguished chairman referred to my own State of Wyoming. He said that Wyoming and other Western States had left the responsibility for developing airports up to the city or the county. He stated that he wanted the bill before us to provide flexibility in the program so that communities in these States can expand their airports with Federal matching funds. I wish to point out to the distinguished chairman that the State of Wyoming strongly supports the amendment of the junior Senator from Florida. The State of Wyoming recognizes that local communities can receive grants from the Federal Government under the provisions of section 203 of the bill. In addition, the State of Wyoming recognizes the need for State planning. The State of Wyoming is one of the 27 States which have enacted laws to implement the Model States Channeling of Federal Airport Funds Act, and I ask unanimous consent that a copy of these Wyoming laws be included in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. HANSEN. Mr. President, I ask the Members of this body to recognize that not all communities are financially equipped to come running to Washington to make their needs known. While the major cities of our Nation maintain offices in Washington to lobby for funds, most of our cities and towns cannot afford this type of communication. However, these cities and towns can effectively make their needs known at the State level. Funds should be made available at the State level.

Airport and airway systems must be balanced. Air transportation is very important in the West. One of the reasons is that the region is not as heavily populated. Cities and towns are farther apart than they are in the East and on the west coast. However, the lack of population means that it is more difficult to finance and present plans at the Federal level. A town of 5,000 people in Wyoming may be located several hundred miles from any large population center. Air transportation is important to this town. This town finds it much easier to make its problems known and understood at the State level.

Therefore, I urge my colleagues to support the Gurney amendment which will make $5 million a year available to those States which are actively involved in assisting their own localities with planning and with State financial aid. These funds are in addition to Federal funds going directly to local airport sponsors under section 203.

This proposal has the support of the administration. It has the support of the House of Representatives. I believe it should have the support of the Senate.

EXHIBIT 1

EXCERPTS FROM WYOMING LAWS GOVERNING AERONAUTICS

10–16. This commission shall cooperate to the fullest extent with the Bureau of Aeronautics of the United States government, with any existing Federal aviation commission, with the cities and counties in Wyoming, with the chambers of commerce, commercial clubs and all aviation and business concerns interested in the development of aeronautics within the State. The commission is authorized to designate the airports to be built and maintained with the assistance of State or Federal funds, and no county, city, town or other political subdivision of the State shall apply for, or directly accept, receive, receipt for or disburse any funds granted by the United States government, but it shall designate the Wyoming aeronautics commission as its agent in its behalf to apply for, accept, receive, receipt for and disburse such funds. Such county, city, town or other political subdivision shall enter into an agreement with the Wyoming aeronautics commission describing the terms and conditions of such agency in accordance with Federal laws, rules and regulations and applicable laws of this State. The commission shall have the power to enforce the proper maintenance of such airports by the counties, cities and towns as agreed in the contracts existing between the sponsors of such airports and the Federal Government. All work of construction and maintenance of such airports shall be under the direction of the aeronautics commission. The commission is hereby authorized to obtain the aid of the State highway department, its personnel, facilities and equipment for construction and maintenance of said airports. The commission shall also encourage the development of private aviation schools, encourage interest in private flying and privately owned planes, encourage the study of aeronautical engineering and allied subjects in the various schools of Wyoming and assist in forming classes in aviation, encourage the establishment of feasible airline routes throughout the State and assist as far as possible in such development, and encourage the greater use of air mail. (Laws 1945, ch. 64, amended)

AIRPORT CONSTRUCTION

10–21. For the purpose of aiding in the construction and improvement of airports designated by the Wyoming aeronautics commission as those to be constructed with State funds, said commission is hereby authorized to make grants in aid of such construction and development to counties, cities and towns within the State of Wyoming. No such grant in aid of the construction or improvement of any airport shall be made unless such airport shall be owned exclusively or jointly by the county, city or town to which such grant is made, and such grants shall be limited in amount to a sum of twenty-five thousand dollars ($25,000.00).

10–22. No expenditures of State funds shall be made as authorized by this act, unless the county, city or town which is or are the owner or owners of such airport shall appropriate and expend on the project for which such grant in aid is made such an amount of its or their own funds, in addition to any funds received by it from the Federal Government or any agency thereof, as shall equal or exceed the amount of such grant in aid.

Mr. GURNEY. I thank the distinguished Senator from Wyoming for his support of the bill. I certainly value his well reasoned and strong arguments. They supplement and augment the reasons for which I offered the amendment.

Mr. PEARSON. Mr. President, will the Senator from Florida yield?

Mr. GURNEY. I am happy to yield to the Senator from Kansas.

Mr. PEARSON. Mr. President, I do not speak, of course, for the committee, but I know some of the considerations which were involved in making the decision on aid to the States under the program, and that it took into account the enormous demand not only upon the funds of the Federal Government in the former act—the present act which will

expire—but also the enormous demand upon the local authorities.

I do not believe that we have appropriated or spent more than $75 million in any given year. The squeeze is not only upon the Federal Government but also upon the local cities, the States, and others, in coming up with matching funds, at a time when we appropriated, and in the form of matching funds, provided about $70 million. The total requests that came in to the Federal Government were in the amount of $344 million, which is some indication and some measurement of the great need for airport development today.

Thus, the great demand here, even in a program that has got to earmark $300 million for airport development and $250 million for appropriations, together with all the great research and development that we have got to have, and so essential that we earmark the first $50 million of general revenue funds going into the trust fund for research and development. All of this, added up, amounts to some sort of sense of priority as to what we would do with the moneys—the general revenues and user charges.

So that was one of the considerations that led the committee, I think—and others will speak on it with greater authority—to reach this decision.

Another consideration, and the Senator will correct me if I am wrong, as he is a student of this particular subject—certainly we found that only 26 or 29—I forget which—States had aviation departments——

Mr. GURNEY. Twenty-seven.

Mr. PEARSON. I know that in my State of Kansas, where we build 75 percent of all the private airplanes flown in the world today, there is no State aviation department. I am quite sure—I have this on State authority because I have been approached by members of the State senate interested in this subject—that if this amendment is acceptable, then Kansas will have one quickly.

The absence of State agencies is a matter which raises some question and some doubt.

A third point is, What does the State do? The Senator, in his statement, in a very persuasive way, has indicated the great work done in his own State of Florida, but as one looks at the operations of State aviation agencies from State to State, we find a varied and checkered pattern as to what the contribution has been. The cooperation, the partnership, which the Senator speaks of, does exist. It exists to a high degree between the planning agency and the municipality, and so forth.

Thus, these are some of the reasons why I find myself in the discomforting position of disagreeing with my very able friend from Florida.

In spite of his most persuasive arguments, and the great support he has from the administration and from governors, I believe that it would be unwise to adopt the Senator's amendment at this time.

Mr. GURNEY. Mr. President, I certainly respect the opinion of the able senior Senator from Kansas. Obviously, we have differing viewpoints. For example, on the point made concerning priorities, I suppose the point is that we have to open this up to the States and that by encouraging the formation of a State agency which is not there now, perhaps the funds will be thereby diluted.

However, I look at it in an entirely different direction. I say that the States are making an input right now of $180 million, this last fiscal year, into the business of airport construction and help within the States themselves.

I do not see how one could argue against the fact that if other States which do not now have departments of aviation, as the Senator has so ably put it—I might say a planning agency—I do not see how one can come up with any other conclusion that if they are interested enough to go ahead in that direction, then, indeed, they will make a greater input into the field of aviation, particularly the field of airport planning, coordination, and money for airports.

Mr. President, there is another point that I think, too, along the idea of money and priorities, occurs to me, that if we encourage planning agencies—and that is exactly what the amendment intends to do in the various States—then, again, the direction will be in the interest of economy.

I can think of one example in my own State. I might say to the Senator that we do not have a central planning agency in Florida now. We did a great deal in airport planning, statewide, before World War II. We do not have it yet, but the present administration has indicated a keen interest in it and strongly supports the amendment. But there is one area in the State of Florida, in the past 4 years, in which three major jetports have been built within a few miles of each other. One is in a large central city, where it probably should be; and two are in smaller cities within less than 50 miles of where the first jetport was built for the biggest cities.

I do not say that the other two were wrong, because I have not made a study of it from the viewpoint of an aviation expert. But I am saying that had we had a State planning agency, I think this is a subject they would have looked into very keenly to see that we were not wasting money by constructing three jet airports within a circumference of 30 miles.

So, I would say here that if this does nothing else than to encourage this sort of planning, it seems to me we would save a lot of money for the priorities that the Senator from Kansas is interested in.

Mr. PEARSON. Mr. President, the bill provides $15 million annually, together with the airway and airport construction, for planning—of which the Federal Government will pay two-thirds of the planning charge.

Here is an indication of a recognition of needs planning. And I know of no reason why under this particular provision, this particular earmarking of funds, that the planning which the Senator makes reference to could not be carried out.

Here is $15 million earmarked as distinguished from the $5 million the Senator makes refernce to in his amendment.

I do not know whether that would fill the void that the Senator has in mind. But it is a recognition of some help in this direction.

Mr. GURNEY. Mr. President, it is indeed. I certainly think that is a good provision in the bill. There, the Senator's ideas and mine coincide, except that I think this amendment would encourage the idea of State planning through a State agency, which I think is a better way to do it.

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

Mr. GURNEY. I yield.

Mr. MAGNUSON. Mr. President, the Senator used the figure that the States currently contribute $180 million for airports development. That figure is correct. As a matter of fact, it is a figure that we heard in the committee for many, many days. But that figure is insignificant compared to the contribution of the ports and the counties and the cities that have built airports. Their contribution amounts to more than 95 percent of total development costs.

They are the ones who build and operate airports in most cases, not the States.

How many State owned and operated airports are there? I have never landed in one. There may be a few.

Mr. GURNEY. The States own and operate 700 airports. And 350 of these airports are commercially served by commercial carriers.

That comes from the committee report. So, I assume the figure is correct.

Mr. MAGNUSON. Perhaps most of those are smaller airports serving generally small towns and rural communities.

Does the Senator consider his amendment to be directed only toward providing planning funds for State aviation agencies?

Mr. GURNEY. No.

Mr. MAGNUSON. That is what I wanted to know. It is really directed toward the channeling of Federal funds through State agencies in all 50 States.

Mr. GURNEY. So long as the States have a planning agency. However, in the Senator's own situation in the State of Washington, where there is not a planning agency, of course, it would not have any effect at all.

The point I want to bring home and make clear as possible, because the opponents of the amendment and the provision contained in the House made the point that we have to have a planning agency to grant money, is that this is not true. If a State does not have a planning agency, it can get the money under the bill.

Mr. MAGNUSON. Mr. President, I understand that. Each time a State exercises channeling authority it must approve the bonds of the local communities.

Mr. GURNEY. The Senator is correct.

Mr. MAGNUSON. Mr. President, if Senator GURNEY's amendment was directed at planning funds, I would be for the amendment 100 percent.

Mr. GURNEY. Mr. President, the Senator points out that this is a bogeyman. I point out that here are 27 States in which they have exactly this situation. They have State planning agencies, and

the money goes directly to them. And they think it is a good idea. And they are working under the plan today.

Mr. MAGNUSON. I did not question that, and the committee did not question that. We merely said that for those States that now have channeling authority, we should let well enough alone. They can do it, and the Secretary is directed under the bill to funnel money through the States where State law requires it. Some of those State agencies work very well.

We say also that in those States which do not now channel Federal airport funds; where cities and counties have bonded themselves and where they acquire Federal funds without channeling; Federal law should not seek to disturb this relationship. But under the pending amendment States would be forced to adopt channeling laws in order to become eligible to receive grants to State aeronautical agencies.

Mr. GURNEY. The Senator is correct.

Mr. MAGNUSON. Mr. President, all local governments would have to ask permission from the States to sell their bonds if channeling was required.

Mr. GURNEY. Well, they have to do that now, as I recall it.

Mr. MAGNUSON. No. Many local governments go about this independently.

Mr. GURNEY. Mr. President, one interesting thing here, and I think again——

Mr. MAGNUSON. Mr. President, may I ask the Senator another question?

Mr. GURNEY. Let me answer this first and then the Senator can ask another one.

There seems to be some fear existing on the part of the Senator from Washington concerning States. I would point out that I believe not a single airport authority in any State can exist without permission from the State legislature.

Mr. MAGNUSON. Oh, of course, they have blanket permission to issue bonds.

Mr. GURNEY. That is what I mean. We are talking about the same thing. In order for a State or airport authority to get into business in the first place, it has to go to the State legislature to secure agreement.

Why is the Senator so fearful of State legislatures? Or perhaps it is the Governor.

Mr. MAGNUSON. No. I will have dinner with him tonight. He is a friend of mine.

Mr. GURNEY. Is this going to be the subject of the conversation at dinner?

Mr. MAGNUSON. Mr. President, the legislature has to provide authority to sell bonds. The legislature in my State gave local governments permission in 1912. But they do not have to go to the legislature there every time they build an airport or a dock.

I was going to ask the Senator, inasmuch as this was brought up—and this is the Governor's amendment, and all the Governors are here and we are going to see them all tonight—it is now a quarter after 4, how long does the Senator think it will be before we could find out whether we may vote on this amendment tonight.

Mr. GURNEY. Mr. President, I am nearly finished.

Mr. MAGNUSON. Mr. President, I will not interrupt the Senator any further.

Mr. GURNEY. Mr. President, I yield the floor.

Mr. CANNON. Mr. President, I am opposed to the amendment of the distinguished Senator from Florida. We are trying, in this airport and airways legislation, to provide some meaningful provisions through the use of user taxes to see that the job that needs to be done is done.

I see no useful purpose to be served by subsidizing a proliferation of agencies that may well siphon off and use a portion of those funds for purposes other than developing facilities.

Mr. President, we have seen examples of the sort of bureaucracies that are created in the States in the form of aeronautic agencies.

I can recall in the course of the hearings that it was pointed out that one State already owned and operated 19 airplanes of its own. And the aviation agency of that State is spending $500,000 a year to operate.

We do not want to force or encourage a similar situation in every State of the Union. As I see it, this is what we would do if the amendment were agreed to.

I point out two very bad features of the amendment.

On page 2, the amendment reads:

Functions of Agencies

(b) A State agency shall not be eligible to receive a grant under subsection (a) of this section unless it is empowered to—

(1) act as the agent of sponsors located in the State;

That provision means that every local airport agency and every airport operator who wants to improve his airport is going to see the legislature designate the State as the agency he has to go through as his agent and, second, the amendment reads further that the agency must have State authority provided by the legislature to "(2) accept in behalf of the sponsors and disperse to them all payments made pursuant to agreements under section 209."

What does this mean? It simply means the little community that wants to improve its airport and which wants help under the airport program is going to have to apply to the State agency in every State in the Nation as its sponsor to go ahead from that point on when the application is made to the Federal Government, the Federal Government goes back and says, "Yes, you can have this. Here is your money." Then, the State takes out its administrative cost and handling money and finally the funds—somewhat depleted—gets down to the little airport.

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

Mr. CANNON. I shall yield in a moment but I wish to finish my thought.

This is the type situation we are going to get into if this amendment is agreed to.

What did we do? The committee wanted to help the States. If the State is the planning agency we wanted to provide funds for it as the planning agency. In the committee report we said, at page 36:

The Committee finds that orderly and well-coordinated airport facilities planning is essential if the development program provided for in this bill is to be successful.

To aid the Department of Transportation in establishing and updating its National Airport System plan and to allow local communities and the States to fully participate in planning for airport facilities, the bill authorizes the Secretary to make grants, from trust fund revenues, to planning agencies for airport system planning and to public agencies for airport master planning. The total amount of these grants may not exceed $15 million in any one year and total funds obligated for this purpose may not exceed $150 million.

This is the action we took as a result of the testimony in the hearings:

The Committee has amended the definition of "planning agency" to specifically provide that a State which is authorized by law to engage in airport system planning may be eligible to receive planning grants for airport system planning. The Committee finds that the States, and/or their individual aeronautical agencies can make a substantial contribution to national aviation planning and should be offered an incentive by the Federal Government to engage in such planning.

Mr. President, we provided in changing the law, that the States, if they are the planning agency, can apply for a planning grant and get that planning assistance. That is what the committee proposal is directed to: planning grants; not altering the procedure of going to the Federal Government, getting the money back, and having the States take out administrative costs simply because they are engaged in overall airport planning program.

We do not require States like my State, or the States of the Senator from Kansas and the Senator from Washington and many others to establish State agencies and channeling authority to be eligible to get these planning funds.

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

Mr. CANNON. I yield.

Mr. DOMINICK. That is the question I wanted to raise. As I read the Senator's amendment, it only provides they can do this where they have an agency which can act as an agent, and so forth. But if they do not have a State agency, they would be perfectly entitled to get planning grants under the bill.

This language provides that where there is a State agency, the local people will start it through the State agency; if they do not have one, they do not have to do that. Is that correct?

Mr. CANNON. The language provides:

A State agency shall not be eligible to receive a grant under section (a) of this section unless it is empowered to—

That is an invitation to every State that does not have a State agency to set up a State agency so it can be the agent of the sponsors in making the application.

Mr. DOMINICK. If they do not have an agency, I do not see why they could not get a grant through the provision the Senator read.

Mr. CANNON. The amendment goes beyond grants for planning. We restricted our provision to planning grants. We have a provision to cover planning grants. That is in the bill.

We provide that "a State which is authorized by law to engage in airport system planning may be eligible to receive planning grants."

Senator GURNEY's amendment would open the bill wide to let all the States come in and get their hands in this trust fund and administer all the funds in their own States. States can qualify for planning funds under the committee proposal, but nothing more.

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

Mr. CANNON. I yield.

Mr. GURNEY. I would like to answer the question of the Senator from Colorado directly. If you do not have a State planning agency now, no, this has no effect on the money whatsoever. It is true it will encourage State planning agencies, and that is what this is designed to do. Hopefully, States that do not have them will get on the job and qualify under this amendment; also the Federal grants would go through them. This is what it intends to encourage; so we can get statewide planning in the 23 States that do not have it today.

Mr. CANNON. I know that is the intention and that is what the Senator proposes.

We propose that, if the State is the planning agency designated by law to engage in planning and to coordinate overall planning, it is eligible for planing funds.

Mr. GURNEY. Mr. President, I would reply that this is probably just about the only area we can imagine where we make the argument States cannot have a part in the role and must go to the Federal Government. I do not buy that argument at all. We have had all kinds of success in the field of transportation and in many other endeavors and we have had all kinds of success in the field of transportation and in many other endeavors and we have had cooperation on the local, State, and Federal level. That worked out and there is no reason this would not work out in the 27 States——

Mr. CANNON. It is not 27 States because this situation does not apply and has not applied there and has not had an opportunity to do so up until now. The fact that the 27 States have State channeling laws does not mean this plan will work out well.

This provision was fought out in the old Federal Aid to Airports Act in 1946. The proposition of the Senator was rejected by Congress at that time. It was laid to rest at that time as not being the proper approach and it has not been the proper approach in Federal air to airport amendments that have existed up to the present time.

Mr. GURNEY. Mr. President, if the Senator will yield further, I would say simply because an idea was rejected some years ago in Congress is not proof it is not going to succeed today. The very proliferation of airports and the expansion in the field of aviation is the reason some of us think it is time for statewide planning.

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

Mr. CANNON. I shall yield to the Senator from Kentucky, but first I wish to say further that under your amendment these are the only funds in the bill not required to be matched at the local or State level. All other funds must be granted only on a matching basis.

I yield to the Senator from Kentucky.

Mr. COOK. Mr. President, many of the things the Senator said I totally disagree with. First of all, the Senator stated that he did not want to get the overall airport system throughout the United States all fouled up with State agencies. This, in essence, says to the American aviation industry that it is the Federal Government that is going to see to it that you get an airport somewhere.

Where I disagree with the Senator is that through the creation of the State aviation agency in my State we were able to build small airports all over the State.

Apparently in this bill we are going to set up airports all over the United States, in such places as Los Angeles, Cincinnati, and Miami, but nothing is done for the little airports all over the country.

It was through the creation of our State agency that we got the 3,500- and 3,800-foot strips through the mountains and the flat country. It was through the State agency that this was accomplished, rather than, as the Senator said, put in an application, hold part of the money and not have any of it left for overall airport facilities throughout the entire State.

I agree with the Senator, but the language was put into the bill because we had a big argument over the various States that had agencies. The Senator is aware of all the telegrams received from Governors all over the United States, in which they said they wanted to keep this authority in here.

I would hope the impression would not be left in the RECORD that, somehow or other, the State agencies are going to lord it over and buy all these airplanes and have fleets of 15 or 18 airplanes, as the Senator said, because the airport system is run by the managers of the airports in Kentucky. They do not own airplanes. They utilize the planes to the best of their ability. It is one of the finest agencies in the State.

I am on this measure for the benefit of the Senator from Florida, because this measure does not apply to my State at all. We already have the things that this amendment would give to the rest of the States.

