DANIELS of New Jersey, Mr. DENT, Mr. DINGELL, Mr. EDWARDS of California, Mr. EDWARDS of Louisiana, Mr. FASCELL, Mr. FLOWERS, Mr. FRASER, and Mr. FRIEDEL):

H. Con. Res. 522. Concurrent resolution expressing the sense of the Congress in opposition to the high-interest-rate policy; to the Committee on Banking and Currency.

By Mr. ALEXANDER (for himself, Mr. MIKVA, Mrs. MINK, Mr. NEDZI, Mr. NIX, Mr. OBEY, Mr. OLSEN, Mr. O'NEILL of Massachusetts, Mr. OTTINGER, Mr. PASSMAN, Mr. PODELL, Mr. PRYOR of Arkansas, Mr. PUCINSKI, Mr. PURCELL, Mr. RANDALL, Mr. REES, Mr. ROE, Mr. RYAN, Mr. SCHEUER, Mr. SIKES, Mr. SLACK, Mr. STOKES, Mr. STUCKEY, Mr. SYMINGTON, and Mr. TAYLOR):

H. Con. Res. 523. Concurrent resolution expressing the sense of the Congress in opposition to the high-interest-rate policy; to the Committee on Banking and Currency.

By Mr. WRIGHT (for himself, Mr. GALIFIANAKIS, Mr. GIBBONS, Mr. GONZALEZ, Mr. GRAY, Mrs. GREEN of Oregon, Mr. HALEY, Mr. HALPERN, Mr. HANLEY, Mr. HARRINGTON, Mr. HAYS, Mr. HECHLER of West Virginia, Mr. HELSTOSKI, Mr. HICKS, Mr. HOLIFIELD, Mr. HOWARD, Mr. HUNGATE, Mr. ICHORD, Mr. JOHNSON of California, Mr. JONES of Tennessee, Mr. KOCH, Mr. LEGGETT, Mr. MADDEN, Mr. MATSUNAGA, and Mr. MELCHER):

H. Con. Res. 524. Concurrent resolution expressing the sense of the Congress in opposition to the high-interest-rate policy; to the Committee on Banking and Currency.

By Mr. WRIGHT (for himself, Mr. THOMPSON of Georgia, Mr. TIERNAN, Mr. TUNNEY, Mr. UDALL, Mr. VAN DEERLIN, Mr. WALDIE, Mr. WHITE, Mr. WOLFF, and Mr. YATRON):

H. Con. Res. 525. Concurrent resolution expressing the sense of the Congress in opposition to the high-interest-rate policy; to the Committee on Banking and Currency.

By Mr. ROONEY of New York:

H. Con. Res. 526. Concurrent resolution expressing the sense of the Congress with respect to the conquest of cancer as a national crusade; to the Committee on the Judiciary.

By Mr. FRIEDEL:

H. Res. 865. Resolution increasing the number of positions of Official Reporters to committees and positions of Expert Transcribers to Official Committee Reporters; to the Committee on House Administration.

By Mr. McCARTHY:

H. Res. 866. Resolution urging the President to eliminate the restriction imposed on the importation of crude oil and its derivatives; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. JOHNSON of California:

H.R. 16309. A bill to authorize the Secretary of the Interior to convey certain lands in Placer County, Calif., to Mrs. Edna C. Marshall, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. STRATTON:

H.R. 16310. A bill for the relief of Wheat Bros., Inc., to the Committee on the Judiciary.

SENATE—*Wednesday, March 4, 1970*

The Senate met at 11:30 o'clock a.m. and was called to order by Hon. ERNEST F. HOLLINGS, a Senator from the State of South Carolina.

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

O God of History who hast brought us to this hour and to our appointed tasks, we offer Thee the love of our hearts and the service of our minds, our hands, our speech. Help us in all our work to be guided by Thy spirit for the welfare of all the people. Deliver us from the little evils which lay waste to life, shrivel the soul, and blemish character. Keep us from impatience and irritability. Give us inner serenity and outward assurance. Spare us stubbornness in self will but make us firm in adherence to Thy will. Amid the pressures, tensions, and struggles of the time, preserve in us the inner holy of holies, the silent sentinel of conscience, the serene sanctuary wherein Thy spirit dwells. When the evening comes, grant us the gift of sleep and knowledge we have walked and worked with Thee.

In Thy holy name we pray. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will read a communication to the Senate.

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., March 4, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. ERNEST F. HOLLINGS, a Senator from the State of South Carolina, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

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

APPOINTMENT OF REPUBLICAN MEMBERS OF SELECT COMMITTEE ON EQUAL EDUCATIONAL OPPORTUNITY

Mr. SCOTT. Mr. President, I send to the desk a resolution and ask unanimous consent for its immediate consideration.

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

The assistant legislative clerk read the resolution (S. Res. 363) as follows:

Resolved, That the following shall constitute the minority party's membership on the Select Committee on Equal Educational Opportunity, pursuant to S. Res. 359 of the Ninety-first Congress: Mr. Roman L. Hruska; Mr. Jacob K. Javits; Mr. Peter H. Dominick; Mr. Edward W. Brooke; Mr. Mark O. Hatfield; and Mr. Marlow W. Cook.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Pennsylvania?

There being no objection, the resolution was considered and agreed to.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, March 3, 1970, be dispensed with.

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

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair recognizes the Senator from Vermont (Mr. AIKEN).

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

Mr. AIKEN. Mr. President, I am glad to yield to the Senator from Montana, the distinguished majority leader, under those terms.

COMMITTEE MEETINGS DURING SENATE SESSION TODAY

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

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

ORDER FOR ADJOURNMENT TO TOMORROW AT 10 A.M.

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

ORDER FOR RECOGNITION OF SENATOR EAGLETON TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of the prayer tomorrow, the distinguished Senator from Missouri (Mr. EAGLETON) be recognized for not to exceed 40 minutes.

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

ORDER FOR RECOGNITION OF SENATOR HOLLINGS TOMORROW

Mr. MANSFIELD. And, with the approval of the Presiding Officer, I ask unanimous consent that, at the conclusion of the remarks of the distinguished Senator from Missouri (Mr. EAGLETON), the distinguished Senator from South

Carolina (Mr. HOLLINGS) be recognized for not to exceed 1 hour.

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

ORDER FOR RECOGNITION OF SENATOR SMITH OF MAINE TOMORROW

Mr. MANSFIELD. I ask unanimous consent that following the remarks of the distinguished Senator from South Carolina, the distinguished Senator from Maine (Mrs. SMITH) be recognized for not to exceed 20 minutes.

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

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that following the conclusion of the remarks of the Senator from Maine (Mrs. SMITH), there be a period for the transaction of routine business, with the usual 3-minute limitation on statements made therein.

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

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar Nos. 705, 706, and 707.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered, and the clerk will state the first bill by title.

TECHNICAL CHANGES IN LAWS RELATING TO THE POSTAL SERVICE

The bill (S. 3396) to make certain technical changes in provisions of law relating to the postal service, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 3396

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 39, United States Code, is amended as follows:

(1) Section 308a is amended by striking out "the requirements of the Administrative Procedure Act, as amended (chapter 19 of title 5)," and inserting in lieu thereof "the requirements of sections 551 through 559 of title 5".

(2) Section 510 is amended by striking out "sections 366–380 of title 44" and inserting in lieu thereof "sections 3301–3314 of title 44".

(3) Section 2103(a)(2) is amended by striking out "without regard to sections 630–630h of title 5," and "sections 391–401 of title 44,".

(4) Section 2303(a)(1)(H) is amended by striking out "section 302 of the Federal Voting Assistance Act of 1955 (5 U.S.C. 2192)" and inserting in lieu thereof "section 1472 of title 50".

(5) Section 2303(b) is amended by striking out "section 207(b) of the Act of February 28, 1925, relating to reformation of classification (39 U.S.C., 1958 ed. 247)" and inserting in lieu thereof "section 4558 of this title".

(6) Section 2306 is amended by striking out "2254(a) of title 5" and inserting in lieu thereof "8334(a) of title 5".

(7) Section 2403(d)(1) is amended by striking out "sections 134–134(h) of title 5" and inserting in lieu thereof "sections 721–729 of title 40".

(8) Section 2506(b) is amended by striking out "section 58 of title 44" and inserting in lieu thereof "section 505 of title 44".

(9) Section 3103 is amended by striking out "section 16(a) of title 5" and inserting in lieu thereof "section 2903(b) of title 5".

(10) Section 3313 is amended by striking out "sections 58, 62, 69, and 70 of title 5" and inserting in lieu thereof "sections 5535(b)(1) and 5536 of title 5".

(11) Section 3334(a) is amended by striking out "chapter 17 of title 5" and inserting in lieu thereof "section 3309 of title 5".

(12) Subsections (a) and (c) of section 3335 are respectively amended by striking out "sections 69 and 70 of title 5 and section 301 of the Dual Compensation Act" and inserting in lieu thereof "sections 5533, 5535(b)(1), and 5536 of title 5".

(13) Section 3336 is amended by striking out "chapter 16 of title 5" and inserting in lieu thereof "subchapter I of chapter 57 of title 5".

(14) Section 3573 is amended by—

(a) striking out "a day referred to as a holiday in the Act of December 26, 1941 (55 Stat. 862; 5 U.S.C. 87b)," where it appears in subsection (c) and inserting in lieu thereof "a day established as a holiday by section 6103 of title 5"; and

(b) striking out "the first section of the Act of August 3, 1950 (5 U.S.C. 61f)", where it appears in subsection (f) and inserting in lieu thereof "section 5582 of title 5".

(15) Section 4151 is amended by striking out "sections 162 and 185 of title 44" and inserting in lieu thereof "sections 733 and 907 of title 44".

SEC. 2. The Act of March 3, 1933 (ch. 204, sec. 3, 47 Stat. 1482; 11 U.S.C. 101a), is hereby repealed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–711), explaining the purposes of the measure.

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

PURPOSE

This bill would make technical changes in the references to certain provisions of law codified in the United States Code. It makes no substantive changes in law.

Following is a letter from the Postmaster General relating to S. 3396.

THE POSTMASTER GENERAL,
Washington, D.C., January 28, 1970.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is transmitted herewith a draft of a proposed bill to make technical corrections in certain provisions of laws relating to the postal services. The first section makes changes in various provisions of title 39, United States Code, to conform to changes made by other laws which repealed and reenacted statutes cited in title 39.

The changes in sections 308a, 2303(a)(1)(H), 2306, 2403(d)(1), 3103, 3313, 3334(a), 3335(a) and (c), 3336, and 3573(c) and (f) became necessary by the recodification of title 5, United States Code, Public Law 89–554, September 6, 1966, 80 Stat. 378.

The changes in sections 510, 2506(b), and section 4151 became necessary by the recodification of title 44 of Public Law 90–620, October 22, 1968, 82 Stat. 1238.

The changes in section 2103(a)(2) became necessary as a result of the recodification of both title 5 and title 44.

The changes in section 2303(b) became necessary by the enactment of Public Law 89–593, section 1(a), September 20, 1966, 80 Stat. 816.

Section 2 would repeal a provision of law which has become obsolete in view of the discontinuance of the Postal Savings System, to which it refers, pursuant to Public Law 89–377, March 28, 1966, 80 Stat. 92.

We recommend that the proposed bill be referred to the appropriate committee for consideration and that it be enacted.

The Bureau of the Budget has advised that there is no objection to the submission of this legislation to the Congress from the standpoint of the administration's program.

Sincerely,

WINTON M. BLOUNT.

USE OF PERSONAL CHECKS TO PAY POSTAL CHARGES

The bill (S. 3397) to permit the acceptance of checks and nonpostal money orders in payment for postal charges and services; authorize the Postmaster General to relieve postmasters and accountable officers for losses incurred by postal personnel when accepting checks or nonpostal money orders in full compliance with postal regulations; and to provide penalties for presenting bad checks and bad nonpostal money orders in payment for postal charges and services was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 3397

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2403 of title 39, United States Code, is amended by:

(1) inserting ", other accountable officers," immediately after "postmasters" in the catchline and in the first sentence of subsection (b);

(2) inserting "other accountable officer" immediately after "postmaster" in each place where it appears in the first sentence of subsection (a);

(3) deleting "and" at the end of subsection (a)(4)(B);

(4) deleting the period at the end of subsection (a)(5)(B) and inserting in lieu thereof "; and"; and

(5) adding at the end of subsection (a) the following new paragraph:

"(6) losses occasioned by the acceptance of checks or nonpostal money orders, in accordance with an authorization prescribed pursuant to section 2403a of this title, which are not duly paid."

SEC. 2. Chapter 29 of title 39, United States Code, is amended by inserting immediately after section 2403, the following new section:

"§ 2403a. Payment by check on nonpostal money order

"(a) As used in this section 'draft' means a check or nonpostal money order.

"(b) In the performance of their official duties, employees of the Department may receive on behalf of the United States drafts in amounts which shall not exceed the sum to be paid or deposited for postal charges and services, under the conditions provided in an authorization prescribed by the Postmaster General.

"(c) If a draft received is not duly paid, the person by whom or on whose behalf such draft has been tendered shall be liable to the United States, to the same extent as if such draft had not been tendered.

"(d) If any draft tendered in payment of

any amount receivable is not duly paid, in addition to any other penalties provided by law, there shall be paid as a penalty by the person by whom or on whose behalf such draft was tendered, upon notice and demand by the Postmaster General or his delegate an amount equal to 5 per centum of the amount of such draft, except that if the amount of such draft is less than $100, the penalty under this section shall be $5 or the amount of such draft, whichever is the lesser. This subsection shall not apply if the person tendered or caused to be tendered the draft in good faith and with reasonable cause to believe that it would be duly paid."

SEC. 3. The table of contents of chapter 29 of title 39, United States Code, is amended by striking out:

"2403. Adjustment of claims of postmasters and Armed Forces postal clerk."

and inserting in lieu thereof:

"2403. Adjustment of claims of postmasters, other accountable officers, and Armed Forces postal clerks.

"2403a. Payments by check or nonpostal money order."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–712), explaining the purposes of the measure.

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

PURPOSE

S. 3397 would relieve postal employees of personal financial liability for accepting personal checks from postal patrons in the course of business.

Under existing law, postal employees may not accept any check or nonpostal money order for the payment of postal costs without becoming personally liable for any loss incurred by the postal service. This severely limits the kind of currency generally used today to pay for postal money orders, c.o.d. charges, and other postal charges. The committee believes it is in the interest of improving the public service of the Post Office Department to authorize greater use of personal checks and nonpostal money orders.

JOB EVALUATION POLICY ACT OF 1970

The bill (H.R. 13008) to improve position classification systems within the executive branch, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–713), explaining the purposes of the measure.

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

STATEMENT

The committee's monitoring of the organization of the Federal service, its specific inquiries into the subject, and its correspondence indicate the need for an inquiry into the current system of job evaluation and ranking as called for by H.R. 13008.

H.R. 13008 as reported by the House of Representatives does not in any way alter existing classification laws. It establishes an orderly procedure for the study of ways to improve current classification with a view to the establishment of a comprehensive plan for the establishment of a coordinated system of job evaluation and ranking. The bill provides for the appointment by the Civil Service Commission of a special organizational unit within the Commission to prepare the plan.

The House report emphasizes that there should be no control over or supervision of the unit by any Commission bureau and that the new unit should be staffed only by employees who are totally freed of other duties. This committee agrees. Civil Service Commission Chairman Robert E. Hampton has advised the committee that, if the bill is enacted, the study unit will be established for administrative and support purposes within the Commission's Bureau of Policies and Standards but shall report directly to the three Commissioners, in accordance with the requirements of the bill.

Mr. MANSFIELD. Mr. President, I thank the distinguished senior Senator from Vermont for his usual courtesy, graciousness and understanding.

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

DRIVE BY CERTAIN GIANT CORPORATE UTILITIES TO MONOPOLIZE AND COMPLETELY CONTROL ATOMIC POWER

Mr. AIKEN. Mr. President, at this time I wish to bring to the attention of the Senate a matter which should be of national concern.

It vitally affects the public interest and, more specifically, the consumers of the Nation and the environment in which we live.

It is a drive by certain giant corporate utilities to monopolize and completely control atomic power.

This nuclear gold rush for control of atomic power is further compounded by a struggle among the industrial giants—the oil, coal, and utility interests—for what in effect would be monopoly control over all electric power.

For more than 2 years the utility corporations have been steadfastly opposing legislation to provide reasonable regulatory controls under the Atomic Energy Act.

The legislation which they oppose would protect the environment and set up antitrust safeguards that would allow the small investor-owned utilities, municipal electric companies and rural electric cooperatives to share in the benefits of nuclear power.

The ultimate goal of the utilities is apparently to concentrate all electric generation in the hands of 12 to 15 corporations which would have complete understanding among themselves.

This scheme is part of a grand strategy underlying what is called "economy of scale," a slogan which is intended to justify monopoly.

It is similar to the "vertical integration" system which has put the control of the U.S. broiler industry, with the exception of the State of Georgia, in the hands of the large feed manufacturers.

It involves not only nuclear, fossil fuel, and conventional generating plants, but the proposed new fast breeder reactors which will develop their own fuel, and the multi-billion-dollar gaseous diffusion plants that produce enriched uranium used as fuel by commercial atomic plants.

Once competition by small utilities and public bodies has been eliminated, the few remaining giant utilities will be free to make rates and reduce service almost at will, and the consumers will be the ultimate losers.

I am making no idle statement.

It is a fact to those who will take the trouble to look into it.

Wherever public power projects have been established, the private utilities—the corporate utilities—have lowered their rates and increased their services.

Today there are 31 atomic plant applications representing 43 major power reactors under review.

In addition, there are 70 plants under construction or actually generating power and by June 30, 1971, this number will increase to 92.

By 1980 the AEC estimates that there will be 200 installed units capable of generating 150 million kilowatts.

The total investment in these plants, at today's prices, will be about $40 billion, with the annual investment rate reaching $5 billion annually by 1980.

The present capital investment in the plants built, under construction, and on order is almost $15 billion.

Equally important—and this should be emphasized—is the fact that more than $2.3 billion of Federal money was invested in the advance research that made atomic power reactors profitable.

This investment of public money was made by Congress in hopes of developing commercially feasible, competitive atomic power.

Therefore, the municipals, rural cooperatives, and small investor-owned utilities have an inalienable right to share in the benefits of nuclear power.

Mr. President, some of us saw this coming in 1966 and realized that strong steps would have to be taken by the Atomic Energy Commission under existing law to regulate this new atomic power industry.

We also noted that the Atomic Energy Act was deficient in some respects, but pending the updating of the law there is one clear avenue the AEC could take, under existing law, to protect the public interest.

On this point the law is clear and simple.

All the Commission has to do is to find that the reactors now being installed in atomic generating plants have practical value in a commercial sense.

Once this is done, the Commission may proceed to issue a commercial construction license, followed by a license to operate commercially when the plant has been built and is ready to go on the line.

The Commission, however, has up to now shut its eyes to the reality of commercial feasibility and has refused to make a finding of practical value.