We already have them, and it works fine. It is unfortunate there are States in the Union which do not have that benefit, because I am sure the very reason these State agencies were started years ago—they went to the legislatures and asked for enabling legislation—was that the Federal Aviation Agency and the rest of the agencies asked them to come up with a program for airports on a statewide basis. I do not know this as a matter of fact, but I have a notion that if the history were brought out, it would be seen that this was the reason why it was enacted into law in many States.

So the amendment does not really apply to my State, but I think that what is being proposed is to build a series of tremendous airports all across the country. They are not going to pay attention to building small strips. We are going to get 7 cents tax on the gallon that the private plane owner puts in his tank, and he is not going to get into these big airports. As a matter of fact, he is not even allowed to go into some of them.

Looking at the matter on all fours, I want to say that my State has had an extremely fine experience with its agency. We are going to keep it in existence, because we can within the framework of this act. What the Senator from Florida is after is good. I do not think it is going to interfere.

Mr. CANNON. Mr. President, the Senator from Kentucky is to be complimented. His State has a very fine agency and has some very fine airports, and they have done an excellent job. I think the distinction here is that if the Senator's amendment is adopted, it is going to force the other 23 States——

Mr. COOK. I do not think it is going to force them.

Mr. CANNON. Well, it is our judgment and the judgment of our staff and the judgment of the committee that it will force the other 23 States to adopt channeling. That is what we do not want. We have provided in the bill that if the State is the planning agency, it may apply for and receive the planning funds. It is obvious they are trying to get more than that. Otherwise they would not be in here with this amendment. Planning grants are already provided for in the bill.

We included that as a result of the hearings, in which the Senator participated. He recalls what was said. If the States are designated by law as the planning agencies, they can come in and get planning funds. It is obvious that the amendment provides for more than that; otherwise it would not be here.

Mr. COOK. I give credit to the Senator from Tennessee for helping us pound this out.

Mr. MAGNUSON. Mr. President, if the Senator will yield to me, I compliment the Senator from Tennessee, the Senator from Kentucky, the Senator from Vermont, the Senator from New Hampshire, and Senators from the rest of the States that have State agencies.

Mr. GOODELL. And New York.

Mr. MAGNUSON. Well, the Port of New York Authority runs those airports. What we are trying to say is, "Well and good, you people go ahead with your channeling system, but do not force that on us. Let the States decide this on its merits but do not have the Federal Government, in effect, compel its airports."

Obviously the Senator is right. The States want more.

Naturally, tonight the Governors will all be asking him about this: "Did you pass that amendment? Let us get home as fast as we can to set up an agency, because then we can control the funds." The cities and counties that have worked for years and bonded themselves for hundreds of millions of dollars, and even billions of dollars, throughout the United States are going to have to go to their State capitals and say, "Please, can we have part of that Federal money that the passengers who came into the airports paid in order to extend our runways?"

What is the use of camouflaging it? The purpose of the amendment of the

Senator from Florida is to give all 50 Governors, whether they be Democrats or Republicans, control over the distribution of this Federal money.

It is as simple as that.

Mr. COOK. If the Senator will yield——

Mr. MAGNUSON. Wait a minute until I get through. I would rather recommit the bill to the committee, and go through this matter all over again, than have this amendment passed, because I think it is going to impair the entire program, not just in the State of Florida or the State of Kentucky. Tennessee, Vermont, and other States have established good systems, but many States have not and why pour Federal dollars into these many times useless bureaucracies.

Let us take California, for example. California has some fine airports. I have the list here. But the State of California does not run a single airport; they are all run by local governments, the city, county, or airport district. They have bonded themselves. Those people have worked for years to build their airports. Now this amendment would suggest that before they could sell another bond, as someone said to the Senator from Florida, they have to go through the legislature. Local governments now have basic authority in all States to sell bonds. This would compel them to, in effect, again submit their plans to State legislatures.

What we say in this bill is that each State can do what it wishes. If that is not fair, I do not know what is.

But the Senator wants to put something else in here. This is an old amendment which the Senator from Florida offers. It has been around a long time, and it has suddenly come to life, at this time after the committee discussed it and rejected it.

Every Governor, I suppose, has wired every Senator about this amendment, has he not? Some Governor is lax if he has not.

Several Senators addressed the Chair.

Mr. MAGNUSON. Just a minute, and I will be through. This is my bill; I have a right to speak on it.

Mr. GOLDWATER. Will the Senator yield for a question?

Mr. MAGNUSON. I do not think this amendment is fair. I really do not. The State of Kentucky, and I guess the State of Michigan, have fine State systems. But I can show you how extensively the States have been in the airport business, or how much they have contributed by way of State-owned airports.,

Yes, there are 691 State airports, 512 of them are in two States, Hawaii and Alaska, and 314 State-owned airports receiving certificated airline service, hubs, 283 are in Alaska. Then there are 43 little strips in Oregon.

Well, I have the figures for Kentucky here. That State has three State-owned airports and they are smaller ones; they are not the big ones the airlines use and the passengers who are paying for this program use. All we are saying is, let us develop airports the way the people in each State want to. Let us have a national system. Under the bill, Florida can continue to have it any way they want, Kentucky can go on and develop its system, Vermont might get another airport, and I am sure Tennessee will, with these fellows on the committee. [Laughter.]

That is all we want. But this amendment is not fair, really, because the Governors—and I do not speak for mine or anyone else's, Republicans or Democrats—want to get their hands on the distribution of this fund. That is all it amounts to; what is the use of talking any more about it?

Mr. GOLDWATER. Mr. President, will the Senator yield for a question?

Mr. MAGNUSON. I yield to the Senator from Arizona.

Mr. GOLDWATER. Is it not true that the bulk of this money is to be applied to——

Mr. MAGNUSON. I want to put this table in the RECORD, the list of 691 State-owned airports.

Mr. GOLDWATER. I thought the Senator was through.

Mr. MAGNUSON. I ask unanimous consent that the table be printed in the RECORD.

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

PREPARED BY NATIONAL ASSOCIATION OF STATE AVIATION OFFICIALS: STATE-OWNED AIRPORTS—STATE FUNDS AVAILABLE FOR AIRPORT DEVELOPMENT

Summary

25 States owned and operate 691 airports, 314 of which are served by air carriers certificated by the Civil Aeronautics Board. (Note: This does not include several State-owned Heliports.)

43 States have a total of $178,959,485 available for airport development during fiscal year 1970. (Note: Funds appropriated or otherwise made available for airport development in some States is unusually low, in comparison to previous amounts available for this purpose. This is due in part to a reduction of the Federal Aid Airport Program to $30 million for FY 1970.) The amounts shown below do not include funds for State airport system planning.

STATE-OWNED AIRPORTS

State	Served by CAB certified carriers	Not served by CAB certified carriers	State funds available for airport development, fiscal year 1970
Alabama		4	$350,000
Alaska [1]	283	215	35,000,000
Arizona			200,000
Arkansas			125,000
California		1	[2] 1,900,000
Connecticut	2	3	7,000,000
Georgia			250,000
Hawaii [3]	12	2	71,952,000
Florida		3	
Idaho		30	268,000
Illinois	[4] 1		8,458,000
Iowa			200,000
Kentucky		3	1,225,000
Louisiana		1	500,000
Maine	1	2	[5] 3,447,500
Maryland	(6)		1,300,000
Massachusetts [7]	2		500,000
Michigan	1	4	4,100,000
Minnesota			4,000,000
Mississippi	1		87,500
Missouri	[8] 1		200,000
Montana	1	11	248,000
Nebraska		5	600,000
New Hampshire		1	750,000
New Jersey			(9)
New Mexico			127,000
New York			[10] 17,500,000
North Carolina			250,000
North Dakota			100,000
Ohio			4,000,000
Oklahoma			150,000
Oregon		43	675,000
Pennsylvania	3	2	1,000,000
Rhode Island [11]	1	4	2,800,000
South Carolina	2	19	906,985
South Dakota			778,000
Tennessee			1,350,000
Texas		3	650,000
Utah			1,700,000
Vermont	3	8	360,000
Virginia			2,500,000
Washington		13	125,000
West Virginia			500,000
Wisconsin			700,000
Wyoming			126,500
Total	314	377	178,959,485

[1] Alaska owns and operates all public-owned airports in State, except 2.

[2] California will also pay $200,000 in 1970 for Decca System—part of a 3-year, $600,000 test of system for low-level navigation.

[3] Hawaii owns and operates all public-owned airports and heliports in State.

[4] Illinois constructing new airport, to be owned by that State but primarily to serve St. Louis (Mo.,) metropolitan area.

[5] Legislative action on airport development funds not yet completed.

[6] State presently contemplating purchase of Baltimore-Friendship Airport.

[7] 2 airports operated by Massachusetts Port Authority. Legislation stipulates that authority is branch of State government.

[8] Airport to be opened in fall of 1969—air carrier service expected within a year.

[9] New Jersey will request $1,500,000 for airport development when legislature convenes in 1970.

[10] Amount obligated from $50,000,000 available.

[11] Rhode Island owns and operates all public-owned airports in State. Legislative action on airport development funds not yet completed—part of a 10-year long-range program totaling $28,000,000. An additional $1,700,000 will be available for operation, maintenance, and minor improvements.

Mr. GOLDWATER. Is it not true that the bulk of this money we are talking about, particularly in the trust fund, is to go to the improvement of the airways system?

Mr. MAGNUSON. I did not hear the Senator.

Mr. GOLDWATER. Can the Senator from Nevada answer that?

Mr. CANNON. A very substantial amount of it. More than $6 billion over the 10-year period.

Mr. GOLDWATER. But the important part of this bill, it seems to me, if we are interested in air safety, is the money we are going to spend to improve the airways system.

I do not think anyone in this Chamber is a greater advocate than I am of State control. We have a very fine aviation authority in my State, but, as the Senator from Washington pointed out, they have nothing to do with the two largest airports, which have been built by cities with bonded funds.

I would hate to see us get into the position of trying to allow States to get into the business of improving airways, which is not their prerogative at all; it comes under interstate commerce. I know exactly what the Senator from Florida is getting at. I would say normally I would support such a move.

I said earlier, before the Senator came on the floor, that much as I dislike the word "control," I think if we are going to have an adequate airport system in this country, we have to have more standardization, and more say over what we are going to find being built in this country. Are we going to continue with monstrosities such as O'Hare, Los Angeles, Kennedy, and other around this country, or are we going to eventually come to our senses and start building airports like Dulles?

My concern is that we will not do that, if we allow too much of it to get away.

Mr. CANNON. Mr. President, as I said

earlier, total expenditures for airways over 10 years will amount to $6.3 billion out of the $9.3 billion total revenues, so there is a little over twice for airways as there is for airports.

Mr. GOLDWATER. And there is no way in the world that a State can have any control over the airways system?

Mr. CANNON. Absolutely not.

Mr. GURNEY. Mr. President, will the Senator yield briefly?

Mr. CANNON. I think the Senator from Florida was next in the order of requests.

Mr. GURNEY. I just want to answer the point made by the Senator from Arizona——

Mr. CANNON. I will yield for that purpose, without losing my right to the floor.

Let me say to Senators who may be wondering what the schedule is likely to be that when the colloquy on this amendment is concluded, I intend to move to lay it on the table.

Mr. GURNEY. I thank the Senator for yielding.

I would like to point out to the Senator from Arizona that I am as interested in airport planning and coordination as any Member of this body, and that is one reason for offering my amendment. I pointed out earlier an example of what goes on in my own State. We built, within an area of 50 miles—diameter, not radius—three jetports, one in a major central city and two in small cities.

That area could be well served, and probably should be served, by one jetport. But that is what is going on today, with control only by the Federal Government. Had we had a State planning agency in Florida—we are one of the States that do not. The State wants to set up one, and I am eager to help them out. Had we had such an organization, I think we would not have had those three airports in the same area, with a great waste of money, not only of the local communities in bonding themselves right up to the neck for things they could not afford to pay for—I know those communities well, and am familiar with their situation—but also in spending Federal funds on three separate airports to serve this very small area.

My amendment is designed to encourage statewide planning, to avoid that sort of thing. So I say it would encourage the very thing the State of Arizona wants, and I think we will get on with this business of planning and coordination and better use of money if we take this step.

I also think that instead of the Federal Government dealing, as now, with scores and hundreds, if not thousands of airports individually across the country, if all the States went this route—although they do not have to if they do not want to—with only 50 planning agencies to coordinate the airport business of the Nation, it would be, to me, a step in the right direction in planning for airport coordination, airway safety, the spending of money, and in a whole lot of other ways.

Mr. GOLDWATER. Does not this bill recognize the State as the agency with which the Government will work?

Mr. CANNON. We wrote into the bill that each State will designate its agency, and it may receive the planning funds, and can plan accordingly. Every State has the legislative right to give whatever authority it wants to its airport authorities. If the States want to restrict them, as the Senator from Washington pointed out, they can do it. They can do it at the level of the State legislature. They could have done it before the problem arose down at one of the Florida airports, where you have a hotel being built to such a height that the airline pilots are objecting to flying into the main instrument runway at Miami. There they had no State authority to control the height of that building. The State is likely to find that the pilots will not fly into that airport, using that runway.

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

Mr. CANNON. I yield.

Mr. BAKER. I thank my colleague for the opportunity to remark briefly on this point.

I think we can have our cake and eat it too. I agree with the distinguished Senator from Florida that there ought to be—indeed, I think there must be—an element of central planning, whether at the State level, Federal level, or both, and that we cannot go helter-skelter into the next decade with an airport wherever the city council of Podunk Junction decides there ought to be one. There must be an element of planning.

By the same token, I recognize the concern of the distinguished chairman of the Committee on Commerce and the distinguished manager of the bill that we may in fact throw the baby out with the bath and that we may disrupt a very effective working situation that has produced airports of a major consequence, such as Seattle, New York, and others.

I do not intend to offer an amendment at this point on the floor, but I did make a suggestion in committee. I think that there should be a positive statutory rapport between the Federal Aviation Administration on the one hand and State aviation authorities on the other. I believe that those States that do not have an effective working State aviation agency ought to have one, and that this rapport should lead to overall comprehensive planning.

By the same token, I think that in terms of implementing those plans, in terms of timing, expansion, and the creation and construction of new airports, that local authority should have autonomy in dealing directly with DOT.

I think it is important to realize that part of our problem with respect to airports and airways, and an increasingly large part of our problem, is how to get to airports. Why do we pay $14 to travel to Dulles Airport from Washington in a taxicab when we only pay $20 to fly from New York to Dulles in the first place. I think it is eminently practical that State authorities should be involved in the planning of high speed surface transportation systems to serve an intelligent network of airports, possibly in several States.

But, once again, and with especial reference to the remarks of the distinguished chairman of the committee, I do think that this body and our committee ought to devote its attention to this matter further. I believe we should do whatever we are going to do tonight with the tabling motion that is upcoming, and then devote our attention to trying to have our cake and eat it too.

I want two things: Planning authority and planning money invested primarily in State authority. I also want maximum implementing autonomy in the local agencies that have operated efficiently, and I want to put a carrot on the stick so that those States that do not have aviation agencies will create them and make them work.

Mr. MAGNUSON. There is no argument about planning at all. We are for the planning money. But the amendment is talking about going further than that. I agree 100 percent with the Senator from Tennessee, who has contributed a great deal to the bill in this period.

I want to be a gracious host to the Governors tonight while they are here, but I do not want to turn over hundreds of millions of dollars to them to distribute around the country when they had nothing to do with the development of airports. That carries hospitality a little too far.

Mr. BAKER. I should like to point out, in reference to that subject, that I really do not think we have a confrontation here between States on the one hand and cities on the other. I think clearly there is room for both. But I believe we have to get out of our heads the idea that you have to either give it to the State or the city.

We have dealt with the problem in conjunction with community action committees, with OEO, with HUD. We are going to deal with it in Federal revenue sharing on the pass through question, and obviously we are also dealing with it here. We might as well condition ourselves to the fact that we have both, that it was set up that way, and that one should not be strangled for the benefit of the other. I think there ought to be planning authority on the part of the State and maximum implementing authority on the part of the local government.

I think the proposal of the Senator from Florida has great merit, and I intend to vote against the motion to table.

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

Mr. CANNON. I yield.

Mr. COOK. I should like to put some statistics into the RECORD from the commissioner of aeronautics in the State of Kentucky, and I am sure the distinguished chairman is going to disagree with them; and I will have to go back to the office and tell the commissioner he had better substantiate the figures.

Forty-eight States now have aviation departments or agencies.

Thirty-three States now have laws requiring varying degrees of State approval for federally aided State airport development projects.

Twenty-five States own and operate more than 700 airports, nearly half of which are served by commercial air carriers.

I am sure I will have to substantiate this: 43 States have budgeted more than $180 million for fiscal year 1970 for airport development, and the current Federal budget for airport development is $30 million.

Mr. President, it sounds good to say

that we do not want to give hundreds of millions of dollars to the Governors. But I might suggest——

Mr. MAGNUSON. We do, if the States want it that way.

Mr. COOK. Let me just finish.

The Senator from Washington said that was carrying hospitality a little too far. I am of the opinion that if we turn this money over to the 50 Governors and all the employees in their aeronautics departments, it will amount to half the employees we have in the aviation departments of the Federal Government bureaucracy who would handle the money, and we probably would not worry about where that money is going to go, either.

The only reason I say this to the chairman of the committee, for whom I have a tremendous amount of admiration, is to get over, once and for all, the theory that my Governor does not want to run this thing. He has not ever said he wants to run it. Our legislature has created a very fine airport organization which has a plan and which works very closely with the major airports. The major airport operators are on that committee, and that is why it works so well.

I would not want the impression left, for those who are arguing in favor of this type of language, that somehow or other we are being pressured by Governors to see that they get more money to distribute. That is not the case in my State.

Mr. MAGNUSON. It is not the case in the State of the Senator from Kentucky. It is the case with those who do not have it.

Mr. COOK. I just wanted to make that clear.

Mr. CANNON. With respect to the figures the Senator from Kentucky has mentioned, I should like to point this out:

Twenty-seven States have State channeling laws for Federal aid program funds. This was furnished to us by the National Association of State Aviation Officials.

Thirty-three States have laws requiring varying degrees of approval of FAA projects.

Mr. COOK. That is correct.

Mr. CANNON. I think that is where the misunderstanding may have occurred.

Mr. COOK. As I have said, these figures were given to me by my Commissioner of Aeronautics.

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

Mr. CANNON. I yield.

Mr. COTTON. Mr. President, I send to the desk two amendments and ask unanimous consent that they lay on the desk and be printed.

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

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

Mr. CANNON. Does the Senator wish to speak on the amendment?

Mr. PROUTY. Yes, I do.

Mr. CANNON. I yield.

Mr. BYRD of West Virginia. Mr. President, will the Senator from Vermont yield for a unanimous-consent request?

Mr. PROUTY. I yield.

ORDER FOR RECOGNITION OF SENATOR JAVITS AND SENATOR BROOKE TOMORROW—TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the prayer is concluded in the morning and we have disposed of the reading of the Journal, the able senior Senator from New York (Mr. JAVITS) be recognized for not to exceed 15 minutes; that at the conclusion of the statement by the Senator from New York tomorrow morning, the able junior Senator from Massachusetts (Mr. BROOKE) be recognized for not to exceed 20 minutes; that at the conclusion of his speech there be a period for the transaction of routine morning business, with statements therein limited to 3 minutes; and that at the conclusion of the routine morning business, the Chair lay before the Senate the unfinished business.

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

AIRPORT AND AIRWAYS DEVELOPMENT ACT OF 1969

The Senate continued with the consideration of the bill (H.R. 14465) to provide for the expansion and improvement of the Nation's airport and airway system, for the imposition of airport and airway user charges, and for other purposes.

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

Mr. PROUTY. Mr. President, the amendment offered by the distinguished junior Senator from Florida is substantially the same as one I offered in committee, and obviously I am very happy to support it.

While I realize that some States do not have laws which require the channeling of all airport/airway funds from the Federal Government through the State government, I also recognize that 27 States have adopted such laws which have been met with great success. Included among those States are all the New England States, New York, and New Jersey.

As a matter of fact, both New York and New Jersey adopted the Model State Channeling of Airport Funds Act in 1947. Since that time, both States have channeled all Federal funds for airports through their State aviation agencies. This, of course, includes funds to one of the greatest airport complexes in the world; namely, those airports run by the New York Port Authority. I could enumerate State after State where the channeling law has created close cooperation between State aviation agencies and local airport operators. However, in the interest of brevity, I would suggest that anyone could check the results obtained in Michigan or Minnesota to see how State aviation agencies can effectively encourage dynamic airport development within a State and at the same time maintain close coordination between local airports and the National Government.

There is nothing novel about this argument against the State participation in developing our national aviation policy. In 1946 when the Federal Airport Act was being debated by the Congress, there were those who argued that only the national Government had the wisdom needed to create a national airport system. At that time, the Senate version of the bill established mandatory channeling through State aviation agencies. The Senate, convinced that such a pattern had worked well in developing highway systems, felt that it should also be followed with respect to airports and airways. Unfortunately, the House did not adopt that idea and, after prolonged battle, the Senate conferees accepted a compromise which permitted those States desiring such to pass State channeling laws.

As of this date, Mr. President, as I pointed out earlier, and others have mentioned it at frequent intervals—there are 27 States which have adopted channeling laws which require all Federal funds going to local airports within their State to pass through the State aviation agency.

Section 212, which is in the administration bill and I think is similar to the amendment of the Senator from Florida, not only had the full support of the National Governor's Conference, but also the strong support of the administration. In a letter sent to Chairman MAGNUSON on November 12 by Secretary of Transportation Volpe, he states the following:

> S. 3108 omits the provision in the Administration's bill establishing a grant-in-aid program for agencies designated by the States to conduct programs for airport planning and development. The Department recommends that the State grant program be retained (see section 212 of the Administration's bill). More than one-half of the States now provide for the channeling of airport grants-in-aid through the State. A State's participation in the program also would depend on its designated agency having the power to condemn property necessary for the development of airports. We believe this provision would be a helpful tool in cases where airport development is lagging in multi-jurisdictional metropolitan areas due to disputes at the local level respecting appropriate airport locations.

I think all of us realize that the Nation's transportation problems can be solved only by the cooperation of the Federal, State, and local governments. More and more we see States recognizing the need for a more coordinated attack on transportation problems by instituting State departments of transportation.

The Senate Commerce Committee 3 years ago followed the leadership of its distinguished chairman in urging the formation of the Department of Transportation at the Federal level.

It is strange to me that those who see need for close cooperation between agencies concerned with problems of transportation somehow fail to carry this concept to its logical conclusion by fostering cooperation by the Federal, State, and local governments. I, for one, believe that vertical cooperation and coordination are as important as horizontal cooperation and coordination.

Mr. President, all of us have absolutely the same goal in this body. We want actively and insoluble national airport/airway system. We want to insure safety. We want to insure that people can get from place to place with a mini-

mum of inconvenience. We want to insure that the great planes of the future have some place to land. We want to insure that the goods produced in our affluent Nation are able to quickly and efficiently get from place to place.

Now Mr. President, I, for one, am unwilling to say that the Federal Government can do this alone. I am convinced that it will take resources of all our people at every level of government, and in simplest terms, we are now given an opportunity to demonstrate whether the Federal Government wants to be truly Federal, truly a pragmatic problem solver, and truly a partner with other levels of government.

Mr. President, we have a simple choice. In this piece of legislation we, by our actions, can make clear that State partnership is unneeded and unwanted. If we take that course, Mr. President, we will have simply once again created expectations of problem solving which will go unfulfilled.

I hope that in this roll call vote each member will fully realize that the question is not a highly technical one; it is not one that is insufficient; and it is not one that is unimportant. It is really the heart of a very basic question: Can the problems of this Government be solved by the Federal Government alone, or do we need close cooperation and a true partnership between the national Government and the governments of our 50 States?

Mr. President, as has been pointed out, many Senators are going to see their Governors tonight, and I would hope—although I will not insist on taking any delaying action—that a vote on this amendment could be put over until tomorrow so that the Governors would have an opportunity to stress, once again, upon each one of us as individual Senators, that this is an important amendment.

I think that this is a most important amendment, and I hope very much that the motion to table it will be defeated.

Mr. CANNON. Mr. President, in closing, I would point out that we have really covered everything that the strong proponents of the amendments want. We have in the bill the authorization to make grants by the Secretary in order to promote the effective location and development of airports and the development of an adequate national airport system plan, as the Senator from Florida was arguing in favor of. We defined the airport system planning as meaning development for planning purposes of information and guidance to determine the extent, type, nature, location, and timing of airport development needed in a specific area to establish a viable and balanced system of public airports. That was the main thrust of the Senator from Florida's argument. In addition, we provided, as I explained earlier, in the definition of a planning agency, that it means any State or political subdivision of a State or any other agency authorized by law to engage in airport systems planning.

So we have covered it so that every State authorized by law to engage in planning is eligible for grants under this section.

In addition, it has to be consistent with the national airport plan or the system for development of the national airport plan of this country.

So, Mr. President, I submit that if that is all the States want, they have it in the bill. If they are trying to get something else, as it is obviously clear they are, to get to the purse strings in the distribution of the grants, then that is another subject.

Mr. JAVITS. Mr. President, as a practical matter, if a State has an agency now, as in my State, does that agency, ipso facto, without any further intercession by the Department of Transportation, become the State planning agency, or does it have to be recognized by the Department of Transportation?

Mr. CANNON. If they are the authorized agency of the State for the planning of an airport system, they are the agency. On the other hand, if the State has authorized a number of local airport authorities to do their own planning, then there might be a question as to whether there are several planning agencies.

Mr. JAVITS. But they could change that, could they not by action of the State legislature, if they enacted a State law making for a State planning agency? Would the Federal Government then be bound by that State action?

Mr. CANNON. Absolutely.

Mr. STENNIS. Mr. President, I came in late in debate, but I have enjoyed the very fine discussion of this subject. It seems to me that the committee and those opposing its position are thoroughly familiar with the subject matter. As I understand it, any State that wishes to have a planning agency will also have control of the money under present law. Is that correct?

Mr. CANNON. Any State can have channeling authority if the legislature provides it—which is the case now in 27 States. The State agencies are the distributive agency.

We have to channel the grants under the Federal aid to airports program because those States have so designated that by law. Twenty-three States have not followed that approach. In those States, the local airport authority is the agency which conducts its planning and can apply directly for assistance under the Federal aid to airports program. All we are trying to do is to be sure that this channeling is not shoved down the throats of the 23 States that do not see fit to adopt it.

Mr. STENNIS. The 23 States that do not have it, all they have to do is to move to authorize it on their own and then they convert over to the other system. Is that right?

Mr. CANNON. If the 23 States desire to set up a bureaucracy, or anything else along that line on this subject, they can move to do that, if their State legislatures do it.

Mr. STENNIS. Most recently, I have been suggesting, as chairman of the Subcommittee on Transportation on Appropriations, that we find, through all these years, that much of the money has gone to the larger airports. There is good reason for that. The demand was more. The traffic was more. The danger was more, as a general proposition. They were subsidized not only for runways but also for all of the high-priced equipment. Now the demand is still great there for more and more and more.

If the little airports are ever going to get in on anything, this is a way they have. And it is the only way they will have to come in here and contact this Federal agency—whatever State it is, wherever located—and make out a strong case. And if they do, then, under the Federal law, which permits a State to do this, they will get a shot at this money. Otherwise, their chance would be gone.

Mr. CANNON. The Senator is correct.

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

Mr. STENNIS. I yield.

Mr. PROUTY. Mr. President, the Senator has discussed the difficulty of getting aid for smaller airports.

Mr. BYRD of West Virginia. Mr. President, who has the floor?

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

Mr. STENNIS. Mr. President, I am sorry. I have finished.

Mr. PROUTY. Mr. President, I wanted to answer the Senator's question. Will the Senator yield to me?

Mr. CANNON. Very briefly.

Mr. PROUTY. Mr. President, one of the great problems with the small airports is obtaining funds. The major airport centers have more efficient machinery for arguing for their program.

The small airports in smaller States like Mississippi and Vermont are seriously handicapped, and unless they can have some assistance from State planning agencies with broad powers they will be left out in the cold.

Mr. McGEE. Mr. President, I want to voice my support for the amendment offered by the Senator from Florida. It is important to the development of a national system of airports and airways that the States be closely involved in the planning and financing of airport improvements. My own State has an active and effective aeronautics commission and I would hate to see the Senate pass legislation bypassing such agencies and thus giving to the States the impression that the Federal Government is unconcerned about their participation.

The amendment would go far to continue State efforts by providing grants, if minimal ones, for States providing adequate services for the development of aviation. But it would do more by encouraging the States without such programs to undertake them and thus help to broaden the base of cooperation in the development of a national airport system.

My own State of Wyoming stands behind this approach, Mr. President.

Mr. PERCY. Mr. President, I am pleased to cosponsor the amendment offered by the distinguished Senator from Florida (Mr. GURNEY).

This amendment would strengthen existing State programs for airport development. Most States now provide some airport planning services. The amendment would further encourage those States without airport planning programs to establish such programs.

It would further encourage State and local efforts to coordinate airport development with other forms of transportation.

This amendment is of particular in-

terest to Illinois as Governor Richard Ogilvie plans to create a State department of transportation. His administration wants to have a systematic approach to the development of transportation in the State of Illinois. At the moment there is little coordination among the various State and local agencies concerned with transportation needs.

The adoption of the Gurney amendment would help Illinois in transportation planning by channeling funds to the State for airport planning and development.

For the help this amendment would give States for coordinated transportation planning I heartily urge its adoption.

Mr. CANNON. Mr. President, I move to table the amendment.

I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. COOK in the chair). The question is on agreeing to the motion of the Senator from Nevada to lay on the table the amendment of the Senator from Florida. 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 North Dakota (Mr. BURDICK), the Senator from Tennessee (Mr. GORE), the Senator from Oklahoma (Mr. HARRIS), the Senator from Minnesota (Mr. MCCARTHY), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), and the Senator from Wisconsin (Mr. NELSON) are necessarily absent.

I further announce that the Senator from Idaho (Mr. CHURCH) and the Senator from Arkansas (Mr. FULBRIGHT) are absent on official business.

I further announce that, if present and voting, the Senator from North Dakota (Mr. BURDICK) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. FANNIN) and the Senator from Nebraska (Mr. HRUSKA) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Ohio (Mr. SAXBE) is absent on official business.

The Senator from Kentucky (Mr. COOPER) is on official business.

If present and voting, the Senator from Kentucky (Mr. COOPER), the Senator from Arizona (Mr. FANNIN), and the Senator from South Dakota (Mr. MUNDT) would each vote "nay."

The result was announced—yeas 48, nays 38, as follows:

[No. 60 Leg.]

YEAS—48

Anderson	Gravel	Muskie
Bayh	Hartke	Pastore
Bennett	Hatfield	Pearson
Bible	Hughes	Pell
Byrd, Va.	Inouye	Proxmire
Byrd, W. Va.	Jackson	Randolph
Cannon	Javits	Ribicoff
Case	Kennedy	Russell
Cotton	Long	Sparkman
Cranston	Magnuson	Spong
Dodd	Mansfield	Stennis
Eagleton	Mathias	Symington
Eastland	Miller	Talmadge
Ellender	Mondale	Tydings
Goldwater	Montoya	Williams, N.J.
Goodell	Moss	Young, Ohio

NAYS—38

Aiken	Griffin	Percy
Allen	Gurney	Prouty
Allott	Hansen	Schweiker
Baker	Hart	Scott
Bellmon	Holland	Smith, Maine
Boggs	Hollings	Smith, Ill.
Brooke	Jordan, N.C.	Stevens
Cook	Jordan, Idaho	Thurmond
Curtis	McClellan	Tower
Dole	McGee	Williams, Del.
Dominick	McGovern	Yarborough
Ervin	Murphy	Young, N. Dak.
Fong	Packwood	

NOT VOTING—14

Burdick	Gore	Metcalf
Church	Harris	Mundt
Cooper	Hruska	Nelson
Fannin	McCarthy	Saxbe
Fulbright	McIntyre	

So Mr. CANNON's motion to lay Mr. GURNEY's amendment on the table was agreed to.

Mr. MAGNUSON. Mr. President, I move to reconsider the vote by which the amendment was laid on the table.

Mr. CANNON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, when this legislation was referred by the Commerce Committee to the Finance Committee, I submitted separate views indicating that I favored the establishment of an equitable users charge for both commercial and general aviation to require that those who benefit from the system bear the burden of the cost and that this could best be accomplished by the enactment of an across-the-board fuel tax applicable to both commercial and general aviation alike.

I favored this course of action rather than the Commerce Committee recommendation of a combination of income-producing measures consisting of a fuel tax for general aviation, a ticket tax for air carrier passengers, a tax on air cargo way bills, and a registration fee for commercial aviation. It was my view that the enactment of a uniform fuel tax, apart from its obvious simplicity and ease of administration and collection, would have the merit of placing a premium on efficiency of operation.

The Senate Finance Committee failed to adopt either of the two proposals and submitted to the full Senate for consideration a third alternative. While I still prefer a uniform across-the-board fuel tax, I believe that the Finance Committee recommendation is superior to that originally offered by the Commerce Committee, and for this reason I do not intend to submit a uniform fuel tax amendment.

I would like to make one additional point with regard to the use of the airport-airway system and the determination of a fair apportionment of the cost for the use of the system. In my judgment, too little consideration has been given to use by the military and the resulting cost that should be allotted to the military for this use. I am hopeful that we can make this determination in the not-too-distant future and that moneys can be provided from the general revenues of the Treasury to pay for the cost of the use of the system by the military.

ELECTRONIC SURVEILLANCE KEY TO NARCOTICS RAIDS

Mr. McCLELLAN. Mr. President, this morning's Washington Post reported another example of the effectiveness of electronic surveillance in apprehending law violators curtailing the activities of organized crime, especially in the area of narcotics traffic. Yesterday 21 persons were arrested and two kilos of heroin were seized, along with some $10,000 in cash. The police estimated the value of the heroin at $500,000. The Post reported that this may have been a conservative estimate and that the heroin might well be worth as much as $750,000. Attorney General John Mitchell, U.S. Attorney Thomas A. Flannery, and the other parties named and unnamed in the article who assisted in striking this major blow against organized crime are to be congratulated for their fine efforts and the marked success they achieved.

Mr. President, I ask unanimous consent that the entire text of the Washington Post article by Mr. Philip D. Carter, to which I have referred, be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. McCLELLAN. Mr. President, less than 2 years ago the use of electronic surveillance was in very low esteem at the Department of Justice. A former Attorney General appeared before the House Judiciary Committee and made the following statements:

> We have looked at hundreds and hundreds of bug and wiretap logs and I think we have an experience on which to base a judgment now that we did not have as clearly earlier. (Hearings, p. 318)
>
> QUESTION. As the head of the Law Enforcement Agency of the Federal Government, are you individually opposed to authorizing or permitting statutory authorization of wiretapping under court control with regard to, say, the activities of organized crime, in limiting it to organized crime activities?
>
> ANSWER. Yes, I am opposed to that. All of my experience indicates that it is not necessary for the public safety. (Hearings, p. 319)

That same Attorney General had also added that, in his view, electronic surveillance was neither "effective nor highly productive." New York Times, May 19, 1967, page 23, column 1.

Mr. President, I would like to have the members of this body compare these statements with the following statement, concerning yesterday's arrests, by U.S. Attorney Thomas A. Flannery:

> Today's success simply would not have been possible without the information we learned from the wiretaps and the carefully coordinated investigation of an extremely dedicated group of law enforcement officers.

Apparently, the "public safety" referred to by the former Attorney General did not include the interests of the unfortunate parents and children of those for whom this $500,000 of heroin was destined. Apparently, his "public safety" would not have included the interests of the victims of the countless robberies and perhaps murders that would have been

involved in the gathering of the money needed by the addicts to purchase these narcotics, since we all know that the $500,000, or more, would have been raised primarily through forceful exaction of money from our law abiding citizens.

Mr. President, I am of the opinion that electronic surveillance is both effective and necessary for the public safety. It must have been highly discouraging for those directly or indirectly victimized by the narcotics traffic to have known that some of the leaders of his country were willing to sacrifice his well-being and safety to a principle not founded in reality. The citizenry of this country are now learning, however, that electronic surveillance is, in fact, a useful and necessary weapon in our fight against organized crime. It is quite clear from Mr. Flannery's statements that we must not support an absolute and false principle of civil liberties, thus turning our backs on our citizens, especially the ghetto residents victimized by the narcotics trade and the youth of this country victimized by those same criminals. We must, instead, support a judicially regulated, limited law enforcement tool that is necessary for the health and well-being of those people who elect us to make their laws.

Mr. President, similar specious arguments—supposedly in support of civil liberties—have been made against the provisions of S. 30, the Organized Crime Control Act of 1969, which we considered earlier this year and passed by a vote of 73 to 1. They are as invalid today as they were against electronic surveillance in 1968. We were elected to provide for the health, safety, and welfare of the inhabitants of our country. The Senate has fulfilled that responsibility with regard to S. 30. I am hopeful now that the House will also respond not just to the wishes of the majority of the Senate, but also to the needs of all of our citizens by promptly passing S. 30 so that the additional tools that it provides may quickly become available to our law enforcement agencies.

EXHIBIT 1

$500,000 IN HEROIN SEIZED, 21 ARRESTED IN POLICE SWEEP

(By Philip D. Carter)

Coordinated raids on an alleged organized ring of Washington narcotics wholesalers with interstate connections yesterday produced 21 arrests and seizure of a record $500,000 worth of heroin, officials said.

"Today's raids," announced U.S. Attorney Thomas A. Flannery, "have disrupted an entire network of narcotics distribution in Washington."

The raids have also resulted in the seizure of five automobiles, two motorcycles and 12 firearms, including handguns and sawed-off shotguns and rifles, said Police Chief Jerry V. Wilson.

The announcement of the combined sweep by city and federal police came at a special press conference at police headquarters. Late arrests delayed the conference, originally scheduled for 7:30 p.m., by 1½ hours.

Apparently none of those arrested had been booked at the time of the press conference, and none was immediately identified by police.

Both Wilson and Flannery emphasized what Flannery called the "great usefulness" of court-authorized wiretaps "in smashing such interstate narcotics wholesale operations which cannot otherwise be detected."

Inspector Walter R. Bishop, head of the morals division, said three telephones, two at 5195 Linnean Ter. NW and one at 1425 N St. NW, were tapped.

Yesterday's arrests, officials said, provided additional proof that heroin traffic here is part of organized interstate crime. More than 40 other persons had previously been arrested in similar raids dating back to August.

The investigation had been spearheaded by the narcotics section of the metropolitan police and coordinated by the major crimes unit of the U.S. attorney's office. Agents of the Justice Department's Bureau of Narcotics and Dangerous Drugs assisted in the investigation, Flannery said, "especially in connection with the interstate aspects of the narcotics traffic uncovered by the police."

The raids were mounted at 15 locations scattered around the city. Police declined to specify locations immediately.

Besides city police and narcotics officers, federal marshals and agents of the new firearms task force of the alcohol, firearms and tobacco section of the Internal Revenue Service aided in the sweep.

About 100 officers in all took part, police said.

In addition to the motor vehicles, firearms and heroin, officers also seized "smaller amounts" of suspected cocaine and marijuana, plus some $10,000 in cash, Wilson said. Searches continued at the raided premises late last night.

Another police spokesman declared that the two kilos—more than four pounds—of heroin seized represented the largest quantity ever uncovered by police here, and the "third or fourth largest" anywhere in the nation.

Assuming that the heroin has not been heavily adulterated, the half-million dollar police estimate of its value was conservative. At current "street" prices, other sources said, that quantity of the highly addictive opiate would have a retail value of some $750,000.

Court-authorized wiretaps, Flannery said, "produced evidence of daily wholesale narcotics transactions by dozens of Washington area distributors." Application to use the taps was granted by U.S. Attorney General John Mitchell in January and February, Flannery said.

"Thereafter, upon affidavit of the Bureau of Narcotics and Dangerous Drugs, applications were made by me and by Harold J. Sullivan, chief of our major crimes operation, for permission to intercept phone conversations at three Washington numbers," Flannery said.

"The purpose of the intercepts," he continued, "was to identify the principals in this narcotics conspiracy and their roles in the interstate distribution of wholesale quantities of heroin."

Permission to tap, Flannery revealed, was first granted by U.S. District Court Judge John Lewis Smith on Jan. 24. Use of the first tap, on the phone at 1425 N St NW, was first authorized for 20 days and then extended by Judge Smith for another 11 days.

Smith also authorized a 20-day tap on the two telephones at 5195 Linnean Ter. NW, beginning Feb. 4.

"Today's successes simply would not have been possible without the information we learned from the wiretaps and the carefully coordinated investigation of an extremely dedicated group of law enforcement officers," Flannery said.

Flannery particularly commended Inspector Walter Bishop, head of the police morals squad, of which the narcotics section is a part, and Sullivan.

Late in the evening, police released the locations of the raided premises and the names and addresses of those arrested. Police said they acted on arrest warrants naming six persons and authorizing the search of 15 dwellings.

STATEMENT OF POSITION ON YEA-AND-NAY VOTE (NO. 36)

Mr. MILLER. Mr. President, on February 6 I was necessarily absent during the vote on Senator DOMINICK's amendment to delete from the Elementary and Secondary Education Amendments of 1969 the provision including children residing in low-rent public housing in the impacted aid program. On this vote—No. 36 legislative—if I had been present I would have voted "yea."

I ask unanimous consent that the permanent RECORD reflect this position.