In all fairness, I should say that the pressure exerted by proposed legislation now before the Joint Committee on Atomic Energy, of which I am a member, has recently induced a start toward a change of policy.

The Commission has announced the first practical value rulemaking procedure will be started next June, but if the delays in action so far are any indication there will be 70 plants in operation or under construction before this finding is made.

In the meantime, every new plant is

being licensed as a research project under the medical therapy section of the law.

This deliberate policy of delay is further compounded by the issuance of "research" licenses of 40 years' duration.

No legitimate research project would ever require a 40-year license yet most commercial atomic generating plants do have this latitude.

The failure of the AEC to make any practical value finding naturally pleases the utilities and their friends, because it leaves them free from antitrust regulation.

It should also be pointed out that once a plant gets the initial AEC construction license as a research operation, the utility executives go down the street to the Securities and Exchange Commission and obtain permission to sell bonds on the basis of the profits they anticipate.

In other words, the utilities are successful in having their atomic plants defined as nonprofit "research" undertakings in order to evade the antitrust laws, and as "commercial" ventures when they want to sell stock and make profits.

Nothing could be sweeter for the utilities—or less in the public interest.

Early in 1967, when the nuclear gold rush was gaining momentum, I consulted some of the legal authorities in the power field about legislation to require the Atomic Energy Commission to protect municipal power companies, rural electric cooperatives and small investor-owned private utilities.

A bill amending the Atomic Energy Act was carefully drafted and introduced that same year with the late Senator Robert F. Kennedy as cosponsor.

Others who joined in cosponsorship were Senators ANDERSON, BYRD of West Virginia, Clark, COOPER, JAVITS, KENNEDY of Massachusetts, and METCALF.

Senator Robert Kennedy and I offered this bill, S. 2564, in hopes of getting the Atomic Energy Act amended to prevent a monopoly situation that should not be tolerated.

It was also our hope that we could awaken the general public to a realization that legislative steps must be taken to prevent an unhealthy economic condition from developing.

In the spring of 1968 extensive hearings were held on this bill, which contained four basic requirements:

First. To protect the public health and safety;

Second. To protect and conserve natural resources;

Third. To prevent regional monopoly of electric generation and distribution;

Fourth. To insure an adequate supply of power in areas threatened by shortages.

S. 2564 was welcomed by responsible citizens who were becoming increasingly concerned about protecting our environment from air and thermal pollution, appropriate sitings for nuclear plants, and additional safeguards to assure the continued safety and reliability of nuclear power.

S. 2564 also gave new hope to the municipals, rural electric cooperatives and small private companies, for it was obvious they could not raise the many millions of dollars needed to build atomic plants on their own.

As we expected, our bill was vigorously opposed by the utilities, which had not the slightest intention of complying with the intent of this bill if it could be prevented.

If enacted, S. 2564 would subject them to antitrust control and give the public bodies their fair share of the power generation.

I did not expect this bill would be enacted in its original form, but during the hearings I said that it would serve its purpose if it stimulated a broad and sweeping review of Federal control over all electric generation, with specific amendments to the law to halt the growing nuclear monopoly and provide additional guidelines for environmental safety and reliability.

The bill proved to be landmark legislation because of the interest and concern that is now centered on these problems as to both the benefits and the dangers of atomic power production.

During the 1968 hearings on S. 2564 it became apparent for the first time that the Atomic Energy Commission is not qualified to regulate this new source of power.

Testimony clearly showed that:

First. The Commission is not responsible for the preservation of natural resources;

Second. It does not have the competence for antitrust regulation;

Third. It has no licensing authority concerning regional monopolies;

Fourth. It lacks jurisdiction over the thermal and esthetic effects of atomic power and can only act on matters affecting radiological health and safety, and the common defense and security;

Fifth. The Commission does not have the expertise to license plants commercially because of what one of the Commissioners termed "the complex economic and technical problems encountered in the operation of a utility system."

As the 1968 hearings progressed, it became obvious that the utilities and their friends would do everything in their power to block S. 2564.

The Senator from New Mexico (Mr. ANDERSON) and I therefore introduced a new bill on July 17, 1968, considerably moderated from the original legislation.

Our measure, S. 3851, sought to put the atomic energy industry under the antitrust laws like other business enterprises.

The Joint Committee could not find time for hearings on the substitute bill in 1968, so it was reintroduced as S. 212 in January of 1969.

Early hearings were anticipated but did not materialize.

Last November the Joint Committee opened hearings on S. 212 and a new bill, H.R. 9647, submitted by the Commission to eliminate the practical value requirement and authorize prelicensing antitrust review.

These measures seem to have a very low priority and it is doubtful if the Joint Committee will even complete the hearings this year.

As in the 1968 hearings, the AEC admitted it lacks the competence needed for the economic regulation of nuclear powerplants.

The AEC witness flatly stated that the Federal Power Commission is better qualified to regulate atomic plants.

While the 1969 hearings are still incomplete, there have been several important side effects during this long waiting period.

First. The AEC held the first hearing ever conducted on the financial qualifications of a nuclear powerplant.

The hearing concerned the Vermont Yankee plant now under construction at Vernon, Vt.

I am proud to note, in this connection, that the two Vermont private utilities holding the majority of the stock in Vermont Yankee have agreed to allow our Vermont municipals and rural electric cooperatives to buy shares of stock in the company.

However, other New England utilities —perhaps I should say eastern New England utilities—in the Vermont Yankee combine meanwhile have been blocking some 40 Massachusetts municipals from participation, a situation I hope will change.

The financial qualifications hearings were, to put it mildly, disappointing.

The Massachusetts municipals did appear and press for antitrust relief, but the AEC legal staff gave them no encouragement.

The failure of the AEC lawyers to present evidence for or against Vermont Yankee provoked the hearing examiner to upbraid the AEC staff for not submitting a brief on antitrust.

It was obvious, from this hearing, that the Commission does not understand the antitrust implications of the nuclear power business.

Second. The Justice Department under President Nixon, in language recalling the trust-busting days of President Theodore Roosevelt, has taken a new policy line advocating preconstruction antitrust advice for any utility planning to build a nuclear plant.

In this way the public interest would truly be served, for both the giant company and the small municipal would know its rights well in advance of operation.

Third. In its formal report on S. 212, the Justice Department declared that "any nuclear power facility designed to produce electricity for wholesale or retail distribution is a commercial operation in fact."

Fourth. The Justice Department developed this basic definition in a detailed speech made by the Director of Policy Planning, Antitrust Division, last October 15.

In this speech the Department stated that all utilties, private and public, should have the benefits of nuclear power generation, including the right to buy power at the same prices paid by the owner-utilities, as well as a fair share of any pooling operations.

Fifth. On December 5, the U.S. circuit court of appeals, after an extraordinary hearing with nine justices presiding, issued a decision on the Vermont Yankee and Duke Power antitrust cases.

The nub of this decision was the unanimous opinion that licensees must return

to the AEC for an operating license, and before the operating license is issued the Commission must determine if the plants are commercially feasible, and if so the Commission must consider any anticipatory antitrust impact.

In spite of this mounting evidence of the need for revision of the Atomic Energy Act in the public interest, there are disturbing indications that the utilities and their friends have no intention of complying with the opinion of the court.

The monopoly seeking utilities do not want antitrust regulation, which indicates quite clearly that antitrust regulation is needed.

I understand that if hearings are resumed on S. 212, an effort will be made to write additional utility benefits into the bill.

One of these changes would assure that the only recourse the independent companies would have to antitrust protection would come after a violation had occurred.

This, of course, would be no protection at all, for a small municipal or private company, once victimized by antitrust action on the part of a giant utility combine, is in no position to defend itself through years of litigation in court.

The small company would be wiped out financially before violation of the antitrust statutes could be proved.

Mr. President, atomic energy is clearly at the crossroads.

We would not have competitive atomic power today had it not been for the brilliant work of AEC scientists in close cooperation with American industry.

This cooperation developed remarkable new peacetime uses for atomic energy—in biology and medicine as well as industry.

Thanks to this cooperation, our Nation has achieved supremacy in the atomic field.

Then came competitive nuclear power and the AEC found itself suddenly thrown into a strange, new environment—the rugged American marketplace.

The atomic scientists were no longer in their cloistered laboratories at Oak Ridge and Argonne—they were in the mainstream of American competition and were not very good swimmers.

They developed a nuclear power technology that is safe and reliable by all responsible standards but they did not do very well in explaining their achievements to the public.

They are not public relations experts in any sense of the word.

Congress must help build public confidence in the atomic energy program, but first we must give the public sound reason for confidence.

Toward this end, I suggested last August that specific guidelines be developed to provide for:

First. Realistic licensing of nuclear plants;

Second. Careful selection of plant sites to protect the environment;

Third. Specific thermal pollution controls;

Fourth. Antitrust checks on all efforts to own and control atomic power.

The private power companies have not done their part to win public confidence, largely because they have been busy devising ways to exclude public power from the nuclear field.

Mr. President, Congress should enact legislation along the lines I have suggested if the public interest is going to be protected.

I have repeatedly pressed for corrective action, but I have made little progress in the legislative field.

If the private utilities and their friends persist in their efforts to set up a vast nuclear monopoly, then I see no recourse but to turn the regulation of these generating plants over to the States.

In the meantime, we need a thorough investigation of the antitrust aspects of all electric power generation by a committee of Congress that is expert in antitrust law.

I have, therefore, suggested to the senior Senator from Michigan (Mr. HART), an able and respected public servant, who is the chairman of the Judiciary Subcommittee on Antitrust and Monopoly, that his staff review the atomic energy field and, if necessary, hold public hearings on antitrust problems as they may exist in the nuclear field especially and in the entire electric utility industry.

An investigation of this kind could be invaluable in checking monopoly activity of the kind I have indicated.

It might well save the utilities from themselves and ultimate public ownership of all electric generating facilities.

It could also give them a new sense of importance as servants of their customers rather than masters.

Also, it could give assurance to hundreds of smaller power distribution companies, private and public, that this Congress has no intention of letting them be gobbled up and dominated by any monopoly combine which cannot control its own greed.

Mr. MANSFIELD. Mr. President, once again, the distinguished senior Senator from Vermont, the ranking Republican in this body, has given the Membership a good deal to think about, and I commend him for his continued efforts in this field.

This is nothing new for him. The distinguished Senator as I recall has been talking along these lines since the time he was Governor of the State of Vermont. He is one of the most consistent Members of this body, and in his case consistency is always a jewel.

Mr. AIKEN subsequently said: Mr. President, I made a statement earlier today on a matter which is of great importance to the public and, to the United States. Since making the statement I have received word that the Atomic Energy Committee may find time in about 6 weeks to continue hearings on S. 212, which is the bill which was introduced by the Senator from New Mexico (Mr. ANDERSON) and myself.

I appreciate this information whether a continuation of hearings will result in effective legislation or not remain to be seen but I am glad to learn that the committee will likely hold further hearings.

Mr. MANSFIELD. Mr. President, let me say to the Senator from Vermont that both the speech and the statement are a part of the RECORD.

ORDER OF BUSINESS

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

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

Mr. MANSFIELD. Mr. President, are we in the morning hour?

The ACTING PRESIDENT pro tempore. That is correct.

RURAL-URBAN IMBALANCE

Mr. MANSFIELD. Mr. President, last Monday I made some remarks about the severe rural/urban imbalance that now exists in this Nation and its adverse effects on our large cities. I note from the RECORD that the senior Senator from Arkansas (Mr. MCCLELLAN) spoke on this subject yesterday.

Population growth and the distribution pattern of our population in my judgment will be among the most critical issues in the decades ahead. In that connection, there are two proposals now pending in the Senate that approach the matter in most constructive ways. I refer first of all to S. 15, the rural job development bill submitted by the distinguished senior Senator from Kansas (Mr. PEARSON). It is designed to provide incentives that will lead to the economic improvement of our smaller cities, our towns and rural areas.

Another measure, S. 2108, is a bill offered by the distinguished senior Senator from Maryland (Mr. TYDINGS). It would encourage massive family planning assistance on a voluntary basis throughout the land. I commend both of these Senators for their leadership in these important areas.

I ask unanimous consent that my name be included as a cosponsor of both S. 15 and S. 2108 at the next printing of each of these bills; and that my statement on this matter be printed at this point in the RECORD.

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

The statement ordered to be printed in the RECORD, is as follows:

OUR OVERCROWDED CITIES

Mr. President, I am becoming quite concerned about the distribution of our population as between the rural areas and the urban areas; the latter now contain approximately 75 percent of our total population. With that unbalanced shift, with the extreme congestion it has produced we find an increase in crime and all of the many problems that face our large metropolitan areas. We find an increase in drugs on the part of the young. We find hunger, poverty and the full spectrum of sociological, and other difficulties that arise because of the shift in population. That shift has created a severe population imbalance.

I have thought about this problem at

length and I have reviewed recent studies of the matter. What I would like to see is a shift away from the urban areas back to the rural areas, and with it a decentralization of industry, that will first help to solve at least in part the problem of population, which is most important and which will become increasingly significant in the decades ahead. The population of our Nation alone will reach 300 million by the year 2000. It is then estimated that about 80 percent of our people will live in urban areas unless the trend is reversed.

It is a fact that 30 percent of our population occupies 98 percent of our land. It is in this enormous imbalance, in my judgment, that is found—as I indicated—the roots to the misery and squalor that have come to characterize our larger cities. Turning the human tide back from the megalopolis to the countryside must therefore be a task assigned the highest priority.

Of course, at the national level there have been study groups and hearings galore on this subject. In 1967, President Johnson's National Advisory Commission on Rural Poverty reported on "The People Left Behind." There have been many hearings here in the Congress on population problems, including that of heavy migration to the cities from rural areas. The U.S. Chamber of Commerce had a "task force" which told us all about "Rural Poverty and Regional Progress in an Urban Society." The Advisory Commission on Intergovernmental Relations has issued a report on "Urban and Rural America: Policies for Future Growth." There is even a White House Task Force to stimulate rural development. I must say as well that the Senate and just recently the House have adopted S. 2701, calling for a Commission on Population Growth and the American Future. That measure is now at the desk and will be called up for final clearance tomorrow, I am happy to say.

But while the commissions advise, the hearings hear, the savants ponder, and the task forces task, the people of this country need some action; they need a bold new program carefully conceived and designed to meet the problems of population which in the final analysis encompass all of the problems of people—the environment, employment, education, housing, and all the rest.

Any such program must include a wide measure of consideration for urban/rural imbalance of today. One approach has already been proposed in S. 15, the rural job development bill submitted by the senior Senator from Kansas (Mr. PEARSON). Under this proposal rural industrial and commercial activities would be given Federal incentives in order to create jobs in the countryside which are badly needed and needed now. I commend the able Senator from Kansas for his long-standing battle in behalf of this objective.

Those of us in public life who have always prized the small town and the countryside as a potent source of personal and national strength have found recently some further signs of encouragement for the views we hold. Not long ago, Mr. James Sundquist, a former Deputy Under Secretary of Agriculture and now a senior fellow of the Brookings Institution contributed immensely to the understanding of the rural/urban balance with his article "It's High Time for Americans To Disperse." This provocative dissertation first appeared in the winter issue of the quarterly, the Public Interest, and was reprinted by the Washington Post on Sunday, February 8.

To say the least it is a penetrating analysis. It has occasioned favorable comment in both Houses of Congress. It demonstrates clearly the cause-and-effect phenomenon that exists between our deep and growing urban crisis and the great losses suffered by our rural areas.

There is nothing essentially new about this problem of a rural/urban imbalance. Its roots go back a good many years as expressed in the lyrics of the old song, "How Ya Gonna Keep Them Down on the Farm?" The answer to that question asked about the Doughboys of some 50 years ago lies in our ability now to make attractive those less populated rural areas that, for whatever reason up to now, have only encouraged migration.

In the past, I regeret to say, the matter too often was addressed to little or no avail. It is about time that we focus at length and with a deep commitment on the need for rural improvement and on a national policy for balanced living. Virtually every aspect of the urban crisis—poverty and welfare, employment and crime, housing and health—can be linked directly to the migration from rural America. To state it simply: Too many people live within too little space. That is the problem and it is an old story. Overcrowded cities have bred everything from riots to relief, from pollution to probation, from transit breakdowns to training the unemployed. The crowded and congested living areas are simply becoming uninhabitable.

The case for the town and the small city, long suppressed by the clangorous importunings of megalopolis, was persuasively stated in two important studies. The National Committee on Urban Growth Policy issued its report last May. More recently, intensive research was conducted by the Center for the Study of Local Government at St. John's University, near St. Cloud, Minn.—perhaps the only research center in the country that devotes its attention solely to cities with population between 10,000 and 50,000.

In sum those studies call for solutions; solutions that include rural industrialization, the relocation of installations of the Federal and State governments, the development of outdoor recreational facilities, a revitalized agriculture, improved rural education, and preferred Federal loans—loans for rural water supplies, waste disposal systems, for electric power and for overall economic development.

It has been said that no city can claim that the situation tomorrow will be any better than it is today. If that is the case then the ultimate solution may lie not in the investment made in the city itself but rather in the application of our resources outside the big cities—in the towns and smaller cities and in the countryside. It is indeed time for Americans to disperse. It is high time that we make it possible.

THE WOLFSON STATEMENT THAT HE HAS GIVEN MORE THAN $1 MILLION TO PUBLIC OFFICIALS

Mr. WILLIAMS of Delaware. Mr. President. in today's Washington Post there is published an article entitled "Gave Million to Officials, Wolfson Says."

In this article, Mr. Wolfson is quoted as listing the names of a few public officials who rejected his financial offers, but it does not name those public officials who did allegedly accept his gifts of around $1 million.

This allegation of having paid a million dollars to public officials is a serious charge. I suggest that the Department of Justice attempt to get the identities of these officials from Mr. Wolfson and then take appropriate steps.

This charge should not remain unchallenged.

I ask unanimous consent to have the article I have referred to printed in the RECORD.

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

GAVE MILLION TO OFFICIALS, WOLFSON SAYS

JACKSONVILLE, FLA., March 3.—Louis Wolfson, who figured in the resignation of Supreme Court Justice Abe Fortas, said today he has given more than $1 million to public officials.

"A million won't even touch it," said Wolfson, who served nine months of an 18-month prison sentence after being convicted in connection with the sale of unregistered stock. He was released from prison Jan. 26.

The Florida financier said that several high officials rejected his offers. He said they included former U.S. Ambassador to the United Nations Arthur Goldberg; former Rep. James Roosevelt (D-Calif.); former Florida Gov. LeRoy Collins; Sen. Abraham Ribicoff (D-Conn.), and Bud Wilkinson, former football coach and now special consultant to President Nixon.

Wolfson did not identify any who accepted money from him.

He said he could not separate in his mind, and did not have records available, to show what part of his contributions were for political campaigns and what part were for other purposes.

He told a news conference he twice warned Fortas that a Securities and Exchange Commission investigation of Wolfson's transactions might be embarrassing if the justice maintained a connection with the Wolfson Foundaton.