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

AIRPORT AND AIRWAYS DEVELOPMENT ACT OF 1969

The Senate continued with the consideration of the bill (H.R. 14465) to provide for the expansion and improvement of the Nation's airport and airway system, for the imposition of airport and airway user charges, and for other purposes.

AMENDMENT NO. 513

Mr. WILLIAMS of New Jersey. Mr. President, I call up my amendment No. 513, which I offer on behalf of myself and my colleague from New Jersey (Mr. CASE).

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read the amendment (No. 513) as follows:

On page 71, beginning in line 6, strike out "If, within three years" and all that follows down through the period in line 17 and insert in lieu thereof the following: "In order to facilitate the selection of a site for an additional airport under the preceding sentence, the Secretary shall exercise such of his authority under this part as he may deem appropriate to carry out the provisions of this paragraph."

Mr. MAGNUSON. Mr. President, I understand the Senator from New Jersey wishes to lay down his amendment this evening and that there will be no more votes tonight.

What time will we begin tomorrow?

Mr. BYRD of West Virginia. Mr. President, there will be no more rollcall votes tonight. Under the previous unanimous-consent agreement, the Senate will convene at 10 o'clock tomorrow morning.

Mr. MAGNUSON. I thank the Senator.

Mr. WILLIAMS of New Jersey. Mr. President, I have offered the pending amendment for myself and my colleague from New Jersey (Mr. CASE).

Mr. President, I wish to call attention to a provision in this bill which many of us find highly objectionable.

The provision is found on page 71, beginning on line 6 and ending on line 17, at the period. Briefly, it provides that if no decision has been made with respect to the natural site for a major airport within a metropolitan area within 3 years after the Secretary has sent notice of a need to the governing authorities, the Secretary shall "after notice and opportunity for a hearing, select a site for such additional airport."

In addition, the section states:

Unless the Secretary, after notice and opportunity for a hearing, shall modify any site selection made by him under this section, no other site in such areas shall be eligible for assistance under this part for

the construction of an additional airport in such area.

I believe strongly that this approach is wholly unrealistic and impractical. My view is shared by all the members of the House delegation from the State of New Jersey, as well as by my cosponsor of this amendment, the senior Senator from New Jersey. It is certainly shared by the Governor of the State of New Jersey. Thus, true bipartisan support within my State is evident advocating that this language be dropped in its entirety, or that it be substantially modified, so as to reduce the role of the Secretary of Transportation.

As you know, this particular provision was decisively defeated in the House last November 6.

Mr. President, I wish to read the language that I offer as a substitute to prevent the arbitrary assumption of authority by one individual in the Federal Government, as follows:

In order to facilitate the selection of a site for an additional airport under the preceding sentence, the Secretary shall exercise such of his authority under this part as he may deem appropriate to carry out the provisions of this paragraph.

This language provides a reasonable rule for the Federal Government. The Secretary is directed to help facilitate a decision, which is no more than we could logically expect him to do. Certainly he could not possibly ram a site location down the throats of unwilling communities.

In contrast, the committee provision would allow the Secretary of Transportation to select an airport site without regard for the wishes of the Governor, State legislature, local authorities, or residents of the general area.

The Secretary of Transportation should be encouraged to help facilitate by all means at his command the selection of a suitable airport site—but he should not be given the absolute authority to locate that facility on his own.

Under the present provision, if any State belatedly decided on a site that was not the same as that picked by the Secretary, the Secretary could refuse to provide Federal funds to support the site chosen by the State. In other words, if a State did not choose a site within a certain time period, then only the Secretary's judgment would prevail.

The committee language reads that if there is a deadlock for a 3-year period, the Secretary shall give notice and opportunity for a hearing to select an airport site.

I recognize the advisability of a decision as to whether or not another airport in the New Jersey-New York metropolitan area should be constructed, and I realize that the decision should be made with reasonable promptness. However, if there should be delay, the responsibility should not be given to a single individual in Washington who could summarily reach a decision which might be in direct opposition to the views of the States and communities affected.

The importance of getting some degree of understanding and support from those affected is recognized in the bill itself. I refer to the language on page 71, beginning on line 23, which states that any new airport in a nonmetropolitan area cannot be approved by the Secretary unless there is approval by the communities to be affected. I maintain that in a metropolitan area, with thousands or millions of people affected, we should not—and could not as a practical matter—get the Federal Government to impose a decision upon a State that does not want it.

I do not dispute the argument that there is a role which the Secretary of Transportation should play in this matter, and further, I hope he will play a definite role from the onset. The proper part for him is to use the full power and prestige of his office to persuade and influence the parties involved in order to expedite a decision.

The proposal we offer in this amendment provides that the Secretary will facilitate the selection of a site. He should do whatever he can, but he should not interfere with the basic responsibility—or transfer that basic responsibility—away from the governing local authorities.

While general in its language, the Committee provision obviously is aimed at the New York metropolitan area, but it would ultimately affect all other airport areas in the United States.

Whatever the relative merits are for the controversial jet airport in the New Jersey-New York area, or in other parts of the country, we cannot dictate that it will no longer be the responsibility of a locality where an airport is to be located, but instead that it is to be the responsibility, after a 3-year period, of the Federal Government alone.

There is no possible way a satisfactory or just conclusion could be reached if we should pursue that route.

It is my understanding that the debate will be concluded and a decision on the amendment made tomorrow.

I yield the floor.

Mr. CASE. I oppose the Tydings amendment in H.R. 14465 giving the Secretary of Transportation authority to force a jetport upon a metropolitan area whether the area wants one or not.

I urge instead that the amendment to section 206(g)(1) of the bill, sponsored by Senator WILLIAMS of New Jersey and myself, be accepted in place of the Tydings amendment.

Section 206 is opposed by the Secretary of Transportation who does not want the authority it would confer upon him. The provision was defeated in the House by a vote of 90 to 54. In my judgment it should be defeated in the Senate by an equally wide margin.

As reported by the Senate Commerce Committee, section 206 empowers the Secretary of Transportation to decide that a metropolitan area requires an additional jetport and actually to pick the site if State and local officials cannot agree on a site within a 3-year period.

Proponents argue that they only want to induce the governing bodies of a metropolitan area to come to a decision of their own regarding a suitable location for a jet terminal. But the fact is that section 206 gives the Secretary naked power to make the selection himself if they cannot agree.

Those favoring 206 are wrong, I believe, if they think forcing a decision on local officials will bring the result they desire. As Secretary of Transportation Volpe recognized in a letter he wrote to me last December 12,

This failure to agree and lack of local consensus may well continue into the developmental phase and effectively prevent action by any local public agency to sponsor the project to develop an airport on the site the Secretary selects.

The proposed assumption of Federal control over site selection in metropolitan areas contrasts sharply with another provision of section 206 giving nonmetropolitan areas a veto over airports they do not want, regardless of the Secretary's position in the matter.

In other words, in nonmetropolitan areas, section 206 makes the voice of the public decisive. In heavily populated regions, where major developments cannot be undertaken lightly, the public's views could be disregarded.

How outrageous it would be to compel the people of New Jersey or of any other State to pay even a part of the cost of a jetport they do not want.

Under our amendment the Secretary could use his good offices to facilitate selection of a jet port site in a metropolitan area. This approach recognizes that the Federal Government's role in the orderly expansion of our national airport system is that of partner with the States, not of dominating figure.

Since it is the public which must live with the profound environmental changes wrought by construction of jet airports, site selection should be left to decisionmaking by the public through the appropriate State and local governmental bodies.

This is essential insofar as New Jersey is concerned, for New Jersey, like other overcrowded areas of the country, must conserve its precious open space, little of which remains.

In New Jersey we are constantly fighting to maintain even a semblance of a livable environment. I believe we cannot expect the head of any outside agency, especially the Secretary of Transportation—whose job it is to develop and expand transportation facilities, and whose whole point of view understandably is directed toward expanding transportation at whatever the cost to other values—to protect our vital open space against invasion.

I believe it will serve the public interest, and certainly the cause of a more livable environment, to follow the House's approach on airport site selection. I urge the adoption of the amendment.

Mr. President, I ask unanimous consent that the letter from Secretary Volpe, referred to in my remarks, be printed in the RECORD at this point.

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

THE SECRETARY OF TRANSPORTATION,
Washington, D.C. December 12, 1969.

Hon. CLIFFORD P. CASE,
Washington, D.C.

DEAR CLIFF: This is in response to your request for the views of the Department of Transportation on section 16(e) of H.R. 14465, a bill "To provide for the expansion and improvement of the Nation's airport and airway system, for the imposition of airport and airway user charges, and for other purposes", and on section 206(g) of S. 3108, a bill "To provide additional Federal assist-

ance in connection with the construction, alteration, or improvement of the airway system, air carrier and general airports, airport terminals, and related facilities, and for other purposes."

H.R. 14465 was referred to the Senate on November 7, 1969, and reported out of Committee without amendment and without written report on December 5, 1969. S. 3108 was introduced on November 4, 1969, and reported out of Committee with amendments on December 5, 1969 (Senate Report No. 91-565).

Both section 16(e) of H.R. 14465 and section 206(g) of S. 3108 deal with airport site selection, but differ in their approach. Section 16(e) of H.R. 14465 provides:

"(1) Whenever the Secretary determines (A) that a metropolitan area comprised of more than one unit of State or local government is in need of an additional airport to adequately meet the air transportation needs of such area, and (B) that an additional airport for such area is consistent with the national airport system plan prepared by the Secretary, he shall notify, in writing, the governing authorities of the area concerned of the need for such additional airport and request such authorities to confer, agree upon a site for the location of such additional airport, and notify the Secretary of their selection. *In order to facilitate the selection of a site for an additional airport under the preceding sentence, the Secretary shall exercise such of his authority under this part as he may deem appropriate to carry out the provisions of this paragraph.* For the purposes of this subsection, the term 'metropolitan area' means a standard metropolitan statistical area as established by the Bureau of the Budget, subject however to such modifications and extensions as the Secretary may determine to be appropriate for the purposes of this subsection.

"(2) In the case of a proposed new airport serving any area, which does not include a metropolitan area, the Secretary shall not approve any airport development project with respect to any proposed airport site not approved by the community or communities in which the airport is proposed to be located." (Emphasis added)

In place of the italic sentence in section 16(e), section 206(g) provides:

"If, within three years after the written notification by the Secretary referred to in the preceding sentence, he has not received notification from the governing authorities concerned of the selection of a site for the additional airport, he shall, after notice and opportunity for a hearing, select a site for such additional airport with respect to which the Secretary will accept project applications under this title for the construction of such additional airport. Unless the Secretary, after notice and opportunity for hearing, shall modify any site selection made by him under this section, no other site in such area shall be eligible for assistance under this title for the construction of an additional airport in such area."

As introduced in the House, H.R. 14465 contained language identical to section 206 (g) of S. 3108, but that language was amended in Committee. Section 16(e) is discussed in the House Committee Report (H.R. Rep. 91-601) on page 23, Section 206(g) is discussed in the Senate Committee Report (Sen. Rep. 91-565) on pages 4 and 72. The Department of Transportation recommends against the enactment of either section 206 (g) or section 16(e).

Section 206(g)(1) would authorize the Secretary of Transportation to select the site for a new airport in a "metropolitan area" (as defined) when local authorities have been unable to agree on a site after three years. We recognize the often serious problems that may arise during the planning and development of an airport in a metropolitan area, particularly when the site for a new airport is being considered. But, we do not believe that State and local decision-making should be diluted through increasing the involvement of the Federal Government. On the contrary, State and local decision-making should be both enhanced and emphasized. The need for better air service and the compatibility of a new airport and its site with a community's plans and goals are factors which should be weighed and decided at the local level. Section 206(g)(1) would run contrary to these policies.

In addition to this basic question of policy, we question whether section 206(g)(1) would, in fact, expedite the development of airports in metropolitan areas. If the Secretary were to select an airport site under this authority, the section does not require a sponsor to actually proceed with the development of the new airport. Basically, the Secretary would be selecting the site because local communities fail to agree on a site. This failure to agree and lack of local consensus may well continue into the developmental phase and effectively prevent action by any local public agency to sponsor the project to develop an airport on the site the Secretary selects. While the dispute continues, and if no sponsor comes forward, section 206(g)(1) would block *any* new airport development in the metropolitan area on another site. In many metropolitan areas, the need for general aviation and reliever airports is great so that pressure and congestion around existing airports may be relieved. Section 206(g)(1), in our view, is unlikely to improve a bad situation and appears to be more likely to make that situation worse.

Sections 206(g)(2) and 16(e)(2) are identical provisions that could prohibit approval of an airport development project outside a metropolitan area on "any airport site not approved by the community or communities in which the airport" would be located. These sections are vague and would create serious problems in administering the airport program. For example, what is a "community . . . in which the airport is proposed to be located"? Airport sites are proposed by various local entities falling within the definition of "public agency". The interest of the "community" presumably is reflected in the decision of the local public agency sponsoring the airport. Sections 206(g) and 16(e)(2) would tend to defeat a basic purpose of this legislation which is to provide more airports as expeditiously as possible.

Finally, section 16(e)(1) would authorize the Secretary to use his authority to facilitate the selection of sites for new airports in metropolitan areas. In the Senate Report, there is reprinted a letter which I sent to the Chariman of the Committee on Commerce expressing the views of the Department on this significant legislation. In that letter, I discussed section 16(e)(1):

"As you know, airport site selection traditionally has been the responsibility of state and local government. Section 16(e)(1) suggests a change in this historic role, but, in fact, confers no authority on the Secretary which he could not and would not exercise in any event. He has in the past and would continue to use his existing powers to facilitate the establishment of needed airports."

I believe that I need only add that the Secretary has used, and will continue to use, his authority to facilitate these local decisions. But, we believe they must remain primarily local decisions.

We hope that this information will be of assistance to you. We believe that the provisions that we have discussed above are not in keeping with the purposes of the airport/airways development legislation now before the Senate. Please do not hesitate to contact us if we can assist you in this matter.

Sincerely,

JOHN.

Mr. YARBOROUGH. 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. BYRD of West 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.

MEDICAL LIBRARY ASSISTANCE EXTENSION ACT OF 1970—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. 11702) to amend the Public Health Service Act to improve and extend the provisions relating to assistance to medical libraries and related instrumentalities, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The assistant legislative clerk read the report, as follows:

CONFERENCE REPORT (H. REPT. NO. 854)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 11702) to amend the Public Health Service Act to improve and extend the provisions relating to assistance to medical libraries and related instrumentalities, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the 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:

SHORT TITLE

SECTION 1. This Act may be cited as the "Medical Library Assistance Extension Act of 1970".

THREE-YEAR EXTENSION OF EXISTING PROGRAMS

SEC. 2. (a) Subsection (i) of section 393 of the Public Health Service Act (42 U.S.C. 280b-3(i)) (relating to assistance for construction of medical library facilities) is amended to read as follows:

"(i) For the purposes of carrying out the provisions of this section, there are authorized to be appropriated $11,000,000 for the fiscal year ending June 30, 1971, $12,000,000 for the fiscal year ending June 30, 1972, and $13,000,000 for the fiscal year ending June 30, 1973."

(b) The first sentence of subsection (a) of section 394 of such Act (42 U.S.C. 280b-4(a)) (relating to grants for training in medical library sciences) is amended to read as follows: "In order to enable the Secretary to carry out the purposes of section 390(b)(2), there are authorized to be appropriated $1,500,000 for the fiscal year ending June 30, 1971, $1,750,000 for the fiscal year ending June 30, 1972, and $2,000,000 for the fiscal year ending June 30, 1973."

(c) Section 395 of such Act (42 U.S.C. 280b-5) (relating to assistance for compilations or writings concerning advances in sciences related to health) is amended by striking out "June 30, 1970" and inserting in lieu thereof "June 30, 1973".

(d) Subsection (a) of section 396 of such Act (42 U.S.C. 280b-6(a)) (relating to research and development in medical library science and related fields) is amended by

striking out "June 30, 1970" and inserting in lieu thereof) "June 30, 1973".

(e) Subsection (a) of section 397 of such Act (42 U.S.C. 280b–7(a)) (relating to assistance to improve or expand basic medical library resources) is amended to read as follows:

"(a) In order to enable the Secretary to carry out the purposes of section 390(b)(5), there are authorized to be appropriated $3,500,000 for the fiscal year ending June 30, 1971, $4,000,000 for the fiscal year ending June 30, 1972, and $4,500,000 for the fiscal year ending June 30, 1973."

(f) The first sentence of subsection (a) of section 398 of such Act (42 U.S.C. 280b–8(a)) (relating to grants for establishment of regional medical libraries) is amended to read as follows: "In order to enable the Secretary to carry out the purposes of section 390(b)(6), there are authorized to be appropriated $3,000,000 for the fiscal year ending June 30, 1971, $3,250,000 for the fiscal year ending June 30, 1972, and $3,500,000 for the fiscal year ending June 30, 1973."

(g) Subsection (a) of section 399 of such Act (42 U.S.C. 280b–9(a)) relating to assistance for biomedical scientific publications) is amended by striking out "June 30, 1970" and inserting in lieu thereof "June 30, 1973".

GRANTS FOR CONSTRUCTION OF MEDICAL LIBRARY FACILITIES

SEC. 3. Section 393 of the Public Health Service Act (42 U.S.C. 280b–3) is amended—

(1) by amending clause (B) of subsection (b)(1) to read as follows: "(B) sufficient funds will be available to meet the non-Federal share of the cost of constructing the facility, and";

(2) by striking out subsection (c) and redesignating subsections (d), (e), (f), (g), (h), and (i) as subsections (c), (d), (e), (f), (g) and (h), respectively; and

(3) by striking out in subsection (c) (as so redesignated by this section) ", and shall give priority to applications for construction of facilities for which the need is greatest".

GRANTS FOR SPECIAL SCIENTIFIC PROJECTS

SEC. 4. (a) Section 395 of the Public Health Service Act (42 U.S.C. 280b–5) is amended—

(1) by striking out in the second sentence "for the establishment of special fellowships to be awarded to physicians and other practitioners in the sciences related to health and scientists" and inserting in lieu thereof the following: "to make grants to physicians and other practitioners in the sciences related to health, to scientists, and to public or nonprofit private institutions on behalf of such physicians, other practitioners, and scientists"; and

(2) by striking out in the third sentence "In establishing such fellowships" and inserting in lieu thereof "In making such grants", and by striking out in such sentence "fellowships are established" and inserting in lieu thereof "grants are made".

(b) Subsection (b)(3) of section 390 of such Act (42 U.S.C. 280b) is amended by striking out "the awarding of special fellowships to physicians and other practitioners in the sciences related to health and scientists" and inserting in lieu thereof "grants to physicians and other practitioners in the sciences related to health, to scientists, and to public or nonprofit private institutions on behalf of such physicians, other practitioners, and scientists".

RESEARCH AND DEVELOPMENT IN MEDICAL LIBRARY SCIENCE AND RELATED FIELDS

SEC. 5. (a) The second sentence of subsection (a) of section 396 of the Public Health Service Act (42 U.S.C. 280b-6) is amended by striking out "research and investigations" and inserting in lieu thereof "research, investigations, and demonstrations".

(b) Subsection (b)(4) of section 390 of such Act is amended by striking out "research and investigations" and inserting in lieu thereof "research, investigations, and demonstrations".

GRANTS FOR BASIC RESOURCES OF MEDICAL LIBRARIES

SEC. 6. (a) Section 397 of the Public Health Service Act (42 U.S.C. 280b–7) is amended—

(1) by striking out in the first sentence of subsection (b) "for the purpose of expanding and improving" and inserting in lieu thereof "for the purpose of establishing, expanding, and improving";

(2) by amending paragraph (2) of subsection (c) to read as follows:

"(2) In no case shall any grant under this section to a medical library or related instrumentality for any fiscal year exceed $200,000; and grants to such medical libraries or related instrumentalities shall be in such amounts as the Secretary may by regulation prescribe with a view to assuring adequate continuing financial support for such libraries or instrumentalities from other sources during and after the period for which Federal assistance is provided."; and

(3) by striking out in the heading of such section "IMPROVING AND EXPANDING" and inserting in lieu thereof "ESTABLISHING, EXPANDING, AND IMPROVING".

(b) Subsection (b)(5) of section 390 of such Act is amended by striking out "improving and expanding" and inserting in lieu thereof "establishing, expanding, and improving".

GRANTS FOR ESTABLISHMENT OF REGIONAL MEDICAL LIBRARIES

SEC. 7. Section 398 of the Public Health Service Act (42 U.S.C. 280b–8) is amended as follows:

(1) Subsection (b) is amended (A) by striking out "and" at the end of clause (4), (B) by redesignating clause (5) as clause (6), and (C) by inserting after clause (4) the following new clause:

"(5) planning for services and activities under this section; and".

(2) Subsection (c)(1) is amended by striking out "(A) to modify and increase their library resources so as to be able to provide supportive services to other libraries in the region as well as individual users of library services" and inserting in lieu thereof "(A) to modify and increase their library resources, and to supplement the resources of cooperating libraries in the region, so as to be able to provide adequate supportive services to all libraries in the region as well as to individual users of library services".

(3) Subsection (c)(2) is amended by striking out clause (A) and by redesignating clauses (B) and (C) as clauses (A) and (B), respectively.

(4) The following new subsection is added at the end thereof:

"(f) The Secretary may also carry out the purpose of this section through contracts, and such contracts shall be subject to the same limitations as are provided in this section for grants."

FINANCIAL SUPPORT OF BIOMEDICAL SCIENTIFIC PUBLICATIONS

SEC. 8. Section 399 of the Public Health Service Act (42 U.S.C. 380b–9) is amended by inserting before the period at the end of subsection (b) the following: ", except in those cases in which the Secretary determines that further support is necessary to carry out the purposes of this section".

TRANSFERABILITY OF FUNDS

SEC. 9. The part of title III of the Public Health Service Act redesignated as part J by section 10 is amended by adding at the end thereof the following new section:

"TRANSFERABILITY OF FUNDS

"SEC. 399b. (a) Notwithstanding any other provision of this part, whenever there is appropriated any amount for any fiscal year (beginning with the fiscal year ending June 30, 1971) to carry out any particular program or activity authorized by this part, the Secretary shall have the authority to transfer sums from such amount, for the purpose of carrying out one or more of the other programs or activities authorized by this part; except that—

"(1) the aggregate of the sums so transferred from any such amount shall not exceed 10 per centum thereof,

"(2) the aggregate of the sums so transferred to carry out any such program or activity for any fiscal year shall not exceed 20 per centum of the amount appropriated to carry out such program, or activity for such year, and

"(3) sums may not be transferred for any fiscal year to carry out any such program or activity if such transfer would result in there being available (from appropriated funds plus the sums so transferred) to carry out such program or activity for such year amounts in excess of the amounts authorized to be appropriated for such year to carry out such program or activity.

"(b) Any sums transferred under subsection (a) for any fiscal year for the purpose of carrying out any program or activity shall remain available for such purpose to the same extent as are funds which are specifically appropriated for such purpose for such year."

REDESIGNATIONS

SEC. 10. (a) Title III of the Public Health Service Act is amended—

(1) by redesignating part I as part J:

(2) by redesignating the part H entitled "PART H—NATIONAL LIBRARY OF MEDICINE" as part I; and

(3) by redesignating sections 371, 372, 373, 374, 375, 376, 377, and 378 as sections 381, 382, 383, 384, 385, 386, 387, and 388, respectively.

(b)(1) Subsection (c) of the section of such Act redesignated as section 382 is amended by striking out "section 373" and inserting in lieu thereof "section 383".

(2) The section of such Act redesignated as section 385 is amended by striking out "section 373" and inserting in lieu thereof "section 383".

(3) Section 391(2) of such Act is amended by striking out "section 373(a)" and inserting in lieu thereof "section 383(a)".

(4) Section 392 of such Act is amended—

(A) by striking out in subsection (a) "section 373(a)" and inserting in lieu thereof "section 383(a)",

(B) by striking out in such subsection, "section 373" and inserting in lieu thereof "section 383",

(C) by striking out in subsection (d) "section 373(d)" and inserting in lieu thereof "section 383(d)", and

(D) by striking out in such subsection "part H which deals with the National Library of Medicine" and inserting in lieu thereof "part I".

(c)(1) Section 395 of such Act is amended—

(A) by inserting "(a)" immediately after "SEC. 395.",

(B) by striking out in the second sentence "under this section" and inserting in lieu thereof "under this subsection", and

(C) by amending the section heading to read as follows: "ASSISTANCE FOR SPECIAL SCIENTIFIC PROJECTS, AND FOR RESEARCH AND DEVELOPMENT IN MEDICAL LIBRARY SCIENCE AND RELATED FIELDS".

(2) Section 396 of such Act is amended—

(A) by striking out "Sec. 396. (a)" and inserting in lieu thereof "(b)",

(B) by striking out in the second sentence of subsection (a) "under this section" and inserting in lieu thereof "under this subsection",

(C) by redesignating subsection (b) as subsection (c), and

(D) by striking out the section heading.

(3) Sections 397, 398, 399, 399a, and 399b of such Act are redesignated as sections 396, 397, 398, 399, and 399a, respectively.

(d)(1) The part of title III of such Act

redesignated as part I is amended by striking out "Surgeon General" each place it occurs in the sections of such part redesignated as sections 382, 383, 386, and 388. The section of such part redesignated as section 384 is amended by striking out "Surgeon General" and inserting in lieu thereof "Board".

(2)(A) The part of title III of such Act redesignated as part J is amended by striking out "Surgeon General" each place it occurs and inserting in lieu thereof "Secretary".

(B) The subsection of section 393 of such part redesignated as subsection (e) is amended by striking out "Surgeon General's" and inserting in lieu thereof "Secretary's".

MEANING OF SECRETARY

SEC. 11. Subsection (c) of section 2 of title I of the Public Health Service Act (42 U.S.C. 20) is amended to read as follows:

"(c) Unless the context otherwise requires the term 'Secretary' means the Secretary of Health, Education, and Welfare."

EFFECTIVE DATE

SEC. 12. (a) Except as provided in subsection (b) the amendments made by this Act shall apply with respect to appropriations for fiscal years ending after June 30, 1970.

(b) The amendments made by sections 10 (d) and 11 shall take effect on the date of the enactment of this Act.

And the Senate agree to the same.

RALPH W. YARBOROUGH,
HARRISON WILLIAMS,
EDWARD KENNEDY,
GAYLORD NELSON,
THOMAS F. EAGLETON,
ALAN CRANSTON,
HAROLD E. HUGHES,
PETER H. DOMINICK,
JACOB K. JAVITS,
GEORGE L. MURPHY,
WINSTON PROUTY,
WM. B. SAXBE,
Managers on the Part of the Senate.

HARLEY O. STAGGERS,
JOHN JARMAN,
PAUL G. ROGERS,
WILLIAM L. SPRINGER,
TIM LEE CARTER,
Managers on the Part of the House.

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

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

Mr. YARBOROUGH. Mr. President, the conferees have agreed to an extension of the Medical Library Assistance Act.

The bill, as agreed to in conference, would extend for 3 years the current program to provide financial assistance for the construction of health library facilities; to support training of health librarians and other information specialists; to expand and improve health library services through the provision of grants for library resources; to support projects of research and development in the field of health communications, and related special scientific projects; to support the development of a national system of regional medical libraries; and to support selected biomedical scientific publications projects.

An important amendment would permit the Secretary to transfer funds under specified limitations within the authorization permitted by this act. This will assure that the congressional responsibility for program administration is retained, while permitting a more flexible administration of the program.

For the construction assistance program, the bill would increase the authorization ceiling from $10 to $11 million in fiscal year 1971, $12 million in fiscal year 1972, and $13 million in fiscal year 1973 for new health library construction and for projects to renovate and expand existing health library space.

The conferees agreed to include the provision of the House bill eliminating language in section 393(d)—redesignated as (c) by this bill—providing priority to applications for construction of facilities for which the need is greatest. This provision can operate to deprive projects which have matching funds available of their share of Federal matching funds because other projects have greater priority, although the other projects may not be in a position to be initiated. It is the intent of the conferees, however, that where projects have available funding to match Federal grants, priority shall be given to those projects for which the need is greatest, notwithstanding the deletion of this language.

For the program to train health librarians and other information specialists for administrative, service, and research positions, the bill would increase the authorization for the support of training grants and fellowships from $1 million to $1.5 million in fiscal year 1971, $1.75 million in fiscal year 1972, and $2 million in fiscal year 1973.

The conferees agreed to increase the authorization for funding for the library resource grants program from $3 million to $3.5 million for fiscal year 1971, $4 million for fiscal year 1972, and $4.5 million for fiscal year 1973. These funds will be used to improve the basic resources of health libraries.

For the program of grant assistance for the development of regional medical libraries, the conferees agreed to increase the authorization for funding from $2.5 million in fiscal year 1970 to $3 million in fiscal year 1971, $3.25 million in fiscal year 1972, and $3.5 million in fiscal year 1973.

Section 399 of the Public Health Service Act which authorizes financial support for biomedical scientific publications is amended to broaden the eligibility for assistance under that section. Currently, assistance may be provided only to institutions of higher education and scientists. The conferees agreed that assistance may be provided to scientists and any nonprofit private institution.

The conferees also agreed to permit the Secretary to make exceptions to the 3-year limit on assistance for any single publication if he determines extension of support would advance the purposes of the program.

The Medical Library Assistance Amendments will not resolve all the needs and problems in health communications. They will, however, provide assistance where needed and stimulate the formulation and adaptation of new ideas and concepts for making health information available.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

AMENDMENT OF PUBLIC HEALTH SERVICE ACT TO EXTEND THE PROGRAM TO CERTAIN MIGRANT AGRICULTURAL WORKERS—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 amendments of the Senate to the bill (H.R. 14733) to amend the Public Health Service Act to extend the program of assistance for health services for domestic migrant agricultural workers, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The assistant legislative clerk read the report, as follows:

CONFERENCE REPORT (H. REPT. No. 91–853)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14733) to amend the Public Health Service Act to extend the program of assistance for health services for domestic migrant agricultural workers and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

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

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

That section 310 of the Public Health Service Act (42 U.S.C. 242h) is amended—

(1) by striking out "and" after "next fiscal year,", and by inserting after "June 30, 1970," the following: "$20,000,000 for the fiscal year ending June 30, 1971, $25,000,000 for the fiscal year ending June 30, 1972, and $30,000,000 for the fiscal year ending June 30, 1973,".

(2) by adding at the end thereof the following new sentence: "The Secretary may also use funds appropriated under this section to provide health services to persons (and their families) who perform seasonal agricultural services similar to the services performed by domestic agricultural migratory workers if the Secretary finds that the provision of health services under this sentence will contribute to the improvement of the health conditions of such migratory workers and their families."

(3) by adding immediately after the sentence added by paragraph (2) the following new sentence: "For the purposes of assessing and meeting domestic migratory agricultural workers' health needs, developing necessary resources, and involving local citizens in the development and implementation of health care programs authorized by this section, the Secretary must be satisfied, upon the basis of evidence supplied by each applicant, that persons broadly representative of all elements of the population to be served and others in the community knowledgeable about such needs have been given an opportunity to participate in the development of such programs, and will be given an opportunity to participate in the implementaion of such programs."

(4) by striking out "to improve health services for and the health conditions of" in clause (1)(ii) and inserting in lieu thereof "to improve and provide a continuity in health services for and to improve the health conditions of".

(5) by inserting "(including allied health

professions personnel)" after "training persons" each place it appears in clause (1).

(6) (A) by striking out "Surgeon General" and inserting in lieu thereof "Secretary", and (B) by inserting at the beginning of such section the following heading: "Health Services for Domestic Agricultural Migrants".

And the Senate agree to the same.

That the Senate recede from its amendment to the title.

RALPH W. YARBOROUGH,
HARRISON WILLIAMS,
EDWARD KENNEDY,
GAYLORD NELSON,
THOMAS F. EAGLETON,
ALAN CRANSTON,
HAROLD E. HUGHES,
PETER H. DOMINICK,
JACOB K. JAVITS,
GEORGE L. MURPHY,
WINSTON PROUTY,
WM. B. SAXBE,
Managers on the Part of the Senate.

HARLEY O. STAGGERS,
JOHN JARMAN,
PAUL G. ROGERS,
DAVID SATTERFIELD,
WILLIAM L. SPRINGER,
ANCHER NELSEN,
TIM LEE CARTER,
Managers on the Part of the House.

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

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

Mr. YARBOROUGH. Mr. President, the conferees have agreed to an extension of the Migrant Health Act, H.R. 14733. For the Nation as a whole, 900 counties furnish seasonal homes, or work areas—or both—for an estimated 1,000,000 migrant farmworkers and their dependents. About one-fifth of the Nation's total migrants live seasonally in 117 counties of Texas, and go out from Texas, their homeland, to work the fields in other States.

For a variety of reasons, migrant farmworkers and their families are the group most likely to be bypassed by national health gains. They are poor, live in inadequate housing, are often geographically isolated, belong to various minority groups—chiefly Mexican-American and Negro—and frequently lack knowledge of good health practices and of community health resources.

The "channels" to gain access to health care frighten and confuse them, for they fear the sterile atmosphere of the typical clinic or hospital. Moreover, their constant movement hinders continuity of the scanty services they do receive. Many of their temporary communities look upon them as transients for whom the community feels no responsibility. These communities often lack enough physicians, dentists, and nurses to meet the needs of local residents, let alone the needs of people "just passing through."

The result is a heavy burden of illness and disability. Tuberculosis is 17 times more frequent and infestation with worms 35 times more frequent among migrants than among ordinary patients. Mortality from tuberculosis and other infectious diseases is 2½ times the national average. Mortality from accidents is nearly 3 times the national average. Infant mortality is at the national rate of 20 years ago. As late as 1966, in two Texas border counties—Cameron and Hidalgo—which are home for many thousands of Mexican-American migrants—29 percent of the births occurred outside of hospitals, compared with 2 percent for the Nation as a whole.

At the fiscal 1969 appropriation level of $8 million, the amount available nationally per migrant is $8. Even when contributions from other than migrant health sources are added, the total average health expenditure per migrant is little more than $12. This can be compared with the national average per capita health expenditure of over $250.

Because of these great needs, the conferees have agreed to legislation which would extend the Migrant Health Act for 3 years and increase the appropriation authorization from $15 million in 1970 to $30 million in 1973.

The House bill provided that the Secretary may use funds under the Migrant Health Act to provide health services to nonmigrants the same as to migrants if the Secretary of Health, Education, and Welfare determines that the expenditure would improve the health of migrants. The managers on the part of the Senate have agreed to this amendment recognizing that, in some circumstances, it is difficult to achieve the purpose of the act without improving health conditions for all persons when living and working together. Sanitation programs, water supply improvement, and rat control efforts are examples of this fact. We agreed that in using funds appropriated to carry out the purposes of this provision, the Secretary shall be reasonably assured that this will not result in a reduction of effort or unduly discourage an expansion of the effort by any State, county, or municipal body to provide health care services to migrants. We wish to emphasize that in providing services under the Migrant Health Act, under all circumstances, all other resources should be exhausted and responsibilities assumed for nonmigrants should be transferred to appropriate local bodies whenever possible.

The Senate amendment provided that the Secretary must be satisfied that persons representative of the population served and others in the community knowledgeable of migrant health needs have been given an opportunity to participate in the development and implementation of each program. The House bill contained no provision on this subject. The managers on the part of the House have agreed to this amendment.

Two years ago, when this act was last extended, the conferees agreed that it "should also be considered as a permanent and separately identifiable program." Because residency requirements still exclude migrants from many State health programs and because there continues to be a lack of willingness or financial ability to include migrants in State and local programs for the general population, we wish to restate this position and express concern that the 1968 Public Health Service reorganization may have seriously compromised the separately identifiable status of the program, contrary to the intent expressed in last extending the act.

The extension, the increases in funds, and the improvements in the act agreed to by both Houses are absolutely necessary if we are ever to meet such great needs.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

THE CARSWELL AFFAIR

Mr. BROOKE. Mr. President, the Senate will soon be called to act upon the nomination of Judge G. Harrold Carswell to be Associate Justice of the Supreme Court. The Senate bears no less responsibility than the President in the process of selecting members of the Supreme Court; for both the Senate and the President are charged by the Constitution to insure the integrity and high quality of the third branch of Government. Thus, the question of confirmation in such cases is of unique importance. I have withheld comment on the nomination until the completion of my study of the hearing record and other relevant materials, including a number of Judge Carswell's written opinions as a district judge. I have given the pending nomination as careful and deliberate an evaluation as I could.

I will vote against confirmation of Judge Carswell.

Mr. President, I had earnestly hoped for a nominee who would unite this body and this Nation in approval of his qualifications. I would have been pleased to conclude that the criticism of this nomination was unfounded and that Judge Carswell's performance as a lawyer and jurist should be rewarded by appointment to the highest court. In some areas of the law I believe that Judge Carswell shows competence, though not the clear distinction which the country rightly demands in a Justice of the Supreme Court. But competent service on a lower court may well be a prelude to growth on the highest tribunal. If that standard alone governed, Judge Carswell might easily be entitled to the benefit of the doubt.

Particularly in this instance, however, that is not the only relevant test. It could not be sufficient for a man who began his public career with a profound and far-reaching commitment to an anticonstitutional doctrine, a denial of the very pillar of our legal system, that all citizens are equal before the law. G. Harrold Carswell's 1948 pledge of external allegiance to white supremacy, even when read in the context of a heated political campaign, is irreconcilable with the American system of justice. It is important to recognize that his professions in that year are not only alien to the law as it stands today; they were clearly hostile to the constitutional standard which had prevailed at least since Plessy against Ferguson before the turn of the century.

I doubt seriously that, had the nominee's expressed views of 1948 been known to the President, Judge Carswell's name would have been sent to the Senate. Had they emerged prior to the nomination, a more careful analysis of the prospective nominee's overall record would have been required, and analyzed in that context; it would probably have been found lacking. While such remarks by a young, but mature political candidate may not by themselves be disqualifying, they do pose in stark relief a central question: What

subsequent evidence indicates that the individual has abandoned a doctrine clearly offensive to the law and the ideals of this Nation.

I confess that I was eager to discover such evidence. I searched the record for convincing proof that Judge Carswell's later actions revealed a true dedication to the principles of equal rights under law. I searched in vain.

It is, of course, true that the judge has publicly repudiated the 1948 statement and has denied that he is not a racist. His declaration deserves to be considered fairly, but it cannot be allowed to weigh more heavily than his deeds. In examining his private and public record, I find it barren of the kind of affirmative statements and efforts which would suggest that Judge Carswell had in fact rejected his earlier views. On the other hand, that same record includes a number of actions which either confirm or invite suspicion that his anticonstitutional inclinations continued to hold sway. Given such an extreme initial pronouncement, substantial and positive evidence would be required to demonstrate that the individual had adopted a position compatible with the Constitution. If such evidence exists, the nominee has not offered it.

Five years after the now-famous speech, Mr. Carswell became a principal subscriber and charter member of the Seminole Boosters, Inc. It appears that notarized documents bearing his signature, dated April 14, 1953, and carrying the letterhead of his law firm, explicitly excluded nonwhites from membership. Even though the university supported by this club has subsequently integrated, there has reportedly been no amendment of the original "whites only" provision of the booster club's charter.

Three years later, in 1956, after the Supreme Court had begun desegregation of municipal golf courses, U.S. Attorney Carswell joined others in arranging to convert the Tallahassee public golf course into a private country club. The judge denies any intent or knowledge that this was a device to exclude black citizens from use of the facilities.

I consider Judge Carswell's testimony on this episode disingenuous. I cannot believe that he was unaware that the scheme had a discriminatory purpose transparently at odds with then-current ruling of the Supreme Court. Indeed, affidavits from black and white citizens of Tallahassee attest to the fact that the private country club arrangements were commonly known to be a ruse to evade compliance with the Court's standards. Least of all is it likely that a U.S. attorney, familiar with developing Federal law in this field, could have been oblivious to the implications of this maneuver. Most serious is the indication that Mr. Carswell, who had sworn to uphold the Constitution and the laws of the land, would have lent his support to such an effort. What might be discounted, though not condoned, on the part of some private citizens, is a grave breach of responsibility on the part of a Federal official responsible for enforcing the guarantees of equal protection of the law to all citizens. It does nothing to remove the lingering suspicion that he continued to adhere to his 1948 views.

Judge Carswell's later service on the Federal district court, and more recently on the appellate court, presents a complicated picture. The law is ever complex, and a judge's decisions must necessarily include some contradictions and ambiguities. Nevertheless, the judge's decisions afford no sufficient reassurance that he has come to recognize his responsibilities to protect the equal rights of all those appearing before him. This disturbing observation is reinforced by the judge's failure to rebut or even to address in detail reports by a number of attorneys that he was on occasion personally hostile to them and to their efforts to seek relief on civil rights complaints.

It is not possible to discuss all the relevant cases in depth, but several highlights stand out in the record. In the field of school desegregation, Judge Carswell appears to have consistently moved at the slowest possible pace, repeatedly stretching out judicial action and effectively delaying relief for those seeking reasonable compliance with the historic requirements of the 1954 Brown decision.

Is it really suggestive of a commitment to equal opportunity that Judge Carswell consistently approved desegregation plans that would have postponed compliance until the mid-seventies, two decades after the Court decreed that school boards should act with all deliberate speed?

Is it really suggestive of such commitment that, as late as 1966, Judge Carswell denied the right of Negro children to sue for desegregation of the State reform school, holding that the children were no longer inmates and hence had no standing? The Supreme Court had already held repeatedly that a plaintiff could sue as a former or potential user of a facility.