Wolfson bought Washington's former Capital Transit system in 1949. In 1956, amid charges of deteriorating service, it was sold under congressional pressure and converted to the present D.C. Transit System.

NEW CAB REGULATION DISREGARDS PUBLIC INTEREST

Mr. ERVIN. Mr. President, the February 28 issue of the Federal Register contains the text of a new rule adopted by the Civil Aeronautics Board which utterly disregards the public interest in the field of commercial air passenger service.

The new rule applies to air shuttle operators. It provides that for periods of up to 23 months, information concerning their passenger, mail, and cargo volume shall be closed to the public.

This rule was opposed by six regular airlines, by four air shuttle operators themselves, and by several cities and civic associations who believe that full disclosure of this information is in the best interest of the public.

Indeed, the CAB itself, in announcing the proposed rulemaking, wrote that—

Disclosure of this information is in accord with public policy favoring the fullest possible disclosure and is in keeping with the Congressional intent in the Freedom of Information Act.

Yet incredibly, after writing those words, the CAB acted to make this information confidential. It did so despite the fact that certificated airlines are required to place their own identical information on the public record. And it did so despite warnings from the four air shuttle operators that even the present scarcity of data has hampered expansion in the air shuttle industry.

The air shuttle operators who supported this new rule admitted to the CAB that they did so because they fear competition. Their argument was thoroughly successful, for the CAB sought to justify the new rule by claiming that—

Immediate disclosure of such information would subject a commuter carrier to a competitive disadvantage.

The CAB went on to maintain that an air shuttle's volume of passengers, mail, and cargo is "of a proprietary nature, in the category of trade secrets."

Mr. President, I find that reasoning absurd. As one air shuttle owner who opposed the rule wrote the CAB:

The commuter carrier who provides good service should have nothing to fear from disclosure.

Seldom have I seen such an open disregard of the public interest as the CAB demonstrated in adopting this new rule to discourage competition. Let me quote for the Senate some of the reasons given to the CAB by air shuttle owners who wanted this information kept secret:

Command Airways, Inc., Wappinger Falls, New York, May 14, 1969:

". . . Since anyone can begin a Commuter Air Carrier operation, traffic statistics could be used, disadvantageously, against an established carrier."

Metro Commuter Airlines, Inc., Denver, Colorado, May 27, 1969:

"Public disclosure of passenger or cargo moved would give unfair advantage to potential competitors. . . ."

Davis Airlines, Bryan, Texas, June 10, 1969:

"We believe that any exposure of our route data would provide data of value to a competitor or potential competitor."

Florida Airlines, June 16, 1969:

(Disclosure) "invites and assists cutthroat competition."

One can only surmise, Mr. President, why Florida Airlines objects to competition from other air shuttle companies while it has no objection to using route data from regular airlines to its own advantage. I continue:

Provincetown-Boston Airlines, Inc., June 13, 1969:

"Disclosure could very well induce harmful competition. . . . A successful operator should not be forced into a non-profitable, competitive fight."

Balance those claims against the words of Mr. Herbert L. Lande of New York City, a well-known financial consultant to airlines, writing generally to the CAB about its performance:

The lack of Board action has allowed continuation of haphazard, uneconomic development and passengers are measurably suffering.

And listen to the arguments of the air shuttle owners, airline companies, and municipal organizations who wrote the CAB favoring full disclosure of this information:

Eagle Flight Airways, Inc., Hillsboro, Oregon, May 21, 1969:

"Eagle Flight feels no useful economic purpose is gained by withholding information from the public . . . The obtaining of this information and dissemination of it to the public would greatly assist the planning of the future of the air taxi business . . . The cloaking of traffic data reports with an aura of secrecy and confidence is not in the best interest of the public."

Hawaiian Airlines, Inc., June 5, 1969:

"As a matter of basic fairness, traffic data now required to be submitted by commuter air carriers should also be made available to the public."

I ask the Senate to compare the above statement to section 1302(c) of the Federal Aviation Act, which provides that the CAB shall encourage:

"(c) The promotion of adequate, economical and efficient service by air carriers at reasonable charges, without unjust discrimination, undue preferences, or advantages, or unfair or destructive competitive practices; . . ."

It seems to me that if the CAB requires the airlines to disclose this information to the benefit of their competitors, it should require the same of air shuttle operators who are vying for business along many regularly scheduled airline routes. I continue with comments which the CAB ignored:

Continental Air Lines, June 4, 1969:

"Full disclosure would be of value to the commuter carriers themselves, to the trunklines, and to the traveling public by providing a basis for joint services and promotion."

Executive Airlines, Inc., June 16, 1969:

"Freedom of entry, without franchise protection has been and is a preordained fact of life for the air taxi industry. Nonetheless, the industry has grown and thrived on this basis . . . The commuter carrier who provides good service should have nothing to fear from disclosure."

San Francisco-Oakland Helicopter Airlines, Inc., June 16, 1969:

"This is hardly fair."

Texas International Airlines, Inc., June 16, 1969:

"The Board's policy has been to require public disclosure of traffic data submitted to it. The Board has not protected the certificated trunk and local service airlines from knowledgeable competition by the air taxis. There is no cogent reason at this point for the Board to reverse this policy . . ."

Mohawk Airlines, Inc., June 13, 1969:

"Full disclosure of this information is in accord with the best interests of the public and is in keeping with congressional intent in the Freedom of Information Act."

Wright Air Lines, Inc., Cleveland, Ohio, June 16, 1969:

"We believe that full disclosure will result in considerable savings . . . in costs for liability insurance."

Other groups also supported full disclosure in their comments to the CAB. They included Caribbean Atlantic Airlines, the cities of Green Bay, Wis.; Kansas City, Mo., and Denver, Colo., the Columbia, S.C., Metropolitan Airport, and Anjil Airlines.

In a joint statement, the Air Line Dispatchers Association, the Air Line Employees Association, the Air Line Pilots Association, the Airline Division, International Brotherhood of Teamsters, the International Association of Machinists, and the Transport Workers Union, AFL–CIO, had these comments:

The public has an important stake in free competition in this industry. . . . To impair that competition by superimposing a cloak of secrecy on the reports of commuter air carriers would protect the interests of carriers which cannot compete effectively and thereby deprive the public of the significant benefits of free and open competition.

Yet the CAB disregarded these statements. And it disregarded as well section 1302(d) of the Federal Aviation Act, which provides that the Board in its actions shall promote:

1302(d) Competition to the extent necessary to assure the sound development of an air-transportation system properly adapted to the needs of the foreign and domestic commerce of the United States, of the Postal Service, and of the national defense;

The Board was candid in ignoring these purposes. It maintained that disclosure would invite competition in markets they—the existing shuttle owners—had developed.

Mr. President, I can find no better reason for making this information public. Open competition is not only central to the intent of the Federal Aviation Act, it has been the foundation of our Nation's antitrust laws.

The CAB's new rule effectively forecloses any immediate chance of reductions in passenger fares, cargo rates, or mail costs. It will also hinder the needed expansion and improved service in the air taxi industry. And it promotes not competition, but monopoly and economic bigness.

Mr. President, if the CAB is unwilling to execute the will of the Congress as embodied in the Freedom of Information Act and the Federal Aviation Act, then I believe it is the responsibility of the Congress to take action. Under the doctrine of separation of powers, the Congress must insure that its decisions are effected by the executive branch of Government.

The Civil Aeronautics Board would have us believe that it is an independent administrative agency. That is not true. It is independent only when the Congress fails to oversee its work and allows it to take actions which thwart the purpose of statute.

I call on the CAB to withdraw this new rule and to invite new criticisms of it. I remind the CAB that if it does not act itself to make this information public, the Congress may place it in the CONGRESSIONAL RECORD for wide distribution.

When the CAB first sought comments on this rule, few representatives of the public responded. Those who did respond were ignored. It is my hope that if and when the CAB reconsiders this matter, it will reconsider it with the intent of serving the public interest.

Mr. President, I ask unanimous consent that the full text of the CAB's new rule be printed at this point in the RECORD.

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

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER–605; amdt. 5]

PART 298—CLASSIFICATION AND EXEMPTION OF AIR TAXI OPERATORS

Confidentiality of Traffic Data in Reports of Commuter Air Carriers

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 24th day of February, 1970.

In a notice of proposed rule making EDR–161,[1] the Board proposed to amend Part 298 to withhold from public disclosure, either completely or for 6 months after the filing

[1] Issued May 9, 1969, published at 34 F.R. 7708, Docket 20984.

date, the origin and destination of traffic reported by commuter carriers on schedule T–1 of CAB Form 298–C.[2] Pending resolution of the question, the Board ordered that reports by commuter air carriers on schedule T–1 be held confidential.

Comments were filed by 14 commuter air carriers, six certificated route air carriers, six civic bodies or airport authorities, the National Air Transportation Conferences, the Air Line Pilots Association in a joint statement with five other airline employees unions, the Department of Transportation, and a financial consultant. Ten of the commuter carriers and the air taxi trade association NATC oppose public disclosure because they enjoy no route protection and disclosure of specific market data would invite competition in markets they had developed. The other respondents support disclosure.[3] Several respondents suggest that disclosure of schedule T–1 data concurrently with the certificated route carriers' O&D survey results would not impair the usefulness of the data insofar as planning for airports and facilities is concerned. The certificated route carriers contend that, since scheduled air taxis are intensely competitive on certain of their routes and their data are public records, the certificated carriers have a right to access to the commuter carriers' data. Four commuter carriers argue that the scarcity of reliable data has hampered the development of the air taxi industry, and that disclosure will lead to a more healthy climate in the industry. The Department of Transportation asks that the traffic data be made available to it for official uses even though they may be completely or temporarily withheld from public disclosure.

We have carefully considered all the arguments and views as to whether specific market data of individual commuter carriers should be disclosed and, if so, at what time and in what manner. Because air taxi operators are free to enter or to abandon any market at will, the volume of traffic developed in a market through the commuter carrier's efforts is information of a proprietary nature, in the category of trade secrets, and immediate disclosure of such information would subject a commuter carrier to a competitive disadvantage in relation to another air taxi operator. This situation does not exist with respect to points certificated to route carriers. Because of this lack of route protection and other competitive factors, we do not believe that treatment of certificated route carriers' O&D surveys is necessarily any guide for treatment of commuter carriers' O&D data. The O&D surveys are based on a continuing 10 percent sample of passenger traffic only, whereas commuter carriers report totals for passengers, cargo, and mail in each market. To the extent that schedule T–1 data reflect the success of experimentation in an open market, such data have the privileged nature of flight segment data which reflect scheduling experiments of certificated route carriers in regulated markets.

While the current rule making proceeding to amend Part 298 was pending, the Board determined the issue of the proper treatment of flight segment data in a rule making proceeding to amend Part 241. In Regulation ER–586,[4] the Board effected an accommodation between the needs of the carriers for protection from competitors and the public's right to know by granting limited confidential treatment to service segment data. Specifically, section 19–6 of Part 241 provides that service segment data will be withheld from public disclosure for 12 months following the close of the calendar year to which the data relate, subject to disclosure to U.S. Government agencies, to parties in formal Board proceedings where the data are shown to be material and relevant, and to other persons where the Board finds disclosure to be in the public interest. We shall therefore adopt this rule in preference to either rule proposed in EDR–161.

Inasmuch as the first quarterly reports have been filed and schedule T–1 is being held confidential pursuant to ER–574, we find that 30 days' notice is not required in the public interest and the rule should be made effective immediately. Accordingly, the Board hereby amends Part 298 of the Economic Regulations (14 CFR Part 298), effective February 24, 1970, as follows:

1. Amend the table of contents by adding § 298.66 as follows:

Sec.
298.66 Public disclosure of schedule T–1 data.

2. Add § 298.66 to read as follows:

§ 298.66 Public disclosure of schedule T–1 data.

Data reported on schedule T–1 of CAB Form 298–C shall not be disclosed, prior to 12 months following the close of the calendar year to which the data relate, except as follows:

(1) To parties to any proceeding before the Board to the extent that such data are relevant and material to the issues in the proceeding upon a determination to this effect by the hearing examiner assigned to the case or by the Board. Any data to which access is granted pursuant to this section may be introduced into evidence, subject to the normal rules of admissibility of evidence.

(2) To agencies and other components of the U.S. Government. The Board will make other disclosure of the subject data, upon its own motion or upon application of any interested person, when the Board finds the public interest so requires. The Board may, from time to time, publish summary information compiled from the traffic data in a form which would not identify individual carrier data.

(Secs. 204, 416, and 1104, Federal Aviation Act of 1958, as amended, 72 Stat. 743, 771, 797; 49 U.S.C. 1324, 1386, 1504)

By the Civil Aeronautics Board.
Effective: February 24, 1970.
Adopted: February 24, 1970.
[SEAL] HARRY J. ZINK, *Secretary.*

[F.R. Doc. 70–2481; Filed, Feb. 27, 1970; 8:48 a.m.]

[2] Regulation ER–574, adopted April 23 and effective July 1, 1969, created the class of "commuter air carriers" and prescribed CAB Form 298–C.

[3] The financial consultant is neutral about disclosure but takes the position that solution of the air taxis' problem is route protection and fair controls.

[4] EDR–146, Docket 20290, issued Sept. 25, 1968; Regulation ER–586, adopted Aug. 6, 1969, effective Jan. 1, 1970; effective date postponed to July 1, 1970, by Regulation ER–597, adopted Dec. 11, 1969.

SENATE JOINT RESOLUTION 178— THE THREATENED RAILROAD STRIKE

Mr. GRIFFIN. Mr. President, on yesterday, shortly before the Senate adjourned, I introduced on behalf of the administration Senate Joint Resolution 178, to put into effect the agreement reached between the union representatives for the railroad shop craft unions and management. The agreement was actually ratified by the overall majority of all the union members voting but was not ratified by a majority of the members of one of the unions.

This resolution was referred to the appropriate committees on both sides of the Capitol. I want to commend the leadership of the majority side and the chairman of the Committee on Labor and Public Welfare for very promptly and expeditiously holding hearings this morning on this very important recommendation by the administration.

I do not know what the recommendation of the committee will be but, of course, I know that the administration hopes Congress will realize the gravity of the situation and what the consequences to the Nation would be if we were to stand by and see this strike take effect.

It would be my earnest hope that, before the day is out, that Congress will take action on this important legislation.

I want to emphasize that this action would not be unusual, that it is not unprecedented. Under the Kennedy administration and the Johnson administration, we were faced with somewhat similar circumstances, situations where every effort had been made by the administration to resolve the dispute in this industry and where, after exhausting all the remedies and all the procedures available to the executive branch, there was no choice but to take legislative action. At least in one of those instances, as I recall, Congress put into effect not the agreement reached——

The PRESIDING OFFICER (Mr. HUGHES in the chair). The time of the Senator from Michigan has expired.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator from Michigan be permitted to proceed for an additional 5 minutes.

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

Mr. GRIFFIN. Mr. President, although I may have to check my facts, I seem to recall in at least one of those instances, that Congress put into effect not an agreement reached by the parties, as is the case here, but only a recommendation that had been made by the Board.

In this instance, I would suggest that there is a good deal more reason and equity for action, particularly since we are only giving legal effect to an agreement actually reached by the parties and which was actually ratified by a majority of the employees affected, even though we are confronted with a technical circumstance that a majority of the employees of one of the particular unions did not see fit to ratify the agreement.

I would ask unanimous consent, Mr. President, that the text of Joint Resolution 178 be printed in the RECORD at this point and also that a copy of the statement presented this morning by the administration before the Committee on Labor and Public Welfare also be printed in the RECORD.

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

S.J. RES. 178

Joint resolution to provide for the settlement of the labor dispute between certain carriers by railroad and certain of their employees

Whereas the labor dispute between the carriers represented by the National Railway Labor Conference and certain of their employees represented by the International Associations of Machinists and Aerospace

Workers; International Brotherhood of Boilermakers, Iron Shipbuilders, Blacksmiths, Forgers and Helpers; Sheet Metal Workers' International Association; International Brotherhood of Electrical Workers functioning through the Employees' Conference Committee, labor organizations, threatens essential transportation services of the Nation; and

Whereas all the procedures for resolving such dispute under the Railway Labor Act have been exhausted; and

Whereas the representatives of all parties to this dispute reached agreement on all outstanding issues and entered into a memorandum of understanding, dated December 4, 1969; and

Whereas the terms of the memorandum of understanding dated December 4, 1969, were ratified by the overwhelming majority of all employees voting and by a majority of employees in three out of the four labor organizations party to the dispute; and

Whereas the failure of ratification resulted from the concern of a relatively small group of workers concerning the impact of one provision of the agreement; and

Whereas this failure of ratification has resulted in a threatened nationwide cessation of essential rail transportation services; and

Whereas the national interest, including the national health and defense, requires that transportation services essential to interstate commerce is maintained; and

Whereas the Congress finds that an emergency measure is essential to security and continuity of transportation services: Now, therefore, be it

Resolved by the Senate and House of Representative of the United States of America in Congress assembled, That the memorandum of understanding, dated December 4, 1969, shall have the same effect (including the preclusion of resort to either strike or lockout) as though arrived at by agreement of the parties under the Railway Labor Act (45 U.S.C. 151 et seq.) and that the date of enactment of this resolution shall be deemed the "date of notification of ratification" as used in this memorandum of understanding.

STATEMENT BY SECRETARY OF LABOR GEORGE P. SHULTZ, BEFORE THE SENATE COMMITTEE ON LABOR AND PUBLIC WELFARE, MARCH 4, 1970

Yesterday the railroad shopcrafts announced that they were calling a strike against the Nation's railroads beginning at 12:01 a.m. EST Thursday, March 5th.

The Executive Branch of the Government has no more tools to avert this strike. All the procedures of the Railway Labor Act have been exhausted. Informal procedures beyond the Act have been tried, also to no avail. We are reluctant to bring this dispute before the Congress but we believe that the public interest must be protected. We come to you with a proposal that leaves collective bargaining as free as possible consistent with the protections of the public interest.

The strike announcement is the final stage of a process that began over 15 months ago when the unions served their section 6 notices on the Nation's railroads. The parties have been unable to settle their dispute by themselves; the N.M.B. was unsuccessful in its mediation service. A Presidential Emergency Board made recommendations but these also did not yield a settlement. With the aid of our mediation efforts the parties finally reached agreement reflected in a Memorandum of Understanding.

That Memorandum of Understanding, however, did not end the dispute. The Memorandum was subject to a ratification vote by union members, and while the Memorandum was ratified by 3 of the 4 unions and by a majority of those voting, the Sheet Metal Workers announced that a majority of their members voting had rejected the agreement. The Sheet Metal Workers represent only about 6,000 of the 47,000 shopcraft mechanics and our best information is that only about 2,000 of them voted against ratification. But that vote of less than 5% of the shopcraft mechanics has frustrated an exhaustively bargained agreement.

Following the rejection of the agreement there have been additional negotiations, additional attempts at mediation, but all to no avail. After the rejection of the agreement and the failure to make progress in further negotiations, the union struck the Union Pacific Railroad on January 31. The Carriers announced that they would institute a nationwide lockout if this strike continued and the unions and the carriers brought litigation to restrain the strike on the one hand and the lockout on the other. Temporary restraining orders against the strike and lockout were issued and were continued until March 2 when the court issued a preliminary injunction against a strike of the Union Pacific or any selected carrier.

This Nation cannot tolerate a nationwide railroad strike. As the Secretary of Transportation will affirm, over 40% of the inter-city freight moves by rail and the railroads carry over 600,000 commuters daily. The strike's impact would be immediate and the pressures would build up each day it continued. Pressures would be felt immediately by coal mining, major chemical industries, perishables and foodstuffs, mail and passenger service. Within a week water purification would be hampered, automotive production cut back and the construction industry seriously curtailed. If the stoppage continued, the impact would be felt in wider and wider circles of the economy.

This nationwide disaster, for that is what a railroad strike would be, would be caused by the vote of less than one half of 1% of all employees of the railroads and by less than 5% of the shopcraft employees.

The legislation which we propose to avert this disaster is simple. We propose that the Congress declare as the contract of the parties the Memorandum of Agreement negotiated by the parties and favored by a majority of the union members voting on it. Free collective bargaining came within an eyelash of producing this result. You would not be imposing a government dictated settlement, but just requiring the parties to abide by the terms and conditions of employment that they themselves worked out.

The Memorandum provides a series of retroactive and prospective increases totaling 68¢ an hour over the two-year term of the agreement. On enactment of this Resolution, the journeyman mechanics' basic wage rate will go from $3.60 per hour to $4.20 per hour. In addition, mechanics will get in excess of $500 in retroactive pay when this Agreement is put into effect. The only aspect of the Agreement over which there is still disagreement, and this only with one of four unions involved, is the so-called incidental work rule. This rule which permits performance of a limited amount of work across craft lines was the basis for the Sheet Metal workers opposition to the agreement. Though the other crafts have agreed to it, the Sheet Metal workers have remained opposed. We understand that rules similar to that contained in the Memorandum of Understanding are already in effect in many of the Nation's railroads.

The entire text of the agreement is attached to my statement and I will be pleased to answer any more detailed questions about its contents.

Mr. MANSFIELD. Mr. President, I have listened with interest to the remarks of the distinguished acting minority leader and, like him, I am aware of the difficulties which confront this Nation if this strike goes into effect at 12:01 tomorrow morning.

The President has made his views known, has sent his suggestions and recommendations down, and as far as the Senate is concerned, as the distinguished Senator from Michigan has indicated, hearings are being held at this moment by the Committee on Labor and Public Welfare.

So, up to this time the Senate is facing up to its responsibility. However, most respectfully, I would like to make a suggestion to the administration, and that is that the President call down the parties to the potential strike and see if on the basis of personal persuasion it might not be possible to bring to their attention the difficulties and the dangers which will confront this Nation as the result of a nationwide rail strike and see if in some way a modicum of understanding and tolerance and appreciation of these facts could be brought about to the end that in that way all possible avenues would have been explored, all means would have been undertaken to try to avert this strike before the deadline occurs at 12:01 tomorrow morning.

Mr. GRIFFIN. Mr. President, I have listened with interest to the remarks just made by the distinguished majority leader. I would not attempt, of course, to try to speak for the White House in regard to the suggestion that has just been made. However, I know that the administration has taken every step and gone to great lengths, acting through Secretary of Labor Shultz, to do everything possible and within reason to reach a settlement in this disturbing rail dispute. Whether there is anything further that could be done meaningfully is something I cannot say. But it seems to me that Congress should take the administration at its word that it has done everything it can possibly do. The deadline has been extended several times, as I recall the facts. All procedures available have been exhausted.

I think that it might be said, or at least it should not be overlooked, that the situation underscores the importance of legislation which the administration sent to Congress last week—legislation of a more general nature which would provide the President with better procedures and more tools with which to deal generally with not just the railroad industry but other modes of transportation as well.

Certainly, I think what has happened here with respect to the railroad industry should spur Congress, and the Senate in particular, to take early action to consider the general legislation proposed by the administration. In the meantime, faced as we are with this specific threat, I do not think it is the time to be trying to shift responsibility back and forth.

The administration has carried the responsibility and has done everything it could possibly do. It has called upon Congress now to take action. And I think Congress should face up to its responsibility.

Mr. MANSFIELD. Mr. President, may I say that I find no disagreement with what the acting minority leader has said. The administration has faced up to its responsibility in the person of Mr.

Shultz, a very able man. It has been trying to do everything it can possibly do.

It is not a case of throwing the ball back and forth or riding on a seesaw. The Senate will face up to its responsibility as far as its appropriate committee is concerned.

All I did was to try to throw out a suggestion which might or might not be helpful—the administration may have already given consideration to the suggestion—the suggestion that the prestige of the White House and the office of the Presidency be called upon directly and in that way avoid a strike if at all possible. And, if not possible, of course, as the administration has done, this body will face up to its responsibility and do what has to be done on the basis of the decision of the majority.

As far as the general legislation sent up last week is concerned, it, of course, is entitled to consideration at the first opportunity. And I am certain that the Committee on Labor and Public Welfare will respect the recommendations of the President, will hold hearings, and any suggestion from any President is entitled to at least that modicum of consideration.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATION BILL, 1970—CONFERENCE REPORT

Mr. MAGNUSON. 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. 15931) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, 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 legislative clerk read the report.

(For conference report, see House proceedings of March 3, 1970, page 5741, CONGRESSIONAL RECORD.)

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. MAGNUSON. Mr. President, I have a short statement to make on behalf of the conferees. I need not remind the Senate or anyone else of the long, tortuous path of the appropriations bill for the Departments of Labor, and Health, Education, and Welfare, and related agencies for fiscal year 1970 has taken. The Senator from New Hampshire and I are relieved to get the matter completed. We may not agree with everything we have ended up with, but there was a sigh of relief as far as we were concerned upon completion of the matter.

Mr. President, the Senate and House conferees this afternoon agreed on its differences in the new appropriation bill, H.R. 15931, to the Departments of Labor-Health, Education, and Welfare and related agencies for fiscal year 1970.

The conference figure on H.R. 15931 is $19,381,920,200, which is $579,681,500 over the current request of $18,802,238,700; $365,233,000 under the amount enacted in H.R. 13111 of $19,747,153,200; $773,794,500 over fiscal year 1970 budget estimates of $18,608,125,700; and $153,616,400 over comparable appropriations, 1969 of $19,228,303,800.

All of these comparisons, of course, exclude the 1970 advance of $1,010,814,300 appropriated in 1969. Comparisons do not take into account the effect of section 410 relating to the plan to achieve a 2-percent reduction of approximately $347 million with a limitation of a 15-percent reduction applied to line items of this bill adopted by the Senate.

On the floor of the House this afternoon by a vote of 228 to 152, the House Members instructed their conferees to accept the five Senate amendments to the second House bill after the veto. One of these amendments dealt with Public Law 874, impacted area funds. Another amendment dealt with the discretionary authority allowing an overall reduction of 2 percent in the total amount of this bill. Under the discretionary authority provided in this bill, the administration is suggesting a reduction of $347,296,850. This would reduce the amount of funds provided in this bill to $19,034,623,350, which is $232,384,650 over the current request; $712,529,850 under the amount enacted in H.R. 13111; $426,497,650 over the fiscal year 1970 budget estimate; and $193,680,450 under comparable appropriations in 1969. The remaining three amendments, which we are all familiar with, were civil rights amendments dealing with busing and freedom of choice.

These amendments were accepted by the House. In a very unusual spirit of compromise they accepted the entire Senate bill. Therefore, the Senator from New Hampshire (Mr. COTTON) and I had the privilege of just meeting and signing the conference report, inasmuch as they took the entire Senate bill.

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

Mr. MAGNUSON. I yield.

Mr. COTTON. It should be emphasized that the House made its decision by a rollcall vote.

Mr. MAGNUSON. The Senator is correct. They made their decision by a rollcall vote. They instructed the conferees by a vote of 228 to 152 to accept the five amendments. I hope this becomes a common practice and a habit with the House.

Mr. President, I ask unanimous consent to have printed in the RECORD two tables, one with a narrative explanation, on the Labor-Health, Education, and Welfare and related agencies appropriation bill, H.R. 15931, for fiscal year 1970. The first table relates to section 410 and the tentative reductions that the administration will plan to execute in its effort to achieve a 2-percent reduction in this bill amounting to approximately $347 million. Although these reductions accomplish the intent of the language in the so-called Cotton-Eagleton amendment, I have some differences of opinion and I am not entirely pleased with specific areas the administration has chosen to make these reductions. The bill as now agreed to in conference, in my opinion, leaves many important programs critically short of adequate funds; specifically, I am disappointed in the reduction that now occurs in the National Institutes of Health, particularly the health manpower area, the regional medical programs, and several items within the Office of Education. However, the Congress has worked its will on this confrontation with the administration, and I hope that fiscal conditions in the upcoming year will allow for some increases above the appropriation bill for fiscal year 1970. The second table relates to the action that has transpired on this important and very complicated bill beginning with the new President's budget in April of last year, and those actions taken by the Congress on the vetoed bill, H.R. 13111 and, in addition, on the new appropriation bill, H.R. 15931.

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

HEW PLAN FOR A 2-PERCENT REDUCTION FROM SENATE BILL MAKING 1970 APPROPRIATIONS FOR LABOR-HEW (H.R. 15931)

Enclosed is a plan developed by the Department of Health, Education, and Welfare to achieve a 2 percent reduction in appropriations as required by Section 410 of H.R. 15931, as passed by the Senate.

Section 410 reads as follows:

"From the amounts appropriated in this Act, exclusive of salaries and expenses of the Social Security Administration, activities of the Railroad Retirement Board, operations, maintenance, and capital outlay of the United States Soldiers' Home and payments into the Social Security and Railroad Retirement trust funds, the total available for expenditure shall not exceed 98 per centum of the total appropriations contained herein: Provided, That in the application of this limitation, no amount specified in any appropriation provision contained in this Act may be reduced by more than 15 per centum."

Section 410 requires that the amount of the total bill be reduced by approximately $347 million, 2 percent of the total amount of appropriations provided in the bill.

The enclosed plan would achieve this $347 million reduction by—

1. First, eliminating all funds in the bill above the President's alternative budget as proposed to the House on February 2—to the extent permitted by the 15 percent limitation in Section 410.

2. Next, it would eliminate all funds in excess of President Nixon's original budget as submitted to the Congress last April—to the extent permitted by the 15 percent limitation.

3. The plan does not call for any reduction in appropriations provided in the bill for impacted area aid, basic grants to States for vocational education, and hospital construction under the Hill-Burton program.

Although the above steps, with the three exceptions noted, would eliminate increases over the President's budget—to the extent permitted by the 15 percent limitation—they would not produce sufficient reductions to achieve the full $347 million required by Section 410. Thus, further reductions are required, each of which would reduce selected items below the levels proposed in the President's original budget of last April. Four different actions would be taken, as follows:

The Work Incentive program would be reduced by $18 million because current estimates show these funds are not likely to be needed until 1971. The 1971 budget provides an increase for the Work Incentive program.

Three items of reduction are proposed related to activities which would be reduced to lower funding levels in the 1971 budget, recently submitted to Congress. These are: (1) College Teacher Fellowships under

Higher Education (reduction of $7.4 million); (2) College Library Resources (reduction of $2.6 million); and (3) Foreign Language and Area Studies (reduction of $2.7 million).

In addition to the above, $21 million placed in reserve last summer as a part of the President's plan to reduce 1970 outlays will continue to be held in reserve. These items are reflected in the enclosed plan. It should be noted that $15.2 million previously placed in reserve from funds budgeted for the National Heart and Lung Institute and the National Cancer Institute *will be released* from reserve. These funds are being released in order to expedite the increased heart and cancer research effort identified by the President in his 1971 budget.

Because of the 15 percent limitation and the fact that it applies to all amounts specified within the Act, it becomes necessary to drop the $10 million in rubella funds added for 1970. The Department still believes that it can maintain its original program for rubella vaccination without this $10 million. Should it prove that additional rubella funds are required later in the year, consideration would then be given to the release of this $10 million from reserve and the identification of some other form of savings to take its place.

It should be noted that the plan differs from the one provided by the Department to the Senate on February 26 which was used as a basis for determining the effect of Section 410—before the so-called "perfecting amendment" sponsored by Senator Eagleton was approved. The approval of this additional proviso on the floor of the Senate makes the original plan presented to the Senate on February 26 inoperable. The February 26 plan, as originally presented to the Senate, called for reduction aggregating to $107.8 million to be taken against activities within appropriations—not permitted by the Eagleton proviso. Thus, a new plan was required.

In summary, the enclosed plan would reduce the House bill by $347 million, 2 percent. It would still result in a 1970 budget for the Department of Health, Education, and Welfare that is $232 million above the aggregate level proposed by the President in his February 2 letter to the Speaker of the House and about $550 million above the aggregate appropriation level for the Department as proposed in the President's original budget of April 1969.

Plan for making 2-percent reduction in Labor-HEW appropriation bill—Summary (in millions)

	Proposed reduction
Reductions in congressional increases beyond the President's:	
Alternative budget	−$239
April budget	−55
Selected reductions below the President's budget:	
Planned reserves	−22
Programs slated for reduction in 1971 budget	−13
Slippage in program plans	−18
Total reduction	−347

PLAN FOR MAKING 2-PERCENT REDUCTION IN LABOR-HEW APPROPRIATION BILL, HEALTH AND WELFARE

[In millions]

	Congressional increase	Proposed reduction
Air pollution control	+$14	−$7
Mental health	+10	−7
Partnership for health	+10	−10
Regional medical programs		−3
District of Columbia medical facilities	+10	−1
NIH research institutes	+57	−64
Health manpower:		
Institutional support	+6	−6
Direct loans	+16	−16
Other NIH	+2	−1
Work incentives		−18
Rehabilitation facilities	+4	−1
Mental retardation	+4	−3
Maternal and child health	+2	−4
Other SRS		−3

PLAN FOR MAKING 2-PERCENT REDUCTION IN LABOR-HEW APPROPRIATION BILL, EDUCATION

[In millions]

	Congressional increase	Proposed reduction
Elementary and secondary:		
Title I	+$171	−$58
Bilingual education	+15	−4
State grants for equipment, library books, and counseling	+111	−17
SAFAA	+318	
Education professions development	+13	−12
Higher education:		
Undergraduate construction	+33	−5
NDEA loans	+67	−33
College teacher fellowships		−7
Vocational education:		
Grants to States	+70	
Other programs	+45	−24
Libraries and community services	+41	−22
Education for the handicapped	+14	−15
Other		−5

CHANGES IN THE HEW APPROPRIATION STRUCTURE

	Number of appropriations		Changes	
	1970 budget	1971 budget	Additions	Deletions
Food and Drug Administration	1	1		
Environmental Health Service	4	4		
Health Services and Mental Health Administration	14	13		−1
National Institutes of Health	21	21	+1	−1
Subtotal, health	40	39	+1	−2
Office of Education	15	11		−4
Social and Rehabilitation Service	11	8		−3
Social Security Administration	6	5	+2	−3
Special institutions	9	5		−4
Departmental management	7	3	+2	−6
Total, Department of HEW	88	71	+5	−22

HEW PLAN FOR 2-PERCENT REDUCTION FROM SENATE BILL MAKING 1970 APPROPRIATIONS FOR LABOR-HEW (H.R. 15931)

Agency	1970 budget	Administration alternative (Feb. 2, 1970)	Senate bill	Plan to achieve 2-percent reduction: Amount of reduction	Plan to achieve 2-percent reduction: Amount available after reduction
Consumer Protection and Environmental Health Service	$229,477,000	$236,522,500	$242,522,500	−$6,750,000	$235,772,500
Health Services and Mental Health Administration	1,030,441,000	1,033,639,000	1,072,139,000	−21,694,000	1,050,445,000
National Institutes of Health	1,448,610,000	1,478,300,000	1,523,294,500	−87,346,500	1,435,948,000
Scientific activities overseas	3,455,000	3,455,000	3,455,000		3,455,000
Subtotal	2,711,983,000	2,751,916,500	2,841,411,000	−115,790,500	2,725,620,500
Office of Education	[1] 3,197,634,000	[1] 3,535,747,000	[1] 4,016,034,000	−201,879,350	3,814,154,650
Social and Rehabilitation Service	8,451,856,000	8,391,020,500	8,400,920,500	−29,627,000	8,371,283,500
Social Security Administration	2,014,864,000	2,014,564,000	2,014,564,000		2,014,564,000
Special institutions	62,409,000	62,723,000	62,723,000		62,723,000
Departmental management	35,160,000	34,734,000	34,734,000		34,734,000
Total, Department of Health, Education, and Welfare	16,473,906,000	16,790,705,000	17,370,386,500	−347,296,850	17,023,089,650
Title I advance funding:					
1970 advance (in 1969 bill)	−1,010,814,300	−1,010,814,300	−1,010,814,300		−1,010,814,300
1971 advance (in 1970 bill)	1,226,000,000				
Total, HEW appropriation bill	16,689,091,700	15,779,891,300	16,359,572,200	−347,296,850	16,012,275,350

[1] Includes $1,010,814,300 appropriated in the 1969 bill.