Is it really suggestive of such commitment that Judge Carswell dismissed a 1968 civil rights case merely on the basis of a defendant's affidavit, when higher courts had already made clear that such affidavits had no probative value?

Is it really suggestive of such commitment that Judge Carswell so frequently chooses to dismiss habeas corpus actions without even granting hearings to the petitioners?

Or do these and other cases in which Judge Carswell was so often reversed by higher courts suggest a pattern of dilatory, minimal action which tended to frustrate rather than promote the cause of justice?

Especially in light of Judge Carswell's previous history, I cannot dismiss this pattern as simply the product of a strict constructionist. I share the willingness of other Senators to confirm a strict constructionist, from the South or any other region of the country. But I have concluded that Judge Carswell's self-proclaimed conservatism cannot excuse the behavior and decisions which tend more to confirm than to contradict the thrust of his initial views on racial supremacy.

A true conservative, a true strict constructionist would fully respect and uphold the individual rights which are this Nation's greatest legacy.

Judge Carswell has many fine attributes: He has served his country in war and peace, he has acquired a good education, he has raised a family of which he can be proud, he has avoided dubious financial arrangements or apparent conflicts of interest. But in his public acts and pronouncements, the manner in which he apparently conducted his court, treated litigants, and regarded counsel, he has shown that he lacks an essential sensitivity to the preeminent issue of our time.

I cannot in good conscience support confirmation of a man who has created such fundamental doubts about his dedication to human rights.

President Nixon, in his inaugural address, proclaimed his commitment to bring us together. I share that commitment, for I profoundly believe in the goal of an integrated society in which all men can live in dignity and mutual respect. All my efforts—in Massachusetts, in the Senate, as a member of the Kerner Commission and in other capacities—have been directed toward that goal. I do not believe this nomination serves that vital goal.

We have problems in our country and in our world which must be overcome—problems of economic underdevelopment, of environmental pollution, of the antagonism of one nation or one ideology against another. We cannot succeed—indeed, we cannot even survive—if we do not learn, and learn soon, to overcome the superficial barriers of race, ethnicity, or religion which presently pose the most difficult and the most irrational hedges to human achievement.

It is in the nature of extended legislative review that the Senate has an opportunity to review Judge Carswell's nomination more thoroughly than did the President. If it concludes, as I have, that the President's laudable quest for greater harmony in our society will be undermined by this appointment, I trust that the Senate will deny confirmation of this regrettable nomination.

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

Mr. BROOKE. I yield to the Senator from New York.

Mr. GOODELL. Mr. President, I commend the Senator from Massachusetts for his very eloquent statement. I know full well that the Senator from Massachusetts did not prejudge this nomination on any superficial grounds. I know full well the intense examination of conscience which the Senator from Massachusetts has undergone since this nomination was sent to the Senate. I think this eloquent statement is a significant development in the consideration of this nomination by the Senate, and I commend the Senator for it.

I know that the Senator, as a former attorney general and a distinguished lawyer, took an objective view of this nomination and found in conscience that he could do nothing but oppose it.

Mr. BROOKE. I thank the distinguished Senator from New York. I am very grateful to him for his understand-

ing of the deliberation and the consideration that I had to give to this nomination.

I assure the Senator from New York that, as he has said, I considered the nomination with the benefit of my legal training and with the strong convictions that I hold concerning this Nation and the problem of race relations in this Nation.

I think it is regrettable that there has been sent to the Senate for confirmation to the highest court in the land the nomination of a man who, by his own public pronouncements, demonstrated that he harbored racist views. I think it is even more regrettable that at no time during his relatively long public career has he showed any indication of having changed. I looked, as I have said, to find this change in his mind and in his heart, but I found no evidence of change which would enable me in good conscience to vote for confirmation of his nomination.

I know that this particular nomination is one which all our colleagues will have to consider with great thought. It comes behind another nomination which the Senate felt it had to reject. I know that each one of the 100 Senators had hoped that the President would submit a name for confirmation that, frankly, all of us could in good conscience support.

The statement of the junior Senator from New York, given much earlier after his careful review, and the additional statements which have been made by some of our other colleagues, certainly now indicate that there will be far from a unanimous vote on this nominee.

I expect that the debate will be somewhat lengthy. I am sure that it will be one in which both sides will be given equal opportunity to discuss the cases, the deeds, as well as the words of Judge Carswell. I hope that that will be true. I believe that no man in the Senate, regardless of where he comes from, objects to voting for a southerner, or a westerner, or a northerner, or an easterner, or for strict constructionist. I am certain that those of us who are lawyers have great respect for a strict constructionist. But, again, let me say that it is an unfortunate circumstance that the President has seen fit, in his attempt to find a southerner and a strict constructionist, to nominate G. Harrold Carswell, whose statement, in my opinion, went far beyond the bounds of political rhetoric.

We are all politicians in this body. We make speeches and sometimes we say things that, perhaps, in quieter or saner moments we might not have said. But I read that 1948 statement closely, as did the Senator from New York, I tried to put myself in the position of this man as best I could, under the circumstances prevailing at that time, to see if these were just political words or whether they went deeper.

I found that they were deeply felt words.

Then I examined the age of the nominee at the time the statement was made. He was 28 years old. I know we are considered to be men at 28 years of age.

At that age, I had spent 5 years in war. In many respects, Judge Carswell and I were passing through a similar period, since we were both coming out of military service and had both gone to law school at the same time.

I think that I was pretty much a man at 28 years of age. Today the question of lowering the voting age to 18 is being considered in this country, so that the young people can anticipate decisions, and vote in Federal, State, and municipal elections at the age of 18. We now believe that young people are mature and responsible. Certainly they are intelligent and aware of their surroundings. And I do not believe the times were so different 20 years ago. Thus, I do not believe a man is or was immature at 28. There may be some exceptions, but Harrold Carswell was a man who had been trained in the law.

Then I said, "Well, a man can change." Men do change.

Great social changes have taken place in this country. The spirit of the time of Pope John XXIII and the Ecumenical Council changed the minds of many people in this country as well as in the world. I said, "Let us look for that change." As I am sure the Senator from New York did, I searched the record looking for that change. But I must confess, regrettably, that I did not find any. In fact, I found considerable evidence to the contrary. I found that in periods along the way in Judge Carswell's public career, he had made statements and had acted and conducted his court in a manner which indicated to me that there was no change, that he still harbored racist views.

Then I thought about our country. Where is our country going today? Many things that have been happening in this country recently, including the statements of some of our highest political leaders made me think, Are we really moving, as the Kerner Commission report suggested, toward two societies, one black and one white?

Do we really want war between the races of this Nation?

Did President Nixon really mean it when he said he would bring us together?

I had taken great hope from the President, who is a member of my political party, because if there is anything more important in this Nation than bringing people together, I do not know what it is.

Mr. BAYH. Mr. President, will the Senator from Massachusetts yield to me?

Mr. BROOKE. I am happy to yield to the distinguished junior Senator from Indiana.

Mr. BAYH. Mr. President, I sat on the other side of the aisle listening with a great deal of interest to the statement of the Senator from Massachusetts, which has been so well described by the distinguished Senator from New York (Mr. GOODELL).

As a result of being chairman of the committee engaged in relation to the last nomination for the Supreme Court, and being in a similar situation now relative to having to decide in my own mind whether I would vote to report out this nominee, I admit to some deep, soul searching myself.

Perhaps, at the bottom of my conscience, I am not proud of it, but perhaps there was a scintilla of hope that there would be some way for me to ignore some of the facts that have been laid out on the record, so that while I opposed one man, I could favor the other.

In the final analysis—and I have not made any statement on the floor—the thing that concerns me about this whole matter is the point just made by the distinguished Senator from Massachusetts; namely, the drifting apart of our people, rather than tending to solidify as one Nation indivisible.

I hope I do not have the reputation of being an alarmist. I do not consider myself to be one. But, I have not had the practical experience that many other Senators have in analyzing the relationships among groups, income levels, and so forth, in the various sections of the country. But I am becoming alarmed at some of the emotions rampant in the country today, directed in such a manner that it almost plays upon the worst in us rather than inspiring us to get up on our toes and do our best.

To the large numbers of people I have been talking to and have been appealing to—as other Members of this body have been appealing to—I have urged them to stay in the system, that it has its faults, but it is better than any other system of government there is in the world; to have faith; to stay out of the streets; to build instead of burn; and to avoid the cliches we tend to throw around.

The thing that concerns me is, how are the people going to look at the system if they know that a man who unfortunately has this background, is sitting at the very top of it?

This matter is of deep concern to me. I appreciate that it is probably much easier for me to express this from the other side of the aisle than it is for the distinguished Senator from Massachusetts. I, therefore, wish to salute him for the extra effort he is making, which is so characteristic of him.

Mr. BROOKE. I appreciate very much the statement of the distinguished junior Senator from Indiana. I certainly would like to support my President, as I am sure he is well aware and has so intimated. I voted for President Nixon. I campaigned for him. I certainly would like to support his nominee for the Supreme Court of the United States.

But I have been very much concerned and deeply burdened in recent months by many things. This nomination is one of them.

The Senator from Indiana mentioned the divisions in the country. They are not all racial divisions. The conflict of the young versus the old seems to be getting deeper and deeper.

Sectionalism is beginning to reappear again.

Religious bias seems to be coming back a little bit more, although we enjoyed a beautiful period, as I said, at the time of Pope John XXIII, and the Ecumenical Council.

Thus, it seems to me the most inappropriate time in our history for a man to be presented to the Senate for confirmation of his nomination for the Supreme Court who has at one time in his life admittedly spoken out publicly for white supremacy.

I have fought separatists, black separatists, at every step along the way. I am in great disfavor with those in the black community who favor separatism and militance and violence. I do not believe there is any master race, black or white. We went to war once about a master race. Thank God we won that one.

Here we are called upon to confirm a man to sit on the highest court in this land, who will be sitting in judgment and giving supposedly equal justice to all, who has the record that G. Harrold Carswell does.

I do not know the man. I have never met him. I have no personal animosity toward him. But I do not think this Nation can afford G. Harrold Carswell on the Supreme Court of the United States. My colleagues may think differently. I do not know. But I think it would be a great mistake.

I certainly understand that sometimes a man changes in a job. I think the President, in a press conference in response to a question from one of the reporters, likened this nomination to Ralph McGill of Georgia. In my opinion, that is not a valid comparison. McGill changed under very different conditions, if we recall the facts. He did change. He harbored these views I am sure at one time in his life. But he outgrew them. Social change took place in the country, and he became more knowledgeable. He used to have the kind of prejudice and bias that comes from ignorance. But as he grew older he changed, and he gave clear evidence of that change.

G. Harrold Carswell was not an ignorant man in 1948. He was not an ignorant man when he sat on the district court. He certainly was not an ignorant man when he sat on the court of appeals. Nor was he an ignorant man when he served as U.S. district attorney and took an oath to uphold and defend and enforce the Federal laws in this land.

That fact—his behavior while he was U.S. attorney in Florida—gave me the greatest difficulty. I understand the situation. I am not naive. I remember that period during the 1950's after the Supreme Court decision came down that there would be integration of public facilities such as golf courses, and so forth.

Not only in the South, but also across the Nation, there cropped up these private clubs which were created for the sole purpose of circumventing the law of the land. And I understand that some politicians joined in this endeavor, and some private citizens did. Though I cannot condone it, I understand it.

But here is a Federal law-enforcement officer sworn to enforce the law of the land who joins in a devious move to circumvent the law that he is sworn to enforce. If he had been a mayor or some other officeholder, perhaps it would have been somewhat different. But he was a Federal officer.

If he goes now to the Supreme Court of the United States and he writes a decision which, in effect, becomes the law of the land, would he then expect and would he then understand U.S. attorneys, Federal law-enforcement officers, circumventing that law?

This matter is very difficult for me to understand, perhaps as difficult as any of the decisions I had to read concerning his handling of litigation or his alleged hostility toward counsel or various litigants who appeared before him.

Then, I take very seriously a writ of habeas corpus. His handling of the habeas corpus cases, in my opinion, was reprehensible.

And so, my colleagues, it is because of all of this that I have formed my opinion. And let me point out very clearly that in judging Judge Carswell, I tried as best a human being can to divorce the matter from the other things that were happening in the country at the time.

I did not judge Judge Carswell on the basis of the statement made by my Vice President in Chicago. I did not judge him on the basis of the Voting Rights Act or any of these other things which I have mentioned this evening.

I judged him solely on the record which the Senator from Indiana, the Senator from Maryland, and the other very distinguished members of the Judiciary Committee brought out in the hearings.

I must presume that Judge Carswell made his strongest case before the Judiciary Committee. I did not read all 4,000 cases. But I cannot conceive that his best opinions were not presented to the committee for its consideration. I have to presume that. I think it is a fair presumption.

The best cases were certainly considered by the committee, together with the worst cases, and perhaps the not so good, or not so bad cases. That consideration also enabled me to arrive at my findings. I thank the distinguished members of the Judiciary Committee that carried on the investigation. And I understand the sacrifice which the Senator from Indiana personally makes.

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

Mr. BROOKE. I yield.

Mr. MATHIAS. Mr. President, I would observe that some men are gifted with eloquence. Some men are able to speak dispassionately. It is a very rare thing that a man can be both eloquent and dispassionate at the same time. I think it is a tribute to the distinguished Senator from Massachusetts as a Member of the Senate, as a distinguished lawyer, and as a former attorney general, that he has been able to deal with the matter as clearly and dispassionately and eloquently as he has today.

Whatever decision I make myself with respect to this nomination, I feel that a discussion carried on at the level that the distinguished Senator from Massachusetts has employed today would certainly justify me in my feeling that this was a case that should be brought before the Senate.

There could be judgment on the basis of the broad discussion the Senator has engaged in this afternoon. Definitely, all of the implications and all of the elements of our time are inextricably intertwined and involved.

I want to personally thank the Senator from Massachusetts for the light he has shed on the matter here today.

Mr. BROOKE. Mr. President, I thank the distinguished Senator, and particularly for referring to my remarks as dispassionate. I assure the Senator I am not an angry man. I have tried my best to be an objective man since I have been a Member of this very distinguished body, and since I have been in public life.

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

Mr. BROOKE. I yield.

Mr. PERCY. Mr. President, I address my comments to my fellow Senator who came to the Senate at the same time I did. He has contributed immensely to the Senate and to this particular Senator in the past 3 years. I am proud he is a Member of the Senate and I am proud he is my friend. I know I look forward through the years to the great contribution he is going to make in improving the quality of life in America for all Americans.

I mentioned in this Chamber this morning, in connection with another debate, the deep concern that the Committee on Violence and Civil Disorders, under the chairmanship of Dr. Milton Eisenhower, had for the internal threat, the threat inside the country, which it seemed to conclude is greater than the external threat.

I think we are all deeply concerned about equality and justice in American life, and want to be certain that the promise of American life and the promise as contained in the founding documents that enabled us to become a Nation and a people, are fulfilled and fulfilled in our time.

Certainly when we consider the Supreme Court we are considering a third branch of Government, coequal with the other two branches. One member of that Court has a vote equivalent to 60 Senators and Representatives when we take into account the divisibility of nine into 535. So this is an exceedingly important matter.

I have not come to a conclusion myself, but certainly, as long as I have been in the Senate, I have not heard a more eloquent or more dispassionate or heartfelt argument; and I detect a sense of sadness which I have shared that we have not been able to face up to our problems in the past as we should. I know it is the deep hope of the distinguished Senator from Massachusetts, who is a member of the bar and who has contributed greatly to the legal profession, that we can achieve a degree of excellence in every branch of Government that would be beyond question. This, of course, is the hope of all of us. We have all benefited from the comments of the distinguished Senator from Massachusetts and I am grateful that I was in the Chamber at the time he delivered his address.

Mr. BROOKE. Mr. President, I am very grateful to my cherished colleague from Illinois and my classmate. I certainly appreciate his very kind and generous words. I know he will give the utmost consideration to this nomination, as he gives to everything he does in the Senate.

I am certainly glad that he strengthened the statement relative to the Senate's responsibility to advise and consent, particularly as it applies to the Supreme Court.

As has been said before, and as has been said by the Senator himself, a nomination for the Supreme Court is not like the confirmation of an Ambassador or an agency head or a Cabinet member because they pretty much serve at the pleasure of, and are an extending arm of, the Executive in our three-party system. But when one gets to the Supreme Court, or the Federal courts for that matter, we are talking about a third coequal branch of Government. So it is not just a matter of supporting or confirming the nominee of the President of your own party. I think it certainly shows no loyalty or disrespect to the President to reject the nominee if in your mind and heart you think he should not serve in that particular position at all.

I think it is a matter of a man's own conscience. I have exercised mine; I trust Senators will exercise theirs.

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

Mr. BROOKE. I yield.

Mr. KENNEDY. Mr. President, I, too, wish to join Senators in commending my good friend and colleague from Massachusetts for his statement and comment before the Senate this afternoon.

I think all of us are very much aware that we will reach in the next few weeks an extensive and important discussion and debate on this nomination.

I think the Senator has provided for the membership a very clear, precise, and studious presentation of his views, and a presentation which will be given great weight by Members on both sides of the aisle.

I think the Senator is to be commended, because as pointed out by my colleagues, this is a difficult decision for the Senator both as a member of a party that is in power and as one who recognizes full well the very heavy presumption that goes with any nomination a President makes.

I think you have shown great courage in giving this nomination the kind of thoughtful consideration you have in reaching this decision. I think all of us realize the very significant impact your voice had in the rather crucial times during the discussion of the nomination of Judge Haynsworth. I think your statement here is of significance and importance. I wish to congratulate the Senator for the statement and for the timeliness of the statement. I wish to urge Senators on this side of the aisle to take the time to give it the kind of very careful consideration the statement deserves.

I commend my colleague.

Mr. BROOKE. I thank my distinguished senior Senator from Massachusetts. I also wish to thank him for the fairness of his interrogation during the hearings before the Committee on the Judiciary, of which he is a member. Certainly his incisive questions and the answers thereto were most helpful to me in my consideration of this nominee's qualifications for the Supreme Court.

I wish to add that I am happy to see that the Senator has recovered from his illness and is back in the Senate Chamber again.

I yield the floor.

MAJORITY PARTY'S ASSIGNMENTS TO SELECT COMMITTEE ON EQUAL EDUCATIONAL OPPORTUNITY

Mr. KENNEDY. Mr. President, on behalf of the majority leader, I send to the desk a resolution, and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated.

The bill clerk read the resolution (S. Res. 361), as follows:

S. RES. 361

Resolved, That the following shall constitute the majority party's membership on the Select Committee on Equal Educational Opportunity, pursuant to S. Res. 359 of the 91st Congress: Walter F. Mondale (chairman), John McClellan, Warren G. Magnuson, Jennings Randolph, Thomas Dodd, Daniel Inouye, Birch Bayh, William Spong, Jr., Harold Hughes.

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. KENNEDY. Mr. President, one of the most important decisions which the Senate reached during the consideration of the elementary and secondary education amendments last week was to establish a select committee of the Senate, whose purpose, in the wording of the resolution itself, is to study the effectiveness of existing laws and policies in assuring equality of education opportunity, including policies of the United States, with regard to segregation on the ground of race, color, or national origin, whatever the form of such segregation and whatever the origin or cause of such segregation, and to examine the extent to which policies are applied uniformly in all regions of the United States.

I am happy to report to the Senate that the Democratic steering committee met today and selected nine outstanding members of the majority to serve on the select committee, including, as chairman, the Senator from Minnesota (Mr. MONDALE), and as members, the Senator from West Virginia (Mr. RANDOLPH), the Senator from Virginia (Mr. SPONG), the Senator from Washington (Mr. MAGNUSON), the Senator from Hawaii (Mr. INOUYE), the Senator from Indiana (Mr. BAYH), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Connecticut (Mr. DODD), and the Senator from Iowa (Mr. HUGHES).

In my opinion, Mr. President, this is an excellent choice of Senators who will, I am confident, be sensitive to the heavy responsibilities placed upon them by membership upon the select committee.

Mr. BYRD of West Virginia. Mr. President, as an ex officio member of the steering committee, I wish to take occasion at this time to say that the choice of the Democratic Members who will serve on this select committee is a very excellent one throughout. Geographically, they have been selected with due consideration being given to all parts of the Nation. They come from the West, the East, the North, the South, a border State, the Midwest.

I think also that, from the standpoint of seniority, those Democrats who will make up the select committee represent Members who have served long in this body while at the same time there are Members who are among the more junior Senators with respect to service in this body.

Finally, from the standpoint of philosophy, Mr. President, it seems to me that the selection which has been presented to the Senate represents a very careful choice of Democratic Senators who will reflect a feeling ranging from the conservative to the liberal and with no Member representing an extreme in either direction.

So, Mr. President, I compliment the Senator from Minnesota (Mr. MONDALE) on the idea of having a select committee created. I think that his selection as chairman is a good one. As the author of the resolution which created the select committee, he, of course, is deserving of the honor that has been accorded to him by the select committee.

I believe that this select committee can and will perform a great service to the Senate and to the Nation.

I have confidence in its Democratic members because I think they are all even minded, even tempered, reasonable, knowledgeable, capable, fair individuals. I think that first and most of all they will want to serve the cause of public education in the Nation.

I trust that out of their diligent efforts there will come a very clear, well-reasoned, well-balanced opinion which can guide this body in its future deliberations dealing with the thorny problems that concern public education. Quality education has suffered in recent years because it has too often been made secondary to the cause of forced integration. Integration will never work unless it be purely voluntary, and it should never become the primary purpose for the existence of a public school system. Unfortunately, integration has lately been accorded such inflated importance on the part of some of our government leaders—politicians, judges, and bureaucrats—that public education, as a consequence, has been impaired and the schoolchildren, black and white, have suffered. Moreover, as a result, a better understanding and good will between the races have not been promoted, but, quite to the contrary, racial frictions have increased.

I hope that the minority members of the select committee, when they are announced, will reflect the same good geographical and philosophical balance as has been reflected in the Democratic makeup of the committee. If this proves to be the case, I think we all can have proper cause to expect that the committee's work eventually will culminate in the kind of report that will insure a saner course than that which has been pursued in recent years and which, if continued, will destroy quality education and the public school system in many parts of this country.

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

The resolution was agreed to.

THE OIL IMPORT PROGRAM

Mr. KENNEDY. Mr. President, President Nixon's refusal, despite the recommendations of a Cabinet task force, to

modify the oil import program and thereby reduce the prices which Americans pay for gasoline and home heating oil is a great disappointment to all who are truly concerned with the fight against inflation.

The President's action—or inaction—has been criticized in a New York Times editorial and analyzed in a Wall Street Journal article. I think both these pieces should be read by my colleagues and the overburdened American consumers, and I ask unanimous consent to include them in the RECORD.

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

[From the New York Times, Feb. 24, 1970]

THE POLITICS OF OIL

President Nixon has bowed to the oil industry in shelving the recommendations of the majority of his Cabinet-level task force on oil import control.

The oil industry has hailed Mr. Nixon's decision as a triumph, which it certainly is for it. As the task force report shows, one-third of the $6 billion in profits the oil industry got from domestic operations in 1968 resulted from the protection afforded by oil import quotas.

The cost of oil quotas to American consumers is much greater and will go on growing. The task force report, which is a model of clear and competent economic analysis, concludes that the oil quota system is presently costing United States consumers $5 billion a year and will cost $8.4 billion a year in 1980.

Thus, an Administration that prides itself on being a great inflation fighter when it comes to trimming outlays for health, education and welfare does not mind letting consumers pay out more than $60 billion in extra oil bills over the coming decade.

The panel, headed by Secretary of Labor Shultz, would not have wiped out those extra costs overnight. On the contrary, the report recommended a gradual switch to a tariff system in order to avoid too disruptive an effect on the oil industry or any danger to national security which, it stressed, is the only legitimate justification for oil quotas.

Far from ignoring the danger of a prolonged Middle Eastern oil boycott as a result of the present turmoil there, the report proposes means of increasing the security of United States oil supplies over the coming decade by promoting closer ties between this country and Western Hemisphere oil exporters.

The five-man majority of the seven-member panel included not only Secretary Shultz but also the Secretaries of Defense, State and Treasury and the director of the Office of Emergency Planning. Their joint conclusion was that national security would be adequately protected by a control system based on tariffs.

As a first step the report favored a tariff of $1.45 per barrel to be imposed next Jan. 1. If further "objective and independent professional analysis" showed that reserves in North American frontier areas, especially the north slope of Alaska, would be sufficient to meet or exceed 1980 production estimates, the report recommended further liberalization of tariffs in January of 1972. If no tariff liberalization were undertaken then, the report urged the same tests be applied in succeeding Januarys, with full review no later than 1975.

However, this very cautious approach was not good enough to quiet the concerns of the United States oil industry that some significant share of its profits resulting from oil quotas would be lost eventually if the existing system were changed.

Secretary of the Interior Hickel and Secretary of Commerce Stans, together with an official observer, John N. Nassikas, chairman of the Federal Power Commission, filed a separate report disagreeing with virtually everything in the majority report. President Nixon in effect has adopted the views of the task force's two minority members and of his Federal Power Commissioner.

The President seems determined to file and forget the majority report. Those concerned about the public interest will be well advised not to let that happen for, aside from its policy recommendations, the report should become a classic in exposing the costs to the nation of a system of extreme protectionism in the guise of defending national security.

Commendable as it is that the report could be made at all, the summary rejection by the President of its basic recommendation that the oil quota system be ended tells much about the politics of oil and the real sources of influence in this Administration.

[From the Wall Street Journal, Feb. 24, 1970]

CONCERN OVER CONGRESSIONAL RACES SEEN DELAYING OIL QUOTA DECISION—PANEL URGED TARIFF SYSTEM

WASHINGTON.—A Cabinet task force's recommendation that the controversial oil-import quotas be replaced by a tariff system presents the Nixon Administration with a troublesome political problem:

How to assure that any oil-import reforms President Nixon eventually adopts don't hurt Republican candidates in November's Congressional elections.

To a number of observers in the Administration and on Capitol Hill, at least, that's one reason behind Mr. Nixon's decision to do nothing for the moment about the task force majority's chief recommendations. The President must cope with the fact that when it comes to oil, Republican politicians in the Northeast are pledged to lower consumer prices for gasoline and heating oil, while those from the West and Southwest are pulling the opposite way for crude producers.

As previously reported, the task force majority—the panel's chairman, Labor Secretary Shultz, together with Defense Secretary Laird, Secretary of State Rogers, Treasury Secretary Kennedy and George A. Lincoln, director of the Office of Emergency Preparedness—basically held that the amount of foreign oil used by U.S. refiners ought to be limited only by the importer's willingness to pay proposed tariffs. Interior Secretary Hickel and Commerce Secretary Stans issued a minority report defending quotas.

For crude oil from outside the Western Hemisphere, the proposed tariff initially would be set at $1.45 a barrel, up from the nominal 10 cents currently. The proposed level is calculated to lower the price of sweet Louisiana crude of 30-degree gravity, a standard domestic grade, about 30 cents a barrel from the present $3.30.

ECONOMIC DISLOCATIONS

This price drop would cause economic dislocations in the domestic oil industry, the report warns, forcing producers to abandon older, higher-cost wells and to expand flows for abundant fields. On the other hand, with crude priced at $3 a barrel, consumers could expect to save about $1.2 billion a year on purchases of oil products.

At the same time, the task force majority proposes that Canadian and Mexican oil be freed of any restriction and enter the country tariff-free. The tariff for other Western Hemisphere countries, notably Venezuela, would be negotiated at a preferential level somewhere below $1.45.

From all the task force recommendations, however, the President chose to adopt only the blandest one—that he create a new oil policy committee within the Administration. Mr. Nixon named OEP Director Lincoln as chairman of the new committee. Its initial membership will include the Secretaries of State, Defense, Interior and Commerce as well as Attorney General Mitchell and the chairman of the Council of Economic Advisers, Paul W. McCracken. White House officials said Mr. Shultz was left off the new group at his own request.

The President said the other task force recommendations will be discussed with oil-supplying nations and with North Atlantic Treaty Organization allies and Japan. In any case, Mr. Nixon made it clear that nothing will be done until Congressional committees complete their own oil-import review. Sen. Long (D., La.), an outspoken defender of the present quota system, immediately promised that his Senate Finance Committee would soon begin oil-policy hearings with task force members scheduled to testify.

MOVE IS WELCOME

Within the oil industry the President's move and the delays it implies were welcomed as an indication that the task force recommendations won't be going into effect soon and that eventually what does go into effect may be considerably softened. Said N. G. Dumbros, vice president, industry and public affairs for Marathon Oil Co.:

"The President's decision to take no immediate action to change the existing oil-import program demonstrates that the Administration recognizes the many ramifications of any drastic modification of the present system." And he added, "Excessive oil imports would have an adverse impact not only on the domestic oil industry but on the entire economy of this nation."

Thornton F. Bradshaw, president of Atlantic Richfield Co., hailed the decision as a sign that the Government is moving "toward reasonable solutions in this extremely important matter." Charles S. Mitchell, chairman of Cities Service Co., who had branded the task force's proposal as "regrettably short sighted," found the Nixon move for more studies "noteworthy."

Smaller oil companies, which have been even more apprehensive than the financially more secure giants about the possibility of scrapping the quota system, were even more delighted.

"I think additional study will prove that a tariff system in place of the import quotas would put oil reserves in the hands of people in the Middle East who could be hostile to us," observed James T. Bolan, executive vice president of Kewanee Oil Co., Bryn Mawr, Pa.

L. R. Forker, president of Quaker State Oil Refining Corp., Oil City, Pa., commented: "It sure is good news. My guess is she (the task force recommendation) is sure dead for a year."

CAPITOL HILL REACTION

The President's political difficulties were evident in the Capitol Hill reaction. Republican Sens. Tower of Texas and Hansen of Wyoming, both from oil-producing states, praised Mr. Nixon's go-slow decision. But Republicans from New England states, where oil import restrictions have become a leading political issue as a cause of high home heating-oil costs, were considerably less enthusiastic.

Sen. Brooke of Massachusetts, for one, criticized the failure to permit additional supplies of foreign crude into the Northeast as a way of augmenting stocks of No. 2 heating oil stocks. He said Mr. Nixon's statement was "disappointing" to consumers. Sen. Prouty of Vermont, who faces a November election fight, expressed similar sentiments.

The dean of the New England delegation, Sen. Aiken of Vermont, did find some hope for his region, though, in the President's comments on the new oil-policy committee. Mr. Nixon said he wants the committee "to consider both interim and long-term adjustments" in the oil-import program. Mr. Aiken said the mention of "interim" actions could well mean the existing program could be

liberalized soon to provide increases in Northeast heating-oil supplies and presumably lower consumer prices.

A White House official wouldn't predict when the President might move on imports. Although the Interior Department has issued import licenses under the quota system only through the first half of this year, the official said it would be a simple matter to license additional imports for subsequent months if an alternative to quotas wasn't ready in time. Replying to a question, the spokesman acknowledged that final action could be delayed until after election day.

However, Mr. Nixon's statement did hint at his support of the majority opinion that Canadian and Mexican supplies should be considered as safe, from a national security standpoint, as domestic ones.

"All members" of the panel agree "that a unique degree of security can be afforded by moving toward an integrated North American energy market," he noted. And, he said, the State Department will "continue to examine with Canada measures looking toward a freer exchange of petroleum, natural gas and other energy resources between the two countries."

The present 10-year-old quota system, developed by the Eisenhower Administration, exempts Canadian oil from formal restraints. Instead, it relies on voluntary import limits negotiated with the Canadian government. Heavy demand from Midwestern U.S. refineries in recent years, however, consistently has pushed imports higher than the agreed amount—a major irritation to the independent U.S. producers who are the chief beneficiaries of the quota protection.

For the first half of this year, imports of Canadian crude oil and refined products into states east of the Rockies officially are set at about 360,000 barrels daily. But the imports already are running at a daily rate of more than 500,000 barrels.

SIGNIFICANT LEVEL

The level of Canadian imports is significant because total imports east of the Rockies currently are limited to 12.2% of domestic production in the same region, a figure that works out to around 1.2 million barrels daily this year. Nearly 500,000 barrels daily also are brought in under the program to the West where imports are figured as the difference between demand and available domestic supplies. Another one million barrels daily of heavy residual oil imported for use as industrial fuel, in effect is exempt from Government limitations.

Thus, bigger amounts of Canadian oil mean less oil for importers from the Middle East and elsewhere. With oil import "tickets" valued at about $1.50 a barrel because foreign crude is cheaper to produce than domestic oil, independent producers have been concerned for some time that Canadian imports, unless checked, could wreck the quota arrangement.

Oil industry executives, who favor the present system in varying degrees, can take some comfort from the defense of quotas offered by the task force's two minority members, Interior Secretary Hickel and Commerce Secretary Stans.

Joined by Federal Power Commission chairman John N. Nassikas, a panel observer, they argued that tariffs "would lead to domestic and international problems of great significance," discourage domestic oil exploration and lead to price fixing. Major changes in the program should be postponed for "three or four years" until the extent of new Alaskan discoveries is better known, they said. Meantime, the existing program could be relaxed gradually to admit an additional 600,000 barrels daily by 1974, they suggested.

Nevertheless, the majority was equally vigorous in its condemnation of the present arrangement. It concluded that quotas and regulations governing them "bear no reasonable relation to current requirements of protection either of the national economy or of essential oil consumption."

Quota defenders frequently argue that without such protection from cheaper foreign production, U.S. producers wouldn't have been able to supply European oil needs arising from the 1967 closing of the Suez Canal. The task force majority, however, found it unfair that "U.S. consumers should bear the heavy costs of trying to guarantee our allies benefits which they could provide for themselves—through increased storage—with greater effectiveness and at lower cost."

RECOMMENDATIONS OF GOVERNMENT OF DISTRICT OF COLUMBIA ON PROPOSED INTERSTATE HIGHWAYS—STATEMENT BY SENATOR COOPER

Mr. PERCY. Mr. President, at the request of the distinguished Senator from Kentucky (Mr. COOPER), I ask unanimous consent that a statement by the Senator from Kentucky on recommendations of the government of the District of Columbia on proposed interstate highways be printed in the RECORD at this point.

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

STATEMENT BY SENATOR COOPER

Mr. COOPER. Mr. President, near the close of the day yesterday, I inserted in the RECORD the Secretary of Transportation's report to Congress respecting the Interstate System of highways in the District of Columbia and recommended alternative routes or plans, as required by Section 23(c) of the Federal-Aid Highway Act of 1968. I also reminded my colleagues of some of the major events leading to the presentation of this report, and the legislative history of Section 23. I indicated that I believed that the Secretary's recommendations were thoughtful and reflected a responsible assessment of the complex human and environmental problems associated with urban highway construction.

Section 23(c) required a study and report of the Secretary of Transportation and the Government of the District of Columbia on projects set forth in the 1968 Interstate System Cost Estimate, including recommended alternative routes and plans. Today I wish to submit for the Record the report and recommendations of the District of Columbia Government.

The Mayor's letter of transmittal indicates his concurrence in the recommendations of the City Council—recommendations made after exhaustive hearings before the Council on the proposals of the City Department of Highways. The Mayor says in his letter:

"The report of the City Council was adopted after extensive public hearings on the recommendations prepared by the Department of Highways and Traffic. The City Council rejected the Department's proposals relating to the North Central Freeway and in lieu thereof, has recommended a freeway generally paralleling New York Avenue and connecting with the Washington-Baltimore Parkway and the East Leg by means of tunneling under the National Arboretum. The Council's recommendation in this respect was made in light of its assessment of the disruptive effects of the North Central location in terms of environmental socioeconomic and housing considerations as well as the uncertainties of necessary connections in Maryland.

"After full and careful consideration of the Council's report and recommendations, I concur therein.

"In reaching this conclusion, I have been particularly mindful of the reasoning underlying the Highway Department's recommendation as reflected in its report and testimony before the Council. However, in my view, environmental, socioeconomic and housing considerations must be heavily weighed in determining freeway locations. I am persuaded that the New York Avenue routing, as unanimously recommended by the Council, will be attended with less disruption to the community and, on balance, is to be favored."

Mr. President, I ask that the full text of Mayor Washington's letter be included at the conclusion of my statement. The Mayor, like the Secretary of Transportation, reflects concern and sensitivity for the human dimension of this highway expansion program.

These concerns and sensitivities are not new to Mayor Washington and certainly not new to his approach to dealing with the controversy over highway construction in his city. The Mayor wrote to the chairman of the Public Works Committee of the Senate, Senator Jennings Randolph, in July of 1968 with respect to the Section which the House of Representatives had included in their version of the Federal-Aid Highway Act of 1968. At that time Mayor Washington expressed his opinion—a concern shared by those of us who opposed the section in conference and on the floor of the Senate, and by the President upon signing the measure—that the action of the House was contrary to the principles of self-government and local decision. He said, "The action of the House of Representatives would remove self-determination from our city government's authority. It is also regrettable that Congress would direct that a specific freeway system be built in *any* of the urban areas of our country."

Mr. President, I would ask that the full text of the Mayor's letter of July 6, 1968, be included in the RECORD at the conclusion of my remarks.

I would also request that the following documents be included: (1) the letter of transmittal from the City Council Chairman, Mr. Gilbert Hahn, to Mayor Washington of the City Council's Report and Recommendations; (2) the Report of the District of Columbia Council on the Interstate Highway System in the District of Columbia; and (3) a letter from the Chairman of the National Capital Planning Commission for inclusion in the record of the hearings held by the City Council in late January and early February which describes the Major Thoroughfare Plan recommended by the National Capital Planning Commission and approved by the City Council in December of 1968.

Mr. President, as I did yesterday, I would call to the attention of my colleagues on the Public Works Committee and the District of Columbia Committee in particular, but all my colleagues in the Senate, these documents because of the increasing attention which this issue of freeway construction in urban areas is receiving from the whole spectrum of society across the nation. There is growing awareness of the environmental and social consequences of highway transportation systems, and more interest and energy are now being directed to the quality of life throughout the nation. It is apparent that the elements involved in the controversy over highway construction in the District of Columbia are not unique, and therefore the manner in which the public works program proceeds in this city could establish precedent and has importance for the future development of other areas of the nation.

GOVERNMENT OF THE
DISTRICT OF COLUMBIA,
Washington, D.C.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: In conformance with the Federal-Aid Highway Act of 1968, I am

reporting to the Congress the recommendations of the District of Columbia Government as required by Section 23(c).

I am transmitting herewith the report of the District of Columbia Council together with the hearing record and the study and recommendations of the Department of Highways and Traffic.

The report of the City Council was adopted after extensive public hearings on the recommendations prepared by the Department of Highways and Traffic. The City Council rejected the Department's proposals relating to the North Central Freeway and in lieu thereof, has recommended a freeway generally paralleling New York Avenue and connecting with the Washington-Baltimore Parkway and the East Leg by means of tunneling under the National Arboretum. The Council's recommendation in this respect was made in light of its assessment of the disruptive effects of the North Central location in terms of environmental, socioeconomic and housing considerations as well as the uncertainties of necessary connections in Maryland.

After full and careful consideration of the Council's report and recommendations, I concur therein.

In reaching this conclusion, I have been particularly mindful of the reasoning underlying the Highway Department's recommendation as reflected in its report and testimony before the Council. However, in my view, environmental, socioeconomic and housing considerations must be heavily weighed in determining freeway locations. I am persuaded that the New York Avenue routing, as unanimously recommended by the Council, will be attended with less disruption to the community and, on balance, is to be favored.

In conclusion, we must all recognize the need for a comprehensive system thoughtfully conceived for the essential movement of people and goods. Freeways, rapid transit and major surface traffic arteries are the principal components of such a system. The freeway projects already built and those under present consideration and METRO are progressing. The local street system must be our next area of major concern in order that the seemingly inevitable growing traffic loads on surface streets not be permitted to effect adversely the adjoining neighborhoods and their essential values. In this effort, we shall seek the continued interest and support of the Congress and the DOT.

Sincerely yours,

WALTER E. WASHINGTON,
Commissioner.

GOVERNMENT OF THE DISTRICT OF COLUMBIA, EXECUTIVE OFFICE,
Washington, D.C., July 6, 1968.

Hon. JENNINGS RANDOLPH,
Chairman, Senate Public Works Committee, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: It was a great disappointment to the Mayor-Commissioner and the members of the City Council to learn that the House of Representatives, on July 3, passed H.R. 17134, including a section which requires the District of Columbia to build a freeway system in accordance with a predetermined master plan. It is our feeling that the transportation system within an urban community, especially the Nation's Capital, should be decided by the local government after an expression by the citizens of the community.

The Mayor-Commissioner and City Council submitted, as the official position of the District Government, a provision which would have permitted the City Council, with the approval of the Mayor-Commissioner, to determine the highway pattern within our city. The language in the submittal of April 18 to the Honorable George H. Fallon, Chairman of the House Committee on Public Works, in part, provided:

The Government of the District of Columbia believes that any legislation designed to overcome the effects of the court decision referred to above should include provisions to assure more meaningful citizen participation in the planning of Federal aid highways. Such citizen participation can best be assured if the final authority to determine the highway system to be built within the city rests with the District of Columbia Council as the body most responsive to the wishes and needs of the community. The deliberations and actions of the Council must, of course, adequately consider the views of the people who live in the city, as well as the professional expertise of the highway planners, and the recommendations of the National Capital Planning Commission. Accordingly, the Government of the District of Columbia believes that the final responsibility for the plan and general design of the city's highways should rest with the Council.