HEW PLAN FOR 2-PERCENT REDUCTION FROM SENATE BILL MAKING 1970 APPROPRIATIONS FOR LABOR-HEW (H.R. 15931)—Continued

Agency/appropriation/activity	1970 budget	Administration alternative (Feb. 2, 1970)	Senate bill	Plan to achieve 2-percent reduction: Amount of reduction	Plan to achieve 2-percent reduction: Amount available after reduction
CONSUMER PROTECTION AND ENVIRONMENTAL HEALTH SERVICE					
Air Pollution control:					
Research and demonstration	$52,328,000	$60,428,000	$66,428,000	$6,750,000	$59,678,000
(Section 104 research)	(21,900,000)	(30,000,000)	(45,000,000)	(−6,750,000)	(38,250,000)
HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION					
Mental health:					
Construction of community mental health centers	29,200,000	29,200,000	35,500,000	−6,300,000	29,200,000
Narcotic addiction and alcoholism community assistance	8,000,000	12,000,000	12,000,000	−825,000	11,175,000
Health services research and development	44,975,000	44,975,000	44,975,000	−179,000	44,796,000
Comprehensive health planning and services:					
Partnership for health formula grants	90,000,000	100,000,000	100,000,000	−10,000,000	90,000,000
Project grants	80,000,000	80,000,000	80,000,000	−247,000	79,753,000
Regional medical programs	100,000,000	100,000,000	100,000,000	−2,643,000	97,357,000
D.C. medical facilities			10,000,000	−1,500,000	8,500,000
NATIONAL INSTITUTES OF HEALTH					
National Cancer Institute	180,725,000	190,362,500	190,362,500	−9,637,500	180,725,000
National Heart Institute	160,513,000	171,256,500	171,256,500	−10,743,500	160,513,000
National Institute of Dental Research	29,289,000	30,644,500	30,644,500	2,054,500	28,590,000
National Institute of Arthritis and Metabolic Diseases	137,668,000	137,668,000	146,334,000	−9,080,000	137,254,000
National Institute of Neurological Diseases and Stroke	101,256,000	101,256,000	106,978,000	−6,571,000	100,407,000
National Institute of Allergy and Infectious Diseases	102,389,000	102,389,000	103,694,500	−2,790,500	100,904,000
National Institute of General Medical Sciences	154,288,000	154,288,000	164,644,000	−11,678,000	152,966,000
National Institute of Child Health and Human Development	75,852,000	76,949,000	76,949,000	−1,097,000	75,852,000
National Eye Institute	23,685,000	24,342,500	24,342,500	−1,059,500	23,293,000
Environmental Health Sciences	18,328,000	18,328,000	18,328,000	−755,000	17,573,000
General research and services	69,698,000	69,698,000	76,658,000	−8,632,000	68,026,000
Health manpower:					
Institutional support:					
Medical, dental, and related	101,400,000	105,000,000	105,000,000	−3,600,000	101,400,000
Nursing	7,000,000	8,400,000	8,400,000	−1,400,000	7,000,000
Public health	9,471,000	10,071,000	10,071,000	−600,000	9,471,000
Allied health professions	10,988,000	11,587,000	11,587,000	−599,000	10,988,000
Direct loans	24,610,000	24,610,000	40,141,000	−15,531,00	24,610,000
Manpower requirements, utilization, and program management	15,882,000	15,882,000	15,882,000	−25,000	15,587,000
Dental health	10,887,000	10,887,000	11,722,000	−898,000	10,824,000
National Library of Medicine	19,682,000	19,682,000	19,682,000	−310,000	19,372,000
Buildings and facilities	1,000,000	1,000,000	1,900,000	−285,000	1,615,000
OFFICE OF EDUCATION					
Elementary and secondary education:					
Educationally deprived children	1,226,000,000	[1] 1,251,000,000	[1] 1,396,975,000	−57,924,100	[1] 1,339,050,900
Bilingual education	10,000,000	10,000,000	25,000,000	−3,750,000	21,250,000
Library resources			50,000,000	−7,500,000	42,500,000
Guidance, counseling, and testing			17,000,000	−2,550,000	14,450,000
Planning and evaluation	9,250,000	9,250,000	9,250,000	−425,000	8,825,000
Instructional equipment			43,740,000	−6,561,000	37,179,000
School assistance in Federally affected areas	202,167,000	440,167,000	520,567,000		520,567,000
Education professions development:					
Preschool, elementary, and secondary:					
Grants to States	15,000,000	15,000,000	18,250,000	−2,737,500	15,512,500
Training programs	80,000,000	88,750,000	88,750,000	−8,750,000	80,000,000
Recruitment and information			500,000	−500,000	
Higher education:					
Construction: Other undergraduate facilities			33,000,000	−4,950,000	28,050,000
Student aid: Direct loans	161,900,000	161,900,000	229,000,000	−33,315,000	195,685,000
College teacher fellowships	61,649,000	56,163,000	56,163,000	−7,350,000	48,813,000
Upward Bound	30,000,000	30,000,000	30,000,000	−46,000	29,954,000
Planning and evaluation	1,000,000	1,000,000	1,000,000	−100,000	900,000
Vocational education:					
Basic grants:					
Grants to States	230,336,000	300,336,000	300,336,000		300,336,000
State advisory councils	1,680,000	1,680,000	2,800,000	−420,000	2,380,000
Consumer and homemaking education	15,000,000	15,000,000	17,500,000	−2,500,000	15,000,000
Work-study			5,000,000	−750,000	4,250,000
Programs for students with special needs			20,000,000	−3,000,000	17,000,000
Research			17,000,000	−17,000,000	
Planning and evaluation	1,000,000	1,000,000	1,000,000	−100,000	900,000
Libraries and community services:					
Library services: Grants for public libraries	17,500,000	27,500,000	35,000,000	−5,250,000	29,750,000
Construction of public libraries			9,185,000	−1,377,750	7,807,250
College library resources	12,500,000	12,500,000	20,834,000	−10,934,000	9,900,000
Acquisition and cataloging by Library of Congress	4,500,000	4,500,000	6,737,000	−1,010,550	5,726,450
Librarian training	4,000,000	4,000,000	6,833,000	−2,833,000	4,000,000
Educational broadcasting facilities	4,000,000	4,000,000	5,083,000	−762,450	4,320,550
Education for the handicapped	85,850,000	91,850,000	100,000,000	−15,000,000	85,000,000
Research and training	115,000,000	95,250,000	85,750,000	−1,783,000	83,967,000
Foreign language training and area programs	20,000,000	20,000,000	20,000,000	−2,700,000	17,300,000
SOCIAL AND REHABILITATION SERVICE					
Work incentives	129,640,000	120,000,000	120,000,000	−18,000,000	102,000,000
Rehabilitation services and facilities:					
Rehabilitation facilities planning and construction			3,500,000	−608,000	2,892,000
Expansion of services	11,000,000	11,000,000	11,000,000	−777,000	10,223,000
Mental retardation:					
Community service facilities construction	8,031,000	8,031,000	12,031,000	−1,805,000	10,226,000
Services for the mentally retarded (hospital improvement, initial staffing, service projects)	25,472,000	24,843,000	24,843,000	−1,325,000	23,518,00
Maternal and child health and welfare:					
Dental health of children			200,000	−200,000	
Training (maternal and child health)	9,000,000	9,000,000	11,200,000	−2,200,000	9,000,000
Maternity and infant care	61,850,000	61,750,000	61,750,000	−1,565,000	60,185,000
Health of school and preschool children	40,950,000	40,850,000	40,850,000	−299,000	40,551,000
Development of programs for the aging	28,360,000	28,360,000	28,360,000	−601,000	27,759,000
Rehabilitation research and training	60,000,000	60,000,000	60,000,000	−2,247,000	57,753,000
Total reductions, DHEW				−347,296,850	

[1] Includes $1,010,814,300 appropriated in the 1969 bill

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1969 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1970

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TITLE I—DEPARTMENT OF LABOR

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(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
MANPOWER ADMINISTRATION									
Manpower development and training activities	$407,492,000	$675,605,000	$655,605,000	$675,605,000	$655,605,000	$655,605,000	$655,605,000	$655,605,000	$655,605,000
Office of Manpower Administrator, salaries and expenses	26,635,000	36,907,000	35,325,000	36,907,000	36,116,000	36,116,000	36,116,000	36,116,000	36,116,000
Bureau of Apprenticeship and Training, salaries and expenses	9,418,000	6,532,000	6,532,000	6,532,000	6,532,000	6,532,000	6,532,000	6,532,000	6,532,000
Unemployment compensation for Federal employees and ex-servicemen	148,200,000	135,000,000	135,000,000	135,000,000	135,000,000	135,000,000	135,000,000	135,000,000	135,000,000
Trade adjustment activities	1,300,000	600,000	600,000	600,000	600,000	600,000	600,000	600,000	600,000
Bureau of Employment Security, salaries and expenses	2,758,000								
Trust fund transfer	(20,938,000)	(18,766,000)	(18,766,000)	(18,766,000)	(18,766,000)	(18,766,000)	(18,766,000)	(18,766,000)	(18,766,000)
Advances to employment security administration account	25,000,000								
Grants to States for unemployment compensation and employment service administration	(604,073,000)	[2] (657,700,000)	(630,772,000)	(657,700,000)	(655,772,000)	(655,772,000)	(655,772,000)	(655,772,000)	(655,772,000)
Total, Manpower Administration	620,803,000	854,644,000	833,062,000	854,644,000	833,853,000	833,853,000	833,853,000	833,853,000	833,853,000
LABOR-MANAGEMENT RELATIONS									
Labor-Management Services Administration, salaries and expenses	9,011,000	[3] 12,426,000	9,585,000	12,426,000	12,335,000	12,335,000	12,335,000	12,335,000	12,335,000
WAGE AND LABOR STANDARDS									
Wage and Labor Standards Administration salaries and expenses	11,929,000	12,473,000	12,050,000	12,300,000	12,050,000	12,050,000	12,050,000	12,050,000	12,050,000
Employees compensation claims and expenses	68,591,000	60,116,000	60,116,000	60,116,000	60,116,000	60,116,000	60,116,000	60,116,000	60,116,000
Wage and Hour Division, salaries and expenses	25,303,000	25,960,000	25,960,000	25,960,000	25,960,000	25,960,000	25,960,000	25,960,000	25,960,000
Total, wage and labor standards	105,823,000	98,549,000	98,126,000	98,376,000	98,126,000	98,126,000	98,126,000	98,126,000	98,126,000
BUREAU OF LABOR STATISTICS									
Salaries and expenses	21,943,000	23,704,000	22,420,000	22,420,000	22,420,000	22,420,000	22,420,000	22,420,000	22,420,000
BUREAU OF INTERNATIONAL LABOR AFFAIRS									
Salaries and expenses	1,400,000	1,332,000	1,332,000	1,332,000	1,332,000	1,332,000	1,332,000	1,332,000	1,332,000
OFFICE OF THE SOLICITOR									
Salaries and expenses	6,147,000	5,978,000	5,978,000	5,978,000	5,978,000	5,978,000	5,978,000	5,978,000	5,978,000
Trust fund transfer	(144,000)	(144,000)	(144,000)	(144,000)	(144,000)	(144,000)	(144,000)	(144,000)	(144,000)
Total, Office of the Solicitor	6,147,000	5,978,000	5,978,000	5,978,000	5,978,000	5,978,000	5,978,000	5,978,000	5,978,000

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TITLE I—DEPARTMENT OF LABOR

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(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
OFFICE OF THE SECRETARY									
Salaries and expenses	$4,999,000	$5,476,000	$5,476,000	$5,476,000	$5,476,000	$5,476,000	$5,476,000	$5,476,000	$5,476,000
Trust fund transfer	(556,000)	(557,000)	(557,000)	(557,000)	(557,000)	(557,000)	(557,000)	(557,000)	(557,000)
Federal contract compliance and civil rights program	943,000	926,000	926,000	926,000	926,000	926,000	926,000	926,000	926,000
Trust fund transfer	(535,000)	(564,000)	(564,000)	(564,000)	(564,000)	(564,000)	(564,000)	(564,000)	(564,000)
Preventing age discrimination in employment	500,000	(4)	(4)	(4)	(4)	(4)	(4)	(4)	(4)
Total, Office of the Secretary	6,442,000	6,402,000	6,402,000	6,402,000	6,402,000	6,402,000	6,402,000	6,402,000	6,402,000
Total, Department of Labor	771,569,000	1,003,035,000	976,905,000	1,001,578,000	980,446,000	980,446,000	980,446,000	980,446,000	980,446,000
TITLE II—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE									
CONSUMER PROTECTION AND ENVIRONMENTAL HEALTH SERVICE									
Food and drug control:									
1. Medical evaluation	$18,774,000	$19,674,000	$19,674,000	$19,674,000	$19,674,000	$19,674,000	$19,674,000	$19,674,000	$19,674,000
2. Scientific research and evaluation	16,378,000	16,583,000	16,583,000	16,583,000	16,583,000	16,583,000	16,583,000	16,583,000	16,583,000
3. Education and voluntary Compliance	1,275,000	1,296,000	1,296,000	1,317,000	1,296,000	1,296,000	1,296,000	1,296,000	1,296,000
4. Regulatory compliance	29,205,000	29,647,000	29,647,000	30,304,000	29,992,500	[21] 29,992,500	[21] 29,992,500	[21] 29,992,500	[21] 29,992,500
5. Program management	4,812,000	4,807,000	4,807,000	4,820,000	4,807,000	4,807,000	4,807,000	4,807,000	4,807,000
Total	70,444,000	72,007,000	72,007,000	72,698,000	72,352,500	[21] 72,352,500	[21] 72,352,500	[21] 72,352,500	[21] 72,352,500
Air pollution control:									
1. Abatement and control	32,567,000	35,531,000	35,531,000	35,531,000	35,531,000	[21] 34,431,000	[21] 34,431,000	[21] 34,431,000	[21] 34,431,000
2. Research, development, and demonstration	47,614,000	52,328,000	50,328,000	73,428,000	66,428,000	[22] 60,428,000	[21] 66,428,000	[21] 66,428,000	[21] 66,428,000
(Sec. 104 research)	(18,700,000)	(21,900,000)		(45,000,000)	(45,000,000)	[22] (30,000,000	[21] (45,000,000)	[21] (45,000,000)	[21] (45,000,000
3. Manpower training	5,279,000	5,405,000	5,405,000	5,405,000	5,405,000	5,405,000	5,405,000	5,405,000	5,405,000
4. Program management	2,500,000	2,536,000	2,536,000	2,536,000	2,536,000	2,536,000	2,536,000	2,536,000	2,536,000
Total	87,960,000	95,800,000	93,800,000	116,900,000	108,800,000	[22] 102,800,000	[21] 108,800,000	[21] 108,800,000	[21] 108,800,000
Environmental control:									
1. Solid waste management	16,113,000	14,872,000	14,872,000	14,872,000	14,872,000	[19] 14,872,000	14,872,000	14,872,000	14,872,000
2. Occupational health	7,466,000	7,774,000	7,774,000	7,474,000	7,774,000	7,774,000	7,774,000	7,774,000	7,774,000
3. Radiological health	16,183,000	16,527,000	16,527,000	16,527,000	16,527,000	16,527,000	16,527,000	16,527,000	16,527,000
4. Community environmental management:									
(a) Aedes aegypti eradication	6,446,000	440,000	440,000	440,000	440,000	440,000	440,000	440,000	440,000
(b) Other community sanitation	11,359,000	9,872,000	9,872,000	9,872,000	9,872,000	9,872,000	9,872,000	9,872,000	9,872,000
Subtotal, environmental management	17,805,000	10,312,000	10,312,000	10,312,000	10,312,000	0,312,000	10,312,000	10,312,000	10,312,000
5. Water hygiene	2,184,000	2,593,000	2,593,000	2,593,000	2,593,000	2,593,000	2,593,000	2,593,000	2,593,000
6. Program management	3,080,000	3,130,000	3,130,000	3,130,000	3,130,000	3,130,000	3,130,000	3,130,000	3,130,000
Total	62,831,000	55,208,000	55,208,000	55,208,000	55,208,000	55,208,000	55,108,000	55,208,000	
Buildings and facilities		300,000				[11] 0	[21] 0	[21] 0	[21] 0
Salaries and expenses, Office of the Administrator	5,829,000	6,162,000	6,162,000	6,162,000	6,162,000	6,162,000	6,162,000	6,162,000	6,162,000
Total, Consumer Protection and Environmental Health service	227,064,000	229,477,000	227,177,000	250,968,000	242,500,000	[2] 236,522,500	[21] 242,522,000	[21] 242,522,500	[23] 242,522,000

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(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION									
Mental health:									
1. Support and conduct of research:									
(a) Grants:									
(1) Research	$81,159,000	$82,273,000	$82,273,000	$82,273,000	$79,473,000	[2] $79,473,000	[2] $79,473,000	[2] $79,473,000	[2] $79,473,000
(2) Hospital improvement	10,610,000	8,000,000	8,000,000	8,000,000	7,500,000	[2] 7,500,000	[2] 7,500,000	[2] 7,500,000	[2] 7,500,000
(3) Early child care demonstrations		1,000,000		1,000,000		[2] 0	[2] 0	[2] 0	[2] 0
Subtotal, grants	91,769,000	91,273,000	90,273,000	91,273,000	86,973,000	[2] 86,973,000	[2] 86,973,000	[2] 86,973,000	[2] 86,973,000
(b) Direct operations:									
(1) Intramural research	17,959,000	18,125,000	18,125,000	18,125,000	18,125,000	18,125,000	18,125,000	18,125,000	18,125,000
(2) Planning, development, and administration	5,070,000	7,006,000	5,104,000	7,006,000	6,404,000	[2] 6,404,000	[2] 6,404,000	[2] 6,404,000	[2] 6,404,000
Subtotal, direct operations	23,029,000	25,131,000	23,229,000	24,131,000	24,529,000	[2] 24,529,000	[2] 24,529,000	[2] 24,529,000	[2] 24,529,000
Subtotal, research	114,798,000	116,404,000	113,502,000	116,404,000	111,502,000	[2] 111,502,000	[2] 111,502,000	[2] 111,502,000	[2] 111,502,000
2. Manpower development:									
(a) Grants:									
(1) Training	109,046,000	107,500,000	107,500,000	112,500,000	107,500,000	107,500,000	107,500,000	107,500,000	107,500,000
(2) Fellowships	10,641,000	10,866,000	10,866,000	11,366,000	10,866,000	10,866,000	10,866,000	10,866,000	10,866,000
Subtotal, grants	119,687,000	118,366,000	118,366,000	123,866,000	118,366,000	118,366,000	118,366,000	118,366,000	118,366,000
(b) Direct operations	4,530,000	4,583,000	4,583,000	4,583,000	4,583,000	4,583,000	4,583,000	4,583,000	4,583,000
Subtotal, manpower	124,217,000	122,949,000	122,949,000	128,449,000	122,949,000	122,949,000	122,949,000	122,949,000	122,949,000
3. Support of institutions and resources:									
(a) Grants:									
(1) Construction of community mental health centers	15,000,000	29,200,000	30,500,000	36,200,000	35,500,000	[2] 29,200,000	[2] 35,500,000	[2] 35,500,000	[2] 35,500,000
(2) Staffing of community mental health centers	49,699,000	51,300,000	51,300,000	57,896,000	48,300,000	[2] 48,300,000	[2] 48,300,000	[2] 48,300,000	[2] 48,300,000
(3) Narcotic addiction and alcoholism community assistance	8,000,000	8,000,000	12,000,000	16,000,000	12,000,000	[2] 12,000,000	[2] 12,000,000	[2] 12,000,000	[2] 12,000,000
Subtotal, grants	72,699,000	88,500,000	93,800,000	110,096,000	95,800,000	[2] 89,500,000	[2] 95,800,000	[2] 95,800,000	[2] 95,800,000
(b) Direct operations	2,364,000	2,379,000	2,379,000	2,379,000	2,379,000	2,379,000	2,379,000	2,379,000	2,379,000
Subtotal, institutions and resources	75,063,000	90,879,000	96,179,000	112,475,000	98,179,000	[2] 91,879,000	[2] 98,179,000	[2] 98,179,000	[2] 98,179,000
4. Service activities:									
(a) Narcotic addiction and drug abuse treatment and research	14,288,000	17,456,000	17,456,000	17,456,000	17,456,000	17,456,000	17,456,000	17,456,000	17,456,000
(b) Regional and field activities	2,346,000	2,346,000	2,346,000	2,346,000	2,346,000	2,346,000	2,346,000	2,346,000	2,346,000
(c) Scientific communication and public education	2,588,000	2,749,000	2,749,000	2,749,000	2,749,000	2,749,000	2,749,000	2,749,000	2,749,000
Subtotal, service activities	19,222,000	22,551,000	22,551,000	22,551,000	22,551,000	22,551,000	22,551,000	22,551,000	22,551,000
5. Program direction and management services	4,871,000	5,121,000	5,121,000	5,121,000	5,121,000	5,121,000	5,121,000	5,121,000	5,121,000
Total, mental health	338,171,000	357,904,000	360,302,000	385,000,000	360,302,000	[2] 354,002,000	[2] 360,302,000	[2] 360,302,000	[2] 360,302,000

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TITLE II—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—Continued

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(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
St. Elizabeths Hospital (indefinite)	$13,380,000	$10,405,000	$10,405,000	$10,405,000	$10,405,000	$10,405,000	$10,405,000	$10,405,000	$10,405,000
Health services research and development	41,907,000	44,975,000	44,975,000	44,975,000	44,975,000	44,975,000	44,975,000	44,975,000	44,975,000
Comprehensive health planning and services:									
1. Partnership for health grants:									
(a) Planning	18,500,000	20,000,000	20,000,000	20,000,000	20,000,000	20,000,000	20,000,000	20,000,000	20,000,000
(b) Formula	66,032,000	90,000,000	90,000,000	100,000,000	100,000,000	[21] 100,000,000	[21] 100,000,000	[21] 100,000,000	[21] 100,000,000
(c) Project	86,600,000	80,000,000	80,000,000	80,000,000	80,000,000	80,000,000	80,000,000	80,000,000	80,000,000
Subtotal, grants	171,132,000	190,000,000	190,000,000	200,000,000	200,000,000	[21] 200,000,000	[21] 200,000,000	[21] 200,000,000	[21] 200,000,000
2. Migrant health	8,100,000	15,000,000	8,110,000	15,000,000	15,000,000	15,000,000	15,000,000	15,000,000	15,000,000
3. Standard setting and resource development	5,998,000	6,849,000	6,849,000	6,849,000	6,849,000	6,849,000	6,849,000	6,849,000	6,849,000
4. Program management	1,879,000	2,184,000	2,184,000	2,184,000	2,184,000	2,184,000	2,184,000	2,184,000	2,184,000
Total	187,109,000	214,033,000	207,143,000	224,033,000	224,033,000	[21] 224,033,000	[21] 224,033,000	[21] 224,033,000	[21] 224,033,000
(Trust fund transfer)	(4,320,000)	(4,320,000)	(4,320,000)	(4,320,000)	(4,320,000)	(4,320,000)	(4,320,000)	(4,320,000)	(4,320,000)
Regional medical programs:									
1. Operational and planning program	56,200,000	73,500,000	49,500,000	73,500,000	73,500,000	73,500,000	73,500,000	73,500,000	73,500,000
2. Chronic disease control program	25,082,000	24,771,000	24,771,000	24,771,000	24,771,000	24,771,000	24,771,000	24,771,000	24,771,000
3. Program management	1,851,000	1,729,000	1,729,000	1,720,000	1,729,000	1,729,000	1,729,000	1,729,000	1,729,000
Total	83,133,000	100,000,000	76,000,000	100,000,000	100,000,000	100,000,000	100,000,000	100,000,000	100,000,000
Communicable diseases	39,084,000	38,638,000	38,638,000	38,638,000	38,638,000	38,638,000	38,638,000	38,638,000	38,638,000
Hospital construction:									
1. Construction	254,487,000	150,000,000	254,400,000	254,400,000	254,400,000	[22] 150,000,000	[22] 172,200,000	[22] 172,200,000	[22] 172,200,000
2. Operations and technical services	3,802,000	3,923,000	3,923,000	3,923,000	3,923,000	3,923,000	3,923,000	3,923,000	3,923,000
Total	258,289,000	153,923,000	258,323,000	258,323,000	258,323,000	[22] 153,923,000	[22] 176,123,000	[22] 176,123,000	[22] 176,123,000
District of Columbia medical facilities	15,000,000	[3]		10,000,000	10,000,000	[22] 0	[21] 10,000,000	[21] 10,000,000	[21] 10,000,000
Patient care and special health services	71,437,000	72,224,000	72,224,000	72,224,000	72,224,000	72,224,000	72,224,000	72,224,000	72,224,000
National health statistics	8,109,000	9,641,000	8,841,000	8,841,000	8,841,000	[21] 8,841,000	[21] 8,841,000	[21] 8,841,000	[21] 8,841,000
Retired pay of commissioned officers (indefinite)	13,041,000	16,700,000	16,700,000	16,700,000	16,700,000	16,700,000	16,700,000	16,700,000	16,700,000
Buildings and facilities		2,100,000				[21] 0	[21] 0	[21] 0	[21] 0
Salaries and expenses, Office of the Administrator	8,601,000	9,898,000	9,898,000	9,898,000	9,898,000	9,898,000	9,898,000	9,898,000	9,898,000
Total, Health Services and Mental Health Administration	1,077,261,000	1,030,441,000	1,103,449,000	1,179,037,000	1,154,339,000	[22] 1,033,639,000	[22] 1,072,139,000	[22] 1,072,139,000	[22] 1,072,139,000
NATIONAL INSTITUTES OF HEALTH									
Research Institutes (analysis by program):									
1. Research grants:									
(a) Regular program:									
(1) Noncompeting	331,315,000	331,200,000	331,200,000	331,200,000	331,200,000	331,200,000	331,200,000	331,200,000	331,200,000
(2) Competing	142,048,000	131,365,000	131,365,000	153,465,000	141,873,000	[22] 135,874,500	[21] 141,873,000	[21] 141,873,000	[21] 141,873,000
Subtotal	473,363,000	462,565,000	462,565,000	484,665,000	473,073,000	[22] 467,074,500	[21] 473,073,000	[21] 473,073,000	[21] 473,073,000
(b) General research support grants	52,945,000	52,945,000	52,945,000	57,945,000	52,945,000	52,945,000	52,945,000	52,945,000	52,945,000
(Total program including NIMH)	(60,700,000)	(60,700,000)	(60,700,000)	(65,700,000)	(60,700,000)	(60,700,000)	(60,700,000)	(60,700,000)	(60,700,000)

H. Rept. 91-391, July 24, 1969, passed House July 31, 1969
S. Rept. 91-610, Dec. 16, 1969, passed Senate Dec. 17, 1969
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(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
(c) Multidisciplinary centers	$27,225,000	$27,630,000	$27,630,000	$33,484,000	$30,915,000	[2] $30,323,000	[1] $30,915,000	[1] $30,915,000	[1] $30,915,000
(d) Special programs	82,279,000	83,274,000	87,234,000	95,239,000	91,239,000	[2] 83,274,000	[1] 91,239,000	[1] 91,239,000	[1] 91,239,000
Subtotal research grants	635,812,000	626,414,000	630,374,000	671,333,000	648,172,000	633,616,500	[1] 648,172,000	[1] 648,172,000	[1] 648,172,000
2. Manpower development programs	197,727,000	179,000,000	179,000,000	216,913,000	197,852,000	184,559,500	[1] 197,852,000	[1] 197,852,000	[1] 197,852,000
3. Intramural research	84,502,000	87,689,000	87,689,000	90,047,000	89,871,000	88,647,000	[1] 89,871,000	[1] 89,871,000	[1] 89,871,000
4. Collaborative research and development	125,851,000	120,916,000	118,162,000	144,994,000	132,677,000	130,249,500	[1] 132,677,000	[1] 132,677,000	[1] 132,677,000
5. Other institute direct operations	49,985,000	50,851,000	50,851,000	53,378,000	52,798,500	51,288,500	[1] 52,798,500	[1] 52,798,500	[1] 52,798,500
Total	1,093,877,000	1,064,870,000	1,066,076,000	1,176,665,000	1,121,370,500	1,088,361,000	[1] 1,121,370,500	[1] 1,121,370,500	[1] 1,121,370,500
John E. Fogarty International Center for Advanced Study in the Health Sciences	(3,374,000)	(2,954,000)	(2,954,000)	(2,954,000)	(2,954,000)	(2,954,000)	(2,954,000)	(2,954,000)	(2,954,000)
Research Institutes (analysis by appropriation):									
Biologics standards	8,305,000	8,225,000	8,225,000	8,225,000	8,225,000	8,225,000	8,225,000	8,225,000	8,225,000
National Cancer Institute	183,485,500	180,725,000	180,725,000	200,000,000	190,362,500	[1] 190,362,500	[1] 190,362,500	[1] 190,362,500	[1] 190,362,500
National Heart Institute	166,008,500	160,513,000	160,513,000	182,000,000	171,256,500	[1] 171,256,500	[1] 171,256,500	[1] 171,256,500	[1] 171,256,500
National Institute of Dental Research	29,697,500	29,289,000	29,289,000	32,000,000	30,644,500	[1] 30,644,500	[1] 30,644,500	[1] 30,644,500	[1] 30,644,500
National Institute of Arthritis and Metabolic Diseases	143,402,000	137,668,000	137,668,000	155,000,000	146,334,000	[2] 137,668,000	[1] 146,334,000	[1] 146,334,000	[1] 146,334,000
National Institute of Neurological Diseases and Stroke	106,013,500	101,256,000	101,256,000	112,700,000	106,978,000	[2] 101,256,000	[1] 106,978,000	[1] 106,978,000	[1] 106,978,000
National Institute of Allergy and Infectious Diseases	106,623,500	102,389,000	102,389,000	105,000,000	103,694,500	[2] 102,389,000	[1] 103,694,500	[1] 103,694,500	[1] 103,694,500
National Institute of General Medical Sciences	163,122,500	154,288,000	154,288,000	175,000,000	164,644,000	[2] 154,288,000	[1] 164,644,000	[1] 164,644,000	[1] 164,644,000
National Institute of Child Health and Human Development	72,590,500	75,852,000	73,098,000	80,800,000	76,949,000	[2] 76,949,000	[1] 76,949,000	[1] 76,949,000	[1] 76,949,000
National Eye Institute	22,240,000	23,685,000	23,685,000	25,000,000	24,342,500	[2] 24,342,500	[1] 24,342,500	[1] 24,342,500	[1] 24,342,500
Environmental health sciences	17,785,000	18,328,000	18,328,000	18,328,000	18,328,000	18,328,000	18,328,000	18,328,000	18,328,000
General research and services	71,229,500	69,698,000	73,658,000	79,658,000	76,658,000	[2] 69,698,000	[1] 76,658,000	[1] 76,658,000	[1] 76,658,000
Johen E. Fogarty International Center for Advanced Study in the Health Sciences	3,374,000	2,954,000	2,954,000	2,954,000	2,954,000	2,954,000	2,954,000	2,954,000	2,954,000
Total, research institutes	1,093,877,000	1,064,870,000	1,066,076,000	1,176,665,000	1,121,370,500	[2] 1,088,361,000	[1] 1,121,370,500	[1] 1,121,370,500	[1] 1,121,370,500
Health manpower:									
1. Institutional support:									
(a) Medical, dental and related	66,000,000	101,400,000	101,400,000	108,598,000	105,000,000	[1] 105,000,000	[1] 105,000,000	[1] 105,000,000	[1] 105,000,000
(b) Nursing	7,000,000	7,000,000	7,000,000	10,000,000	8,400,000	[1] 8,400,000	[1] 8,400,000	[1] 8,400,000	[1] 8,400,000
(c) Public health	9,471,000	9,471,000	9,471,000	10,671,000	10,071,000	[1] 10,071,000	[1] 10,071,000	[1] 10,071,000	[1] 10,071,000
(d) Allied health professions	10,975,000	10,988,000	10,988,000	11,988,000	11,587,000	[1] 11,587,000	[1] 11,587,000	[1] 11,587,000	[1] 11,587,000
Subtotal	93,446,000	128,859,000	128,859,000	141,257,000	135,058,000	[1] 135,058,000	[1] 135,058,000	[1] 135,058,000	[1] 135,058,000
2. Student assistance:									
(a) Traineeships	20,670,000	20,670,000	20,670,000	20,670,000	20,670,000	20,670,000	20,670,000	20,670,000	20,670,000
(b) Direct loans:									
(1) Medical, dental, etc.	15,000,000	15,000,000	19,781,000	27,781,000	23,781,000	[2] 15,000,000	[1] 23,781,000	[1] 23,781,000	[1] 23,781,000
(2) Nursing	9,610,000	9,610,000	15,110,000	17,610,000	16,360,000	[2] 9,610,000	[1] 16,360,000	[1] 16,360,000	[1] 16,360,000
Subtotal, direct loans	24,610,000	24,610,000	34,891,000	45,391,000	40,141,000	[2] 24,610,000	[1] 40,141,000	[1] 40,141,000	[1] 40,141,000
(c) Scholarships:									
(1) Medical, dental, etc.	11,219,000	16,000,000	11,219,000	16,000,000	15,541,000	[2] 16,000,000	[1] 15,541,000	[1] 15,541,000	[1] 15,541,000
(2) Nursing	6,500,000	12,000,000	6,500,000	12,000,000	7,178,000	[2] 12,000,000	[1] 7,178,000	[1] 7,178,000	[1] 7,178,000
Subtotal, scholarships	17,719,000	28,000,000	17,719,000	28,000,000	22,719,000	[2] 28,000,000	[1] 22,719,000	[1] 22,719,000	[1] 22,719,000
Subtotal, student assistance	62,999,000	73,280,000	73,280,000	94,061,000	83,530,000	[2] 73,280,000	[1] 83,530,000	[1] 83,530,000	[1] 83,530,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1969 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1970—Continued

H. Rept. 91-391, July 24, 1969, passed House July 31, 1969
S. Rept. 91-610, Dec. 16, 1969, passed Senate Dec. 17, 1969
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H. Rept. 91-840, Feb. 16, 1970, passed House Feb. 19, 1970

TITLE II—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—Continued

[Note.—All amounts are in the form of definite appropriations unless otherwise indicated]

Agency and item	New budget (obligational) authority fiscal year 1969 [1]	Budget estimates of new (obligational) authority fiscal year 1970 (revised)	New budget (obligational) authority recommended in the House bill H.R. 13111	New budget (obligational) authority recommended in the Senate bill H.R. 13111	New budget (obligational) authority recommended in the conference bill H.R. 13111 (vetoed)	New budget (obligational) authority recommended in current appropriation request	New budget (obligational) authority recommended in the House bill H.R. 15931	New budget (obligational) authority recommended in Senate bill H.R. 15931	New budget (obligational) authority recommended, H.R. 15931 conference agreement
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Health manpower—Continued									
3. Manpower requirements, utilization and program management	$15,641,000	$15,882,000	$15,882,000	$15,882,000	$15,882,000	$15,882,000	$15,882,000	$15,882,000	$15,882,000
Total, health manpower	172,086,000	218,021,000	218,021,000	251,200,000	234,470,000	[22] 224,220,000	[21] 234,470,000	[21] 234,470,000	[21] 234,470,000
Payment of sales insufficiencies and interest losses	200,000	957,000	957,000	957,000	957,000	957,000	957,000	957,000	957,000
Dental health:									
1. Grants	5,259,000	5,845,000	5,739,000	6,845,000	6,739,000	[22] 5,845,000	[21] 6,739,000	[21] 6,739,000	[21] 6,739,000
2. Direct operations	4,926,000	5,042,000	4,983,000	5,042,000	4,983,000	[22] 5,042,000	[21] 4,983,000	[21] 4,983,000	[21] 4,983,000
Total	10,185,000	10,887,000	10,722,000	11,887,000	11,722,000	[22] 10,887,000	[21] 11,722,000	[21] 11,722,000	[21] 11,722,000
Construction of health, educational, research, and library facilities:									
1. (a) Medical and related	60,000,000	94,480,000	94,500,000	114,500,000	106,500,000	[22] 94,480,000	[22] 94,480,000	[22] 94,480,000	[22] 94,480,000
(b) Dental	15,000,000	23,620,000	23,600,000	23,600,000	26,600,000	[22] 23,620,000	[22] 23,620,000	[22] 23,620,000	[22] 23,620,000
2. Nursing	8,000,000	8,000,000	8,000,000	10,000,000	10,000,000	[22] 8,000,000	[22] 8,000,000	[22] 8,000,000	[22] 8,000,000
3. Allied health professions	1,800,000								
4. Medical library construction				1,900,000	950,000	[22] 0	[22] 0	[22] 0	[22] 0
5. Health research facilities	8,400,000			10,000,000	5,000,000		[22] 0	[22] 0	[22] 0
Total, construction of health, educational, research, and library facilities	93,200,000	126,100,000	126,100,000	160,000,000	149,050,000	[22] 126,100,000	[22] 126,100,000	[22] 126,100,000	[22] 126,100,000
National Library of Medicine:									
1. Grants	5,788,000	5,792,000	5,792,000	5,792,000	5,792,000	5,792,000	5,792,000	5,792,000	5,792,000
2. Direct operations	12,220,000	13,890,000	13,890,000	13,890,000	13,890,000	13,890,000	13,890,000	13,890,000	13,890,000
Total	18,008,500	19,682,000	19,682,000	19,682,000	19,682,000	19,682,000	19,682,000	19,682,000	19,682,000
Buildings and facilities		1,000,000	1,000,000	1,900,000	1,900,000	[22] 1,000,000	[21] 1,900,000	[21] 1,900,000	[21] 1,900,000
Salaries and expenses, Office of the Director	6,993,000	7,093,000	7,093,000	7,093,000	7,093,000	7 093,000	7,093,000	7,093,000	7,093,000
Total, National Institutes of Health	1,394,549,500	1,448,610,000	1,449,651,000	1,629,384,000	1,546,244,500	[22] 1,478,300,000	1,523,294,500	[22] 1,523,294,500	[22] 1,523,294,500
Scientific activities overseas (special foreign currency program)	15,000,000	3,455,000	3,455,000	3,455,000	3,455,000	3,455,000	3,455,000	3,455,000	3,455,000
OFFICE OF EDUCATION									
Elementary and secondary education:									
1971 advance		(1,226,000,000)	(7)	(1,117,580,000)		[21] 0	[21] 0	[21] 0	[21] 0
1. Educationally deprived children	1,123,127,000	[6] 1,226,000,000	[6] 1,396,975,000	[6] 1,396,975,000	[6] 1,396,975,000	[22 6] 1,251,000,000	[21 6] 1,396,975,000	[21 6] 1,396,975,000	[21 6] 1,396,975,000
2. Dropout prevention	5,000,000	24,000,000	5,000,000	20,000,000	5,000,000	[22] 15,000,000	[21] 5,000,000	[21] 5,000,000	[21] 5,000,000
3. Bilingual education	7,500,000	10,000,000	10,000,000	25,000,000	25,000,000	[22] 10,000,000	[21] 25,000,000	[21] 25,000,000	[21] 25,000,000
4. Supplementary educational centers	164,876,000	116,393,000	164,876,000	164,876,000	164,876,000	[22] 156,393,000	[22] 116,393,000	[22] 116,393,000	[22] 116,393,000
5. Library resources	50,000,000		50,000,000	50,000,000	50,000,000	[22] 0	[21] 50,000,000	[21] 50,000,000	[21] 50,000,000
6. Guidance, counseling, and testing	17,000,000		17,000,000	17,000,000	17,000,000	[22] 0	[21] 17,000,000	[21] 17,000,000	[21] 17,000,000
7. Equipment and remodeling	78,740,000		78,740,000	[8] (78,740,000)	[8] 30,000,000	[22 8] 0	[22 8] 0	[22 8] 0	[22 8] 0
8. Strengthening State departments of education	29,750,000	29,750,000	29,750,000	29,750,000	29,750,000	29,750,000	29,750,000	29,750,000	29,750,000
9. Planning and evaluation		9,250,000	9,250,000	9,250,000	9,250,000	9,250,000	9,250,000	9,250,000	9,250,000
Total	1,475,993,000	1,415,393,000	1,761,591,000	1,712,851,000	1,727,851,000	[21] 1,471,393,000	[22] 1,649,368,000	[22] 1,649,368,000	[22] 1,649,368,000
Instructional equipment	(93,240,000)		(78,740,000)	93,240,000	48,740,000	[22] 0	[22] 43,740,000	[22] 43,740,000	[22] 43,740,000