In order to be free to exercise such responsibility the District Government must recommend against the enactment of H.R. 1600. Rather, we believe, the Council should be able to adopt a plan for the location, character, and extent of the District's highway system as well as approve individual highway project plans concerning alignment and design. Since much work has already been completed concerning alternative designs for various highway projects, the Council should be able, if it chooses, to consider various individual project designs at the same time it adopts an overall plan. Such simultaneous consideration on portions of the system could, in fact, facilitate more meaningful citizen participation and provide an effective solution to the city's transportation problems.

The action of the House of Representatives would remove self-determination from our city government's authority. It is also regrettable that Congress would direct that a specific freeway system be built in *any* of the urban centers of our country.

We respectfully urge that the House of Representatives and the Senate review this provision in conference and *remove* the mandate for a specific system in the District of Columbia.

An identical letter has been sent to The Honorable George H. Fallon, Chairman, House Public Works Committee.

Sincerely yours,

WALTER E. WASHINGTON,
Mayor-Commissioner.
JOHN W. HECHINGER,
Chairman, D.C. City Council.

GOVERNMENT OF THE DISTRICT OF COLUMBIA,
Washington, D.C., February 19, 1970.

Hon. WALTER E. WASHINGTON,
Mayor-Commissioner,
Washington, D.C.

DEAR MAYOR WASHINGTON: I have the honor to transmit to you the Report concerning the Interstate Highway System in the District of Columbia which was adopted unanimously by the City Council on February 17, 1970, as a report to the Congress pursuant to Section 23(c) of the Federal Aid Highway Act of 1968:

The transmittal includes the following documents:

(1) Resolution Number 70–13 adopted by the District of Columbia Council

(2) The Report of the District of Columbia Council on the Interstate Highway System in the District of Columbia

(3) The 1970 D.C. Highway Department Study

(4) The National Capital Planning Commission document entitled, "Elements of the Comprehensive Plan for the National Capital" which includes the 1968 Major Thoroughfare Plan as adopted by the Planning Commission and approved by the City Council

(5) A letter from Mr. G. Franklin Edwards, Acting Chairman of the Planning Commission, dated January 30, 1970, which was submitted as a part of the record of the City Council hearings

(6) Resolution Number 70–14 adopted by the District of Columbia Council amending Resolution Number 70–13.

I would like, in transmitting the Report of the District of Columbia Council, to comment on several important considerations which I believe prompted the Council to render the Report in the way it did.

First, I believe the Council felt that it has discharged its obligation to the traffic problem in the Metropolitan Area, especially to Maryland by recommending the building of almost 25 miles of freeways, parkways, and highways in the District of Columbia (including what is already required to be built).

A listing of these freeways, parkways and highways includes:

(1) The Palisades Parkway
(2) The Potomac River Freeway
(3) The South Leg of the Inner Loop
(4) The Center Leg of the Inner Loop
(5) The East Leg of the Inner Loop
(6) The Industrial Freeway along New York Avenue as a route for I–95 into the City
(7) The North Leg of the Inner Loop
(8) The Three Sisters Bridge

This is in addition to improving traffic flow on major arterial streets.

I call particular attention to the fact that the New York Avenue route is the alternative to the North Central Freeway set out in the 1970 Study of the District of Columbia Department of Highways and Traffic.

Second, I believe the Council was substantially impressed by President Nixon's statements on pollution and the quality of environment and considered this factor strenuously in rendering our Report.

Third, I believe that there is sufficient doubt about the certainty of the 70–S and I–95 routes in Maryland between the Beltway and the District line that the Council is convinced that by far the most prudent course is to complete the interstate system in the metropolitan area, using rights of way which are readily obtainable and which minimize community dislocation and disruption. The State of Maryland has yet to complete required public hearings on either the 70–S or I–95 connections to freeways in the District of Columbia so that action to begin construction in the District of Columbia of the road appears to be premature. In recent weeks, the proposal for a Northern Parkway which would serve as an extension of the North Central Freeway between the Beltway and the proposed outer Beltway has been dropped indefinitely by Maryland. The prospect of delays being encountered in constructing controversial connecting routes within the Beltway suggest strongly that construction of the Industrial Freeway route along New York Avenue to the Baltimore-Washington Parkway is the most certain way to get I–95 operational and to provide the capacity which is needed now in the city.

Sincerely,

GILBERT HAHN, Jr.,
Chairman, City Council.

REPORT OF THE DISTRICT OF COLUMBIA COUNCIL ON THE INTERSTATE HIGHWAY SYSTEM IN THE DISTRICT OF COLUMBIA

The District of Columbia Council is pleased to make the following report pursuant to the requirements of Section 23(c) of the Federal Aid Highway Act of 1968.

This report was adopted by the District of Columbia Council by a vote of 9–0 on February 17, 1970. The Council took this action after extensive public hearings which extended from January 29 through February 6, 1970. The council analyzed the three studies prepared by the District of Columbia High-

way Department—"Recommended Action on North Leg Freeway"; "Recommendations for a Freeway in the Northern Sector and Related Policy"; and "Recommendations for the South Leg Freeway Alignment"—released on January 12, 1970 (hereinafter sometimes referred to collectively as the "1970 D.C. Highway Department Study"), together with Major Thoroughfare Plan of the Planning Commission approved previously by the District of Columbia Council in December of 1968 (hereinafter sometimes referred to as the "1968 NCPC Major Thoroughfare Plan").[1] These documents and a complete record of the hearings, which includes testimony of officials and citizens from the entire metropolitan area, accompany this report.

Section 23(c) of the Federal Aid Highway Act of 1968 specifies that:

"(c) The Government of the District of Columbia and the Secretary of Transportation shall study those projects on the Interstate System set forth in 'The 1968 Interstate System Cost Estimate', House Document Numbered 199, Ninetieth Congress, within the District of Columbia which are not specified in subsection (b), and shall report to Congress not later than 18 months after the date of enactment of this section their recommendations with respect to such projects including any recommended alternative routes or plans, and if no such recommendations are submitted within such 18-month period then the Secretary of Transportation and the Government of the District of Columbia shall construct such routes, as soon as possible thereafter, as required by subsection (a) of this section."

The 18-month period specified in section 23(c) of the Federal Aid Highway Act of 1968 terminates on February 23, 1970. For its part of the report of the District of Columbia, the District of Columbia Council reports pursuant to the said section 23(c), as follows:

I. *The primary recommendations contained in the 1970 D.C. Highway Department Study are not accepted.*

II. *In their place, the relevant portions of the 1968 National Capital Planning Commission Major Thoroughfare Plan are recommended, with certain modifications which are noted below.*

Except to the extent that the 1968 NCPC Major Thoroughfare Plan has been modified to include the 4 projects called for in Section 23(b) of the Federal Aid Highway Act of 1968, the 1968 NCPC Major Thoroughfare Plan remains intact and is still the most viable and best solution for the District of Columbia for the period 1970–1975. The District of Columbia Council reports to the Congress that all of the segments specified in Section 23(b) are either under construction or being designed.

The paragraphs which follow describe the report on a segment by segment basis:

1. *The District of Columbia Council reports a South Leg of the Inner Loop (or Trans-Mall Connector) should be built, as recommended by the 1968 NCPC Major Thoroughfare Plan,* but *rejects both* the "tunnel and trench" recommended by the 1970 D.C. Highway Department Study (the so-called Alternate A of its South Leg Recommendation) *and* the "mile long tunnel" recommended by the N.C.P.C. itself (the so-called Alternate B of the NCPC South Leg Recommendation).

In the interests of building the Trans-Mall Connector (or South Leg) as soon as possible to take care of present needs and in the interests of reducing the cost and extensive disruption of the monumental area of the City, *the District of Columbia Council reports to the Congress and recommends that a smaller tunnel be built* behind the Lincoln Memorial connecting the Potomac River Expressway with Independence Avenue, S.W. This is identified as Alternate C in the January, 1970 Highway Department Study, entitled "Recommendation for the South Leg Freeway Alignment." It is recommended that any future traffic capacity needs on Independence Avenue be taken care of by extension of tunnel.

2. *The District of Columbia Council reports a North Leg of the Inner Loop (or Downtown Distributor) should be built* between the Potomac River Expressway and the Center Leg *as recommended by the 1968 NCPC Major Thoroughfare Plan* in the following words:

". . . Alternatives (for a feasible route for major east-west traffic movement in the Central area) include a tunnel connecting the E Street Expressway with Downtown, a tunnel under K Street or along such parallel arteries as L and M Streets in the heart of the central office area. One or more of these improvements is regarded as essential for the efficient operation of the central business district . . ."[2]

The District of Columbia Council reports that the alignment of a North Leg should be either K Street, L Street or M Street, or a combination of the three. The route should be a tunnel, no more than 4 lanes on K Street and no more than 2 lanes on L and M Streets. *No route north of M Street is acceptable.* (A tunnel connecting the E Street Expressway with Downtown is the only acceptable alternative to K, L, and M Streets).

The District of Columbia Council rejects the 1970 D.C. Highway Department recommendation that "the report to Congress on Interstate routes not designated for construction include a request for an 18-month time extension to conduct a study for the North Leg of the Inner Loop." We consider that this request for an extension does not comply with Section 23(c) of the Federal Aid Highway Act of 1968 either in the letter or the spirit of the Act.

We call attention to the fact that the specific alignment of the E Street or K, L, and M Street routes will not be built until after *public hearings required by Title 23 of the U.S. Code.* (See e.g., the transmittal letter of T. F. Airis to Mayor Washington, dated January 12, 1970, included in the Highway Department Study, "Recommended Action on North Leg Freeway", giving the same opinion).

3. *The District of Columbia Council reports on East Leg of the Inner Loop (or Anacostia Parkway) should be built.*

The District of Columbia Government is already required by Section 23(b) (4) of the 1968 Federal Aid Highway Act to build part of the East Leg of the Inner Loop from Barney Circle to Bladensburg Road. (That section is identified as Section C1 to C4 in the 1968 Interstate System Cost Estimate, page 33, figure 11). The District of Columbia Council reports the rest of the East Leg of the Inner Loop to be built from an appropriate point on Section C4 (as identified above) through the National Arboretum by tunnel, connecting with the Washington-Baltimore Parkway in the vicinity of South Dakota Avenue.

The need for an East Leg (or Anacostia Parkway) appears in the 1968 NCPC Major Thoroughfare Plan in the following words:

"Anacostia Parkway. A parkway connection between the Baltimore-Washington Parkway and the Southeast Freeway at Barney Circle should be constructed to serve as an alternate access for automobile traffic into the Central area and to provide additional capacity to the recreational facilities in Anacostia Park. It would divert traffic from the residential neighborhoods in the Capitol East area and provide additional facilities for serving D.C. Stadium and other new recreational facilities proposed as a part of the Anacostia Park."[3]

4. *The District of Columbia Council reports,* in place of the North Central Freeway and in place of the North-East Freeway, as recommended in the 1970 D.C. Highway Department Study, that the *New York Avenue Industrial Freeway should be built as recommended by the 1968 NCPC Major Thoroughfare Plan,* in the following words:

"Industrial Freeway. The construction of an industrial freeway over the railroad yards north of New York Avenue would provide access to a major industrial park and a bypass for trucks with destinations within the District of Columbia. This industrial freeway should be designed under the joint development concept, in connection with a major industrial park, including a center for truck operations, capable of creating new employment and tax base for the District. Such a facility would substantially relieve the traffic load on New York Avenue."[4]

GENERAL COMMENTS

Because of its special concern for the adequacy of transportation links between the District of Columbia and Maryland, the District of Columbia Council reports the following General Comments from the 1968 NCPC Major Thoroughfare Plan and the document entitled, "Policies and Principles for a Transportation System for the Nation's Capital":

A. Freeways

"There are no freeways to the north out of the District, but neither are there the limited number of gateways. In contrast to the five gateway arterials crossing the Potomac from the west and the five crossing the Anacostia to the south and east, there are 15 major surface arteries crossing the line between the District and the Maryland suburbs to the north. These are major peak-hour traffic carriers that connect with the street network of the central area at many points. The Commission's studies show that adding the projected rapid transit capacities to the automobile lanes provided by these arteries can adequately provide for future traffic needs to the north—without new freeways."[5]

B. Arterial streets

"Management measures should be continued to improve operation of the arterial streets through refinement of signalization and electronic control, channelization of intersections, construction of grade separations at complex intersections, and additional limitations on on-street parking."[6]

An example of the above comment would be to improve the flow of traffic coming into the City from I–70S by improving lights, restricting access and overbalancing lanes in rush hours, or removing parking.

C. Interstate traffic from the north

"With respect to interstate traffic moving into the metropolitan area from the north on I–70S and I–95, vehicles with destinations beyond the District clearly should be diverted around the beltway. Interstate traffic with destinations within the District has options that are obviously as satisfactory as such traffic finds in any metropolitan region. The interstate system itself—as a city-to-city system—gives no assurance of freeway access to the heart of the central city. Both I–70S and

[1] Published by the National Capital Planning Commission in the Document entitled, "Elements of the Comprehensive Plan for the National Capital." All footnote references to the Major Thoroughfare Plan or to statements of the National Capital Planning Commission are from this document.

[2] Ibid, p. 19.

[3] Ibid, p. 19.

[4] Ibid, p. 19.

[5] Ibid, p. 31.

[6] Ibid, p. 19.

I–95 traffic can move down the same arterial street network used by the commuters, and presumably a large part of this interstate traffic will be at non-peak hours. I–70S interstate traffic would have the additional option of moving into the District via the George Washington Memorial Parkway and Palisades Parkway off the beltway to the west.

"I–95 interstate traffic can be channeled over a short jog on the beltway to the Baltimore-Washington Parkway for a penetration into the District over that route. Three options would be provided for this interstate traffic with downtown destinations—via Kenilworth, via the proposed new Anacostia Parkway, and via New York Avenue (which is being improved as a major entrance into the Nation's Capital from the east). Additional capacities to handle this I–95 traffic, of course, will be needed on the beltway and the Baltimore-Washington Parkway. (An alternative would be a new highway in Maryland that would bring I–95 directly into the Baltimore-Washington Parkway at or near the Kenilworth interchange.)

"The Commission believes that these facilities can adequately provide for interstate traffic from the north with central area destinations. The construction of a freeway to the north (in addition to the string of major surface streets) in order to accommodate interstate traffic would simply open up another arterial gateway for the suburban commuter. This the Commission rejects as both unnecessary and undesirable." [7]

(Report presented by the Transportation Committee of the District of Columbia Council on February 17, 1970. Reverend Jerry A. Moore, Chairman; Mrs. Polly Shackleton, Mr. Joseph P. Yeldell, Gilbert Hahn, Jr., Ex Officio.)

NATIONAL CAPITAL PLANNING COMMISSION,
Washington, D.C., January 30, 1970.

Hon. GILBERT HAHN,
Chairman, District of Columbia Council,
Washington, D.C.

DEAR MR. HAHN: This letter is submitted for inclusion in the record of the public hearing commencing January 29 before the Transportation Committee of the District of Columbia Council with respect to the segments of the interstate system in the District of Columbia upon which the District of Columbia Government and the Secretary of Transportation are directed to study and report their recommendations to the Congress by February 23 pursuant to Section 23(c) of the Federal-Aid Highway Act of 1968. These segments are the South Leg of the Inner Loop, the North Leg of the Inner Loop, the North Central Freeway, and the portion of the East Leg of the Inner Loop between Bladensburg Road and the North Leg of the Inner Loop, as set forth in House Document No. 199, 90th Congress, entitled "The 1968 Interstate System Cost Estimate".

In accordance with Sections 4 and 6 of the National Capital Planning Act of 1952, as amended, the National Capital Planning Commission adopted on December 11, 1968, and the District of Columbia Council approved on December 12, 1968, a Major Thoroughfare Plan element of the Comprehensive Plan for the National Capital. The Major Thoroughfare Plan, a copy of which is transmitted herewith for inclusion in the record, consists of text and a map bearing National Capital Planning Commission Map File No. 44.00/1000.00/25416. There is also submitted for the record a copy of a statement entitled "Policies and Principles for a Transportation System for the Nation's Capital" approved by the Commission on December 11, 1968.

The Major Thoroughfare Plan refers to the South Leg of the Inner Loop as the "Trans-Mall Connector" and provides with respect thereto:

"3. *Trans-Mall Connector.* The construction of a tunnel would connect the Potomac Freeway and Theodore Roosevelt Bridge with the southwest section of the city. This facility is essential for the movement of major traffic flow under the west end of the Mall in the vicinity of two of the greatest monuments in the Nation's Capital, the Lincoln and Jefferson Memorials."

The Major Thoroughfare Plan map depicts the South Leg in tunnel from a point north of the Lincoln Memorial to 15th Street and Maine Avenue, S.W. It should be noted that the tunnel and alignment are in accordance with the project as set forth in the document entitled "1968 Estimate of the Cost of Completion of the National System of Interstate and Defense Highways in the District of Columbia", a part of House Document No. 199, 90th Congress.

With respect to the North Leg of the Inner Loop, the Major Thoroughfare Plan provides:

"7. *Downtown Distributors.* Comprehensive studies should be undertaken as soon as possible, in connection with planning for Downtown Washington now under way, to determine the most feasible routes for major east-west traffic improvements in the central area. Alternatives include a tunnel connecting the E Street Expressway with Downtown, a tunnel under K Street or along such parallel arteries as L and M Streets in the heart of the central office area. One or more of these improvements is regarded as essential for the efficient operation of the central business district, one of the fastest growing and most viable central areas in the country."

The Major Thoroughfare Plan refers to the East Leg of the Inner Loop as the "Anacostia Parkway," and provides:

"5. *Anacostia Parkway.* A parkway connection between the Baltimore-Washington Parkway and the Southeast Freeway at Barney Circle should be constructed to serve as an alternate access for automobile traffic into the Central area and to provide additional capacity to the recreational facilities in Anacostia Park. It would divert traffic from the residential neighborhoods in the Capitol East area and provide additional capacities for serving D.C. Stadium and other new recreational facilities proposed as a part of the Anacostia Park."

The projects described in House Document No. 199 as I–95 and I–70 through the northern section of the District of Columbia (the North Central Freeway and the Northeast Freeway) are not part of the system of parkways and freeways recommended in the Major Thoroughfare Plan. The Commission's statement on "Policies and Principles for a Transportation System for the Nation's Capital" provides as follows:

"*Interstate Traffic from the North.* With respect to interstate traffic moving into the Metropolitan area from the north on I–70S and I–95, vehicles with destinations beyond the District clearly should be diverted around the beltway. Interstate traffic with destinations within the District has options that are obviously as satisfactory as such traffic finds in any metropolitan region. The interstate system itself—as a city-to-city system—gives no assurance of freeway access to the heart of the central city. Both I–70S and I–95 traffic can move down the same arterial street network used by the commuters, and presumably a large part of this interstate traffic will be at non-peak hours. I–70S interstate traffic would have the additional option of moving into the District via the George Washington Memorial Parkway and Palisades Parkway off the beltway to the west.

"I–95 interstate traffic can be channeled over a short jog on the beltway to the Baltimore-Washington Parkway for a penetration into the District over that route. Three options would be provided for this interstate traffic with downtown destinations—via Kenilworth, via the proposed new Anacostia Parkway, and via New York Avenue (which is being improved as a major entrance into the Nation's Capital from the east). Additional capacities to handle this I–95 traffic, of course, will be needed on the beltway and the Baltimore-Washington Parkway. (An alternative would be a new highway in Maryland that would bring I–95 directly into the Baltimore-Washington Parkway at or near the Kenilworth interchange.

"The Commission believes that these facilities can adequately provide for interstate traffic from the north with central area destinations. The construction of a freeway to the north (in addition to the string of major surface streets) in order to accommodate interstate traffic would simply open up another arterial gateway for the suburban commuter. This the Commission rejects as both unnecessary and undesirable."

No modifications to the Major Thoroughfare Plan relating to these segments have been adopted by the Commission and approved by the Council since the adoption and approval of the Plan on December 11 and 12, 1968.

Sincerely yours,
G. FRANKLIN EDWARDS,
Acting Chairman.

RESCISSION OF ORDER FOR RECOGNITION OF SENATOR BROOKE TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the previous order under which the distinguished Senator from Massachusetts (Mr. BROOKE) was to be recognized tomorrow be vacated.

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

ADJOURNMENT UNTIL TOMORROW AT 10 A.M.

Mr. KENNEDY. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 6 o'clock and 34 minutes p.m.) the Senate adjourned until tomorrow, Thursday, February 26, 1970, at 10 o'clock a.m.

NOMINATION

Executive nomination received by the Senate February 25, 1970:

DEPARTMENT OF TRANSPORTATION

Charles D. Baker, of Massachusetts, to be an Assistant Secretary of Transportation, vice Paul W. Cherington, resigned.

WITHDRAWAL

Executive nomination withdrawn from the Senate February 25, 1970:

Charles D. Baker, of Maryland, to be an Assistant Secretary of Transportation, vice Paul W. Cherington, resigned, which was sent to the Senate on January 26, 1970.

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[7] Ibid, p. 30, 31.