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(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
School assistance in federally affected areas:									
1. Maintenance and operation	$505,900,000	$187,000,000	$585,000,000	$645,000,000	$585,000,000	[22] $425,000,000	[22] $505,400,000	[22] $505,400,000	[22] $505,400,000
2. Construction	15,153,000	15,167,000	15,167,000	15,167,000	15,167,000	15,167,000	15,167,000	15,167,000	15,167,000
3. Evaluation	200,000								
Total	521,253,000	202,167,000	600,167,000	660,167,000	600,167,000	[22] 440,167,000	[22] 520,567,000	[22] 520,567,000	[22] 520,567,000
Education professions development:									
1. Preschool, elementary, and secondary:									
(a) Grants to States	15,000,000	15,000,000	15,000,000	21,500,000	18,250,000	[22] 15,000,000	[21] 18,250,000	[21] 18,250,000	[21] 18,250,000
(b) Training programs	80,000,000	80,000,000	80,000,000	98,000,000	88,750,000	[21] 88,750,000	[21] 88,750,000	[21] 88,750,000	[21] 88,750,000
2. Recruitment and information (504)				500,000	500,000	[22] 0	[21] 500,000	[21] 500,000	[21] 500,000
Total	95,000,000	95,000,000	95,000,000	120,000,000	107,500,000	[22] 103,750,000	[21] 107,500,000	[21] 107,500,000	[21] 107,500,000
Teacher Corps:									
1. Operations and training	20,900,000	31,100,000	21,737,000	31,100,000	21,737,000	[21] 21,737,000	[21] 21,737,000	[21] 21,737,000	[21] 21,737,000
Higher education:									
1. Program assistance:									
(a) Strengthening developing institutions	30,000,000	30,000,000	30,000,000	30,000,000	30,000,000	30,000,000	30,000,000	30,000,000	30,000,000
(b) Colleges of agriculture and the mechanic arts	11,950,000	[19] 19,361,000	12,120,000	[9] 19,361,000	[9] 19,361,000	[9] 19,361,000	19,361,000	19,361,000	19,361,000
(c) Undergraduate instructional equipment and other resources	14,500,000			[8] (14,500,000)		(0)	(0)	(0)	(0)
Subtotal, program assistance	56,450,000	49,361,000	42,120,000	49,361,000	49,361,000	49,361,000	49,361,000	49,361,000	49,361,000
2. Construction:									
(a) Public community colleges and technical institutions	50,000,000	43,000,000	43,000,000	125,000,000	43,000,000	43,000,000	43,000,000	43,000,000	43,000,000
(b) Other undergraduate facilities	33,000,000		33,000,000	75,000,000	33,000,000	[22] 0	[21] 33,000,000	[21] 33,000,000	[21] 33,000,000
(c) Graduate facilities	8,000,000								
(d) Interest subsidization	3,920,000	11,750,000	11,750,000	11,750,000	11,750,000	11,750,000	11,750,000	11,750,000	11,750,000
(e) State administration and planning	7,000,000	6,000,000	6,000,000	6,000,000	6,000,000	6,000,000	6,000,000	6,000,000	6,000,000
(f) Technical services	4,833,000	5,100,000	5,100,000	5,100,000	5,100,000	5,100,000	5,100,000	5,100,000	5,100,000
Subtotal, construction	106,753,000	65,850,000	98,850,000	222,850,000	98,850,000	[21] 65,850,000	[21] 98,850,000	[21] 98,850,000	[21] 98,850,000
3. Student aid:									
(a) Educational opportunity grants	124,600,000	175,600,000	159,600,000	175,600,000	164,600,000	[21] 164,600,000	[21] 164,600,000	[21] 164,600,000	[21] 164,600,000
(b) Direct loans	193,400,000	161,900,000	229,000,000	229,000,000	229,000,000	[22] 161,900,000	[21] 229,000,000	[21] 229,000,000	[21] 229,000,000
(c) Insured loans:									
(1) Advances for reserve funds (Obligations)	12,500,000								
(Obligations)	(4,700,000)	(7,800,000)	(7,800,000)	(7,800,000)	(7,800,000)	(7,800,000)	(7,000,000)	(7,800,000)	(7,800,000)
(2) Interest payments	62,400,000	62,400,000	62,400,000	62,400,000	62,400,000	62,400,000	62,400,000	62,400,000	64,400,000
(3) Computer services	1,500,000	1,500,000	1,500,000	1,500,000	1,500,000	1,500,000	1,500,000	1,500,000	1,500,000
Subtotal, insured loans	76,400,000	63,900,000	63,900,000	63,900,000	63,990,000	63,900,000	63,900,000	63,900,000	63,900,000
(d) Work-study programs	139,900,000	154,000,000	154,000,000	154,000,000	154,000,000	154,000,000	154,000,000	154,000,000	154,000,000
(e) Cooperative education		[10]	[10]	[10]	[10]	[10]	[10]	[10]	[10]
(f) Special programs for disadvantaged students:									
(1) Talent search	4,000,000	5,000,000	5,000,000	5,000,000	5,000,000	5,000,000	5,000,000	5,000,000	5,000,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1969 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1970—Continued

H. Rept. 91-391, July 24, 1969, passed House July 31, 1969
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House Document 91-218, Feb.3, 1970, proposed revisions of Labor-HEW appropriations
H. Rept. 91-840, Feb. 16, 1970, passed House Feb. 19, 1970

TITLE II—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—Continued

[Note.—All amounts are in the form of definite appropriations unless otherwise indicated]

Agency and item	New budget (obligational) authority fiscal year 1969 [1]	Budget estimates of new (obligational) authority fiscal year 1970 (revised)	New budget (obligational) authority recommended in the House bill H.R. 13111	New budget (obligational) authority recommended in the Senate bill H.R. 13111	New budget (obligational) authority recommended in the conference bill H.R. 13111 (vetoed)	New budget (obligational) authority recommended in current appropriation request	New budget (obligational) authority recommended in the House bill H.R. 15931	New budget (obligational) authority recommended in Senate bill H.R. 15931	New budget (obligational) authority recommended, H.R. 15931 conference agreement
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
School assistance in federally affected areas:									
(2) Upward bound	($29,800,000)	[11] $30,000,000	$30,000,000	$30,000,000	$30,000,000	$30,000,000	$30,000,000	$30,000,000	$30,000,000
(3) Special services in colleges		10,000,000	10,000,000	10,000,000	10,000,000	10,000,000	10,000,000	10,000,000	10,000,000
Subtotal, special programs	4,000,000	45,000,000	45,000,000	45,000,000	45,000,000	45,000,000	45,000,000	45,000,000	45,000,000
Subtotal, student aid	538,300,000	600,400,000	651,500,000	667,500,000	656,500,000	589,400,000	[21] 656,500,000	[21] 656,500,000	[21] 656,500,000
4. Personnel development:									
(a) College teacher fellowships	70,000,000	61,469,000	56,163,000	56,163,000	56,163,000	[21] 56,163,000	[21] 56,163,000	[21] 56,163,000	[21] 56,163,000
(b) Training programs	6,900,000	10,000,000	10,000,000	10,000,000	10,000,000	10,000,000	10,000,000	10,000,000	10,000,000
Subtotal, personnel development	76,900,000	71,469,000	66,163,000	66,163,000	66,163,000	[21] 66,163,000	[21] 66,163,000	[21] 63,163,000	[21] 66,163,000
5. Planning and evaluation		1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
Total, higher education	778,403,000	788,080,000	859,633,000	1,006,874,000	871,874,000	[22] 771,774,000	[21] 871,874,000	[21] 871,874,000	[21] 871,874,000
Vocational education:									
1. Basic grants	234,216,000	230,336,000	357,836,000	352,836,000	352,836,000	[22] 300,336,000	[22] 300,336,000	[22] 300,336,000	[22] 300,336,000
2. State advisory councils		1,680,000	1,680,000	2,800,000	2,800,000	[22] 1,680,000	[21] 2,800,000	[21] 2,800,000	[21] 2,800,000
3. National advisory council	(30,000)	200,000	200,000	200,000	200,000	200,000	200,000	200,000	200,000
4. Transfer to Department of Labor	0	2,000,000	0	0	0	0	[21] 0	[21] 0	[21] 0
5. Consumer and homemaking education	14,000,000	15,000,000	15,000,000	20,000,000	20,000,000	[21] 15,000,000	[22] 17,500,000	[22] 17,500,000	[22] 17,500,000
6. Cooperative education		14,000,000	14,000,000	14,000,000	14,000,000	14,000,000	14,000,000	14,000,000	14,000,000
7. Innovation		13,000,000	13,000,000	13,000,000	13,000,000	13,000,000	13,000,000	13,000,000	13,000,000
8. Curriculum development		2,000,000	2,000,000	2,000,000	880,000	[21] 2,000,000	[21] 880,000	[21] 880,000	[21] 880,000
9. Planning and evaluation		1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
10. Work-study			10,000,000	10,000,000	10,000,000	[22] 0	[22] 5,000,000	[22] 5,000,000	[22] 5,000,000
11. Programs for students with special needs			40,000,000	40,000,000	40,000,000	[22] 0	[22] 20,000,000	[22] 20,000,000	[22] 20,000,000
12. Research			34,000,000	34,000,000	34,000,000	[22] 0	[22] 17,000,000	[22] 17,000,000	[22] 17,000,000
Total, vocational education	248,216,000	279,216,000	488,716,000	488,716,000	488,716,000	[22] 347,216,000	[22] 391,716,000	[22] 391,716,000	[22] 391,716,000
Libraries and community services:									
1. Library services	40,709,000	23,209,000	40,709,000	40,709,000	40,709,000	[22] 33,209,000	[21] 40,709,000	[21] 40,709,000	[21] 40,709,000
2. Construction of public libraries	9,185,000		9,185,000	9,185,000	9,185,000	[22] 0	[21] 9,185,000	[21] 9,185,000	[21] 9,185,000
3. College library resources	25,000,000	12,500,000	12,500,000	25,000,000	20,834,000	[22] 12,500,000	[21] 20,834,000	[21] 20,834,000	[21] 20,834,000
4. Acquisition and cataloging by Library of Congress	5,500,000	4,500,000	5,500,000	7,356,000	6,737,000	[22] 4,500,000	[21] 6,737,000	[21] 6,737,000	[21] 6,737,000
5. Librarian training	8,250,000	4,000,000	4,000,000	8,250,000	6,833,000	[22] 4,000,000	[21] 6,833,000	[21] 6,833,000	[21] 6,833,000
6. University community services	9,500,000	9,500,000	9,500,000	9,500,000	9,500,000	9,500,000	9,500,000	9,500,000	9,500,000
7. Adult basic education	45,000,000	50,000,000	50,000,000	50,000,000	50,000,000	50,000,000	50,000,000	50,000,000	50,000,000
8. Educational broadcasting facilities	4,000,000	4,000,000	4,000,000	5,625,000	5,083,000	[22] 4,000,000	[21] 5,083,000	[21] 5,083,000	[21] 5,083,000
Total, libraries and community services	147,144,000	107,709,000	135,394,000	155,625,000	148,881,000	[22] 117,709,000	[21] 148,881,000	[21] 148,881,000	[21] 148,881,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1969 AND BUDGET ESTIMATES AND AMOUNTS RECOMM ENDED IN THE BILL FOR 1970—Continued

H. Rept. 91-391, July 24, 1969, passed House July 31, 1969
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H. Rept. 91-840, Feb. 16, 1970, passed House Feb. 19, 1970

TITLE I—DEPARTMENT OF LABOR

Agency and item	New budget (obligational) authority fiscal year 1969 [1]	Budget estimates of new (obligational) authority fiscal year 1970 (revised)	New budget (obligational) authority recommended in the House bill H.R. 13111	New budget (obligational) authority recommended in the Senate bill H.R. 13111	New budget (obligational) authority recommended in the conference bill H.R. 13111 (vetoed)	New budget (obligational) authority recommended in current appropriation request	New budget (obligational) authority recommended in the House bill H.R. 15931	New budget (obligational) authority recommended in Senate bill H.R. 15931	New budget (obligational) authority recommended, H.R. 15931 conference agreement
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Education for the handicapped:									
1. Preschool and school programs	$29,250,000	$29,250,000	[12] $29,190,000	$34,190,000	$29,190,000	[22] $29,250,000	[21] $29,190,000	[21] $29,190,000	[21] $29,190,000
2. Early childhood programs	945,000	3,000,000	4,000,000	4,000,000	4,000,000	[21] 4,000,000	[21] 4,000,000	[21] 4,000,000	[21] 4,000,000
3. Teacher education and recruitment:									
(a) Teacher education	29,700,000	29,700,000	35,000,000	35,000,000	35,000,000	[22] 30,900,000	[21] 35,000,000	[21] 35,000,000	[21] 35,000,000
(b) Recruitment and information	250,000	500,000	610,000	610,000	610,000	[22] 500,000	[21] 610,000	[21] 610,000	[21] 610,000
(c) Physical education and recreation	300,000	300,000	1,000,000	1,000,000	1,000,000	[22] 700,000	[21] 1,000,000	[21] 1,000,000	[21] 1,000,000
Subtotal, teacher education and recruitment	30,250,000	30,500,000	36,610,000	36,610,000	[22] 32,100,000	[21] 36,610,000	[21] 36,610,000	[21] 36,610,000	[21] 36,610,000
4. Research and innovation:									
(a) Research and demonstrations	12,800,000	14,050,000	16,000,000	16,000,000	16,000,000	[22] 14,150,000	[21] 16,000,000	[21] 16,000,000	[21] 16,000,000
(b) Regional resource centers	500,000	2,000,000	3,000,000	3,000,000	3,000,000	[22] 3,550,000	[21] 3,000,000	[21] 3,000,000	[21] 3,000,000
(c) Innovative programs (deaf blind centers)	1,000,000	2,000,000	4,000,000	4,000,000	4,000,000	[22] 2,500,000	[21] 4,000,000	[21] 4,000,000	[21] 4,000,000
(d) Physical education and recreation	300,000	300,000	700,000	700,000	700,000	[22] 300,000	[21] 700,000	[21] 700,000	[21] 700,000
Subtotal, research	14,600,000	18,350,000	23,700,000	23,700,000	23,700,000	[22] 20,500,000	[21] 23,700,000	[21] 23,700,000	[21] 23,700,000
5. Media services and captioned films	4,750,000	4,750,000	6,500,000	6,500,000	6,500,000	[22] 6,000,000	[21] 6,500,000	[21] 6,500,000	[21] 6,500,000
Total, education for the handicapped	79,795,000	85,850,000	100,000,000	105,000,000	100,000,000	[22] 91,850,000	[21] 100,000,00	[21] 100,000,000	[21] 100,000,000
Research and training:									
1. Research and development:									
(a) Educational laboratories	23,600,000	25,750,000	25,750,000	25,750,000	25,750,000	25,750,000	25,750,000	25,750,000	25,750,000
(b) Research and development centers	10,800,000	10,000,000	10,000,000	10,000,000	10,000,000	10,000,000	10,000,000	10,000,000	10,000,000
(c) General education	26,951,000	26,950,000	26,950,000	26,950,000	26,950,000	26,950,000	26,950,000	26,950,000	26,950,000
(d) Vocational education	11,375,000	1,100,000	1,100,000	1,100,000	1,100,000	1,100,000	1,100,000	1,100,000	1,100,000
(e) Evaluations	1,250,000	3,000,000	3,000,000	3,000,000	3,000,000	3,000,000	3,000,000	3,000,000	3,000,000
(f) National achievement study	1,000,000	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000
Subtotal, research and development	74,976,000	68,800,000	68,800,000	68,800,000	68,800,000	68,800,000	68,800,000	68,800,000	68,800,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1969 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1970—Continued

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TITLE II—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—Continued

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(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
2. Major demonstrations	$1,000,000	$5,250,000	$1,000,000	$4,000,000	$1,000,000	[21] $1,000,000	[21] $1,000,000	[21] $1,000,000	[21] $1,000,000
District of Columbia Model School	(1,000,000)	(5,000,000)	(1,000,000)	(4,000,000)	(1,000,000)	[21] (1,000,000)	[21] (1,000,000)	[21] (1,000,000)	[21] (1,000,000)
3. Experimental schools		25,000,000		9,500,000		[22] 9,500,000	[2'] 0	[21] 0	0
4. Dissemination	4,226,000	7,200,000	7,200,000	7,200,000	7,200,000	7,200,000	7,200,000	7,200,000	7,200,000
5. Training	6,750,000	6,750,000	6,750,000	6,750,000	6,750,000	6,750,000	6,750,000	6,750,000	6,750,000
6. Statistical surveys	500,000	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000
Total, research and training	87,452,000	115,000,000	85,750,000	98,250,000	85,750,000	[22] 95,250,000	[21] 85,750,000	[21] 85,750,000	[21] 85,750,000
Education in foreign languages and world affairs:									
1. Centers, fellowships, and research	15,165,000	15,000,000	15,000,000	7,000,000	15,000,000	15,000,000	15,000,000	15,000,000	15,000,000
2. Fulbright-Hays training grants	3,000,000	3,000,000	3,000,000	3,000,000	3,000,000	3,000,000	3,000,000	3,000,000	3,000,000
3. International Education Act		2,000,000		2,000,000		[21] 0	[21] 0	[21] 0	[21] 0
Total	18,165,000	20,000,000	18,000,000	12,000,000	18,000,000	[21] 18,000,000	[21] 18,000,000	[21] 18,000,000	[21] 18,000,000
Research and training (special foreign currency program)	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
Salaries and expenses	40,804,000	43,375,000	42,157,000	42,157,000	42,157,000	[21] 42,157,000	[21] 42,157,000	[21] 42,157,000	[21] 42,157,000
Student loan insurance fund		10,826,000	10,826,000	10,826,000	10,826,000	10,826,000	10,826,000	10,826,000	10,826,000
Higher education facilities loan fund:									
1. Loans to higher education institutions	100,000,000								
2. Participation sales insufficiencies	3,275,000	2,918,000	2,918,000	2,918,000	2,918,000	2,918,000	2,918,000	2,9018000	2,918,000
Total	103,275,000	2,918,000	2,918,000	2,918,000	2,918,000	2,918,000	2,918,000	2,918,000	2,918,000
Total, Office of Education	3,617,400,000	[6] 3,197,634,000	[6] 4,222,889,000	[6] 4,540,724,000	[6] 4,276,117,000	[22 6] 3,535,747,000	[22 6] 4,016,034,000	[22 6] 4,016,034,000	[22 6] 4,016,034,000
SOCIAL AND REHABILITATION SERVICE									
Grants to States for public assistance:									
1. Maintenance payments	3,395,424,000	3,948,340,000	3,948,340,000	3,948,340,000	3,948,340,000	3,948,340,000	3,948,340,000	3,948,340,000	3,948,340,000
2. Medical assistance	2,396,322,000	2,677,969,000	2,677,969,000	2,677,969,000	2,677,969,000	2,677,969,000	2,677,969,000	2,677,960,900	2,677,969,000
3. Social services and administration	624,800,000	725,242,000	725,242,000	725,242,000	725,242,000	725,242,000	725,242,000	725,242,000	725,242,000
Total	6,416,546,000	7,351,551,000	7,351,551,000	7,351,551,000	7,351,551,000	7,351,551,000	7,351,551,000	7,351,551,000	7,351,551,000
Work incentives:									
1. Training and incentives:									
(a) On-the-job training	18,969,000	15,732,000	15,732,000	8,500,000	14,474,000	[21] 14,474,000	[21] 14,474,000	[21] 14,474,000	[21] 14,474,000
(b) Institutional and work experience training	67,631,000	48,408,000	48,408,000	40,400,000	45,539,000	[21] 45,539,000	[21] 45,539,000	[21] 45,539,000	[21] 45,539,000
(c) Work projects	3,000,000	1,360,000	1,360,000	100,000	210,000	[21] 210,000	[21] 210,000	[1] 210,000	[21] 210,000
(d) Program direction and evaluation	5,300,000	8,000,000	8,000,000	8,000,000	8,000,000	8,000,000	8,000,000	8,000,000	8,000,000
Subtotal	94,900,000	73,500,000	73,500,000	57,000,000	68,223,000	[21] 68,223,000	[21] 68,223,000	[21] 68,223,000	[21] 68,223,000
2. Child care	22,600,000	56,140,000	56,140,000	43,000,000	51,777,000	[21] 51,777,000	[21] 51,777,000	[21] 51,777,000	[21] 51,777,000
Total	117,500,000	129,640,000	129,640,000	100,000,000	120,000,000	[21] 120,000,000	[21] 120,000,000	[21] 120,000,000	[21] 120,000,000
Assistance to repatriated U.S. nationals	645,000	700,000	700,000	700,000	700,000	700,000	700,000	700,000	700,000
Rehabilitation services and facilities:									
1. Vocational rehabilitation service:									
(a) Basic services	345,900,000	471,000,000	471,000,000	413,000,000	436,000,000	[21] 436,000,000	[21] 436,000,000	[21] 436,000,000	[21] 436,000,000
(b) Innovation	3,200,000	3,200,000	3,200,000	3,200,000	3,200,000	3,200,000	3,200,000	3,200,000	3,200,000

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H. Rept. 91-840, Feb. 16, 1970, passed House Feb. 19, 1970

[Note.—All amounts are in the form of definite appropriations unless otherwise indicated]

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(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
(c) Expansion of services	$8,000,000	$11,000,000	$11,000,000	$11,000,000	$11,000,000	$11,000,000	$11,000,000	$11,000,000	$11,000,000
(d) Migratory agricultural workers		3,500,000				[21] 0	0	[21] 0	0
Subtotal, services	357,100,000	488,700,000	485,200,000	450,200,000	450,200,000	[21] 450,200,000	[21] 450,000,000	[21] 450,200,000	[21] 450,200,000
2. Rehabilitation facilities:									
(a) Planning and construction	1,340,000		3,500,000	3,500,000	3,500,000	[22] 0	[21] 3,500,000	[21] 3,500,000	[21] 3,500,000
(b) Initial staffing	550,000	550,000	550,000	550,000	650,000	550,000	550,000	550,000	550,000
(c) Facility improvement:									
(1) Training service projects	6,000,000	6,333,000	6,333,000	6,333,000	6,333,000	6,333,000	6,333,000	6,333,000	6,333,000
(2) Improvement grants	4,000,000	4,200,000	4,200,000	4,200,000	4,200,000	4,200,000	4,200,000	4,200,000	4,200,000
Subtotal, facilities	11,890,000	11,083,000	14,583,000	14,583,000	14,583,000	[21] 11,083,000	[21] 14,583,000	[21] 14,583,000	[21] 14,583,000
Total	368,990,000	499,783,000	499,783,000	464,783,000	464,783,000	[22] 461,283,000	[21] 464,783,000	[21] 464,783,000	[21] 464,783,000
Mental retardation:									
1. Research	126,000	126,000	126,000	126,000	126,000	126,000	126,000	126,000	126,000
2. Hospital improvement	8,972,000	8,972,000	8,972,000	8,972,000	8,972,000	8,972,000	8,972,000	8,972,000	8,972,000
3. Rehabilitation service projects		4,500,000	4,500,000	4,500,000	4,500,000	4,500,000	4,500,000	4,500,000	4,500,000
4. Community service facilities:									
(a) Construction	6,000,000	8,031,000	12,031,000	12,031,000	12,031,000	[22] 8,031,000	[21] 12,031,000	[21] 12,031,000	[21] 12,031,000
(b) Initial staffing	8,358,000	12,000,000	11,371,000	11,371,000	11,371,000	[21] 11,371,000	[21] 11,371,000	[21] 11,371,000	[21] 11,371,000
5. Construction of university-affiliated facilities	9,100,000			2,000,000					
Total	32,556,000	33,629,000	37,000,000	39,000,000	37,000,000	[22] 33,000,000	[21] 37,000,000	[21] 37,000,000	[21] 37,000,000
Maternal and child health:									
1. Maternal and child health services	50,000,000	50,000,000	50,000,000	50,000,000	50,000,000	50,000,000	50,000,000	50,000,000	50,000,000
2. Crippled children's services	57,000,000	58,000,000	58,000,000	58,000,000	58,000,000	58,000,000	58,000,000	58,000,000	58,000,000
3. Maternity and infant care	48,000,000	61,850,000	61,750,000	61,750,000	61,750,000	[21] 61,750,000	[21] 61,750,000	[21] 61,750,000	[21] 61,750,000
4. Health of school and preschool children	39,000,000	40,950,000	40,850,000	40,850,000	40,850,000	[21] 40,850,000	[21] 40,850,000	[21] 40,850,000	[21] 40,850,000
5. Dental health of children			200,000	200,000	200,000	[21] 0	[21] 200,000	[21] 200,000	[21] 200,000
6. Training	9,000,000	9,000,000	11,200,000	11,200,000	11,200,000	[22] 9,000,000	[21] 11,200,000	[21] 11,200,000	[21] 11,200,000
7. Research	6,200,000	8,700,000	6,200,000	6,200,000	6,200,000	[21] 6,200,000	[21] 6,200,000	[21] 6,200,000	[21] 6,200,000
Total	209,200,000	228,500,000	228,200,000	228,200,000	228,200,000	[22] 225,800,000	[21] 228,200,000	[21] 228,200,000	[21] 228,200,000
Child welfare:									
1. Child welfare services	46,000,000	46,000,000	46,000,000	46,000,000	46,000,000	46,000,000	46,000,000	46,000,000	46,000,000
2. Training	5,800,000	5,800,000	5,800,000	5,800,000	5,800,000	5,800,000	5,800,000	5,800,000	5,800,000
3. Research and demonstration	4,400,000	4,600,000	4,400,000	4,400,000	4,400,000	[21] 4,400,000	[21] 4,400,000	[21] 4,400,000	[21] 4,400,000
4. White House Conference on Children and Youth		400,000	400,000	400,000	400,000	400,000	400,000	400,000	400,000
Total	56,200,000	56,800,000	56,600,000	56,600,000	56,600,000	[21] 56,600,000	[21] 56,600,000	[21] 56,600,000	[21] 56,600,000
Total, maternal and child health and welfare	265,400,000	285,300,000	284,800,000	284,800,000	284,800,000	[22] 282,400,000	[21] 284,800,000	[21] 284,800,000	[21] 284,800,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1969 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1970—Continued

H. Rept. 91-391, July 24, 1969, passed House July 31, 1969
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TITLE II—Continued

[Note.—All amounts are in the form of definite appropriations unless otherwise indicated]

Agency and item	New budget (obligational) authority, fiscal year 1969 [1]	Budget estimates of new (obligational) authority, fiscal year 1970 (revised)	New budget (obligational) authority recommended in the House bill H.R. 13111	New budget (obligational) authority recommended in the Senate bill H.R. 13111	New budget (obligational) authority recommended in the conference bill H.R. 13111 (vetoed)	New budget (obligational) authority recommended in current appropriation request	New budget (obligational) authority recommended in the House bill H.R. 15931	New budget (obligational) authority recommended in Senate bill H.R. 15931	New budget (obligational) authority recommended, H.R. 15931 conference agreement
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
SOCIAL AND REHABILITATION SERVICE—Con.									
Development of Programs for the aging:									
1. Grants to State for community planning and services	$16,000,000	$13,000,000	----------	$20,000,000	$13,000,000	$13,000,000	$13,000,000	$13,000,000	$13,000,000
2. Foster-grandparents program	(9,250,000)	[11] 9,250,000	----------	9,250,000	9,250,000	9.250,000	9,250,000	9.250,000	9.250,000
3. Research and demonstration	4,100,000	3,500,000	----------	3,500,000	3,500,000	3,500,000	3,500,000	3,500,000	3,500,000
4. Training	2,900,000	2,610,000	----------	3,500,000	2,610,000	2,610,000	2,610,000	2,610,000	2,610,000
Total	23,000,000	28,360,000	(7)	36,250,000	28,360,000	28,360,000	28,360,000	28,360,000	28,360,000
Juvenile delinquency prevention and control:									
1. Planning, prevention, and rehabilitation	2,650,000	11,000,000	$2,650,000	11,000,000	7,300,000	[21] 7,300,000	[21] 7,300,000	[21] 7,300,000	[21] 7,300,000
2. Training	1,300,000	2,600,000	1,300,000	2,600,000	1,700,000	[21] 1,700,000	[21] 1,700,000	[21] 1,700,000	[21] 1,700,000
3. Model programs and technical assistance	1,050,000	1,400,000	1,050,000	1,400,000	1,000,000	[21] 1,000,000	[21] 1,000,000	[21] 1,000,000	[21] 1,000,000
Total	5,000,000	15,000,000	5,000,000	15,000,000	10,000,000	[21] 10,000,000	[21] 10,000,000	[21] 10,000,000	[21] 10,000,000
Rehabilitation research and training:									
1. Research and demonstrations	21,325,000	21,325,000	21,325,000	21,325,000	21,325,000	21,325,000	21,325,000	21,325,000	21,325,000
2. Training	31,700,000	27,700,000	27,700,000	27,700,000	27,700,000	27,700,000	27,700,000	27,700,000	27,700,000
3. Special center program	10,275,000	10,275,000	10,275,000	10,275,000	10,275,000	10,275,000	10,275,000	10,275,000	10,275,000
4. International research (domestic support)	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
5. Center for deaf-blind youths and adults	600,000	600,000	600,000	600,000	600,000	600,000	600,000	600,000	600,000
Total	64,000,000	60,000,000	60,000,000	60,000,000	60,000,000	60,000,000	60,000,000	60,000,000	60,000,000
Cooperative research or demonstration projects:									
1. Research grants	1,680,000	1,750,000	1,750,000	1,750,000	1,750,000	1,750,000	1,750,000	1,750,000	1,750,000
2. Directed research	1,470,000	9,750,000	9,750,000	9,750,000	9 750,000	9,750,000	9,750,000	9,750,000	9,750,000
Total	3,150,000	11,500,000	11,500,000	11,500,000	11,500,000	11,500,000	11,500,000	11,500,000	11,500,000
Research and training (special foreign currency program)	5,000,000	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000
Salaries and expenses	27,015,000	[13] 34,393,000	28,780,000	31,673,000	30,226,500	[21] 30,226,500	[21] 30,226,500	[1] 30,226,500	[21] 30,226,500
Trust fund transfer	(348,000)	(360,000)	(360,000)	(360,000)	(360,000)	(360,000)	(360,000)	(360,000)	(360,000)
Total social and rehabilitation service	7,328,802,000	8,451,856,000	8,410,754,000	8,397,257,000	8,400,920,500	[22] 8,391,020,500	[21] 8,400,920,500	[21] 8,400,920,500	[21] 8,400,920,500
SOCIAL SECURITY ADMINISTRATION									
Limitation on salaries and expenses	(807,492,000)	[14] (921,200,000)	(901,500,000)	[14] (921,200,000)	(911,350,000)	[21] (911,350,000)	[21] (911,350,000)	[21] (911,350,000)	[21] (911,350,000)
Payment to trust funds for health insurance for the aged:									
1. Reimbursement for the uninsured	465,227,000	617,262,000	617,262,000	617,262,000	617,262,000	617,262,000	617,262,000	617,262,000	617,262,000
2. Supplementary medical insurance	895,000,000	928,151,000	928,151,000	928,151,000	928,151,000	928,151,000	928,151,000	928,151,000	928,151,000
Total	1,360,227,000	1,545,413,000	1,545,413,000	1,545,413,000	1,545,413,000	1,545,413,000	1,545,413,000	1,545,413,000	1,545,413,000
Payment for military service credits	105,000,000	105,000,000	105,000,000	105,000,000	105,000,000	105,000,000	105,000,000	105,000,000	105,000,000
Payment for special benefits for the aged	225,545,000	364,151,000	364,151,000	634,151,000	364,151,000	364,151,000	364,151,000	364,151,000	364,151,000
Consumer credit training (BFCU)	----------	300,000	----------	300,000	----------	[21] 0	[21] 0	[21] 0	0
Total Social Security Administration	1,690,772,000	2,014,864,000	2,014,564,000	2,014,864,000	2,014,564,000	[21] 2,014,564,000	[21] 2,014,564,000	[21] 2,014,564,000	[21] 2,014,564,000

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TITLE I—DEPARTMENT OF LABOR

[Note.—All amounts are in the form of definite appropriations unless otherwise indicated]

Agency and item	New budget (obligational) authority, fiscal year 1969 [1]	Budget estimates of new (obligational) authority, fiscal year 1970 (revised)	New budget (obligational) authority recommended in the House bill H.R. 13111	New budget (obligational) authority recommended in the Senate bill H.R. 13111	New budget (obligational) authority recommended in the conference bill H.R. 13111 (vetoed)	New budget (obligational) authority recommended in current appropriation request	New budget (obligational) authority recommended in the House bill H.R. 15931	New budget (obligational) authority recommended in Senate bill H.R. 15931	New budget (obligational) authority recommended, H.R. 1593, conference agreement
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
SPECIAL INSTITUTIONS									
American Printing House for the Blind	$1,340,000	$1,404,000	$1,404,000	$1,404,000	$1,404,000	$1,404,000	$1,404,000	$1,404,000	$1,404,000
National Technical Institute for the Deaf: Salaries and expenses	800,000	2,851,000	2,851,000	2,851,000	2,851,000	2,851,000	2,851,000	2,851,000	2,851,000
Model Secondary School for the Deaf:									
1. Salaries and expenses	400,000	415,000	415,000	415,000	415,000	415,000	415,000	415,000	415,000
2. Construction	445,000	351,000	351,000	351,000	351,000	351,000	351,000	351,000	351,000
Total	845,000	766,000	766,000	766,000	766,000	766,000	766,000	766,000	766,000
Gallaudet College:									
1. Salaries and expenses	3,691,000	4,257,000	4,257,000	4,332,000	4,332,000	[21] 4,332,000	[21] 4,332,000	[21] 4,332,000	[21] 4,332,000
2. Construction		867,000	867,000	1,106,000	1,106,000	[21] 1,106,000	[21] 1,106,000	[21] 1,106,000	[21] 1,106,000
Total	3,691,000	5,124,000	5,124,000	5,438,000	5,438,000	[21] 5,438,000	[21] 5,438,000	[21] 5,438,000	[21] 5,438,000
Howard University:									
1. Salaries and expenses	18,231,000	20,445,000	20,445,000	20,445,000	20,445,000	20,445,000	20,445,000	20,445,000	20,445,000
2. Construction	2,209,000	22,710,000	22,710,000	22,710,000	22,710,000	22,710,000	22,710,000	22,710,000	22,710,000
3. Freedmen's Hospital	9,030,000	9,109,000	9,109,000	9,109,000	9,109,000	9,109,000	9,109,000	9,109,000	9,109,000
Total	29,470,000	52,264,000	52,264,000	52,264,000	52,264,000	52,264,000	52,264,000	52,264,000	52,264,000
Total, special institutions	36,146,000	62,409,000	62,409,000	62,723,000	62,723,000	[21] 62,723,000	[21] 62,723,000	[21] 62,723,000	[21] 62,723,000
DEPARTMENTAL MANAGEMENT									
Office of the Secretary	5,133,000	5,975,000	5,975,000	5,975,000	5,975,000	5,975,000	5,975,000	5,975,000	5,975,000
Trust fund transfers	(389,000)	(398,000)	(398,000)	(398,000)	(398,000)	(398,000)	(398,000)	(398,000)	(398,000)
Office of Community and Field Service	4,189,000	4,730,000	4,510,000	4,510,000	4,510,000	[21] 4,510,000	[21] 4,510,000	[21] 4,510,000	[21] 4,510,000
Trust fund transfers	(2,168,000)	(2,486,000)	(2,325,000)	(2,325,000)	(2,325,000)	[21] (2,325,000)	[21] (2,325,000)	[21] (2,325,000)	[21] (2,325,000)
Office for Civil Rights	4,004,000	5,259,000	5,259,000	5,259,000	5,259,000	5,259,000	5,259,000	5,259,000	5,259,000
Trust fund transfers	(804,000)	(856,000)	(856,000)	(856,000)	(856,000)	(856,000)	(856,000)	(856,000)	(856,000)
Office of the Comptroller	9,242,000	10,425,000	10,425,000	10,425,000	10,425,000	10,425,000	10,425,000	10,425,000	10,425,000
Trust fund transfers	(1,255,000)	[15] (2,060,000)	(1,808,000)	[15] (2,060,000)	(2,060,000)	(2,060,000)	(2,060,000)	(2,060,000)	(2,060,000)
Office of Administration	4,926,000	5,234,000	5,066,000	5,066,000	5,066,000	[21] 5,066,000	[21] 5,066,000	[21] 5,066,000	[21] 5,066,000
Trust fund transfers	(302,000)	(359,000)	(350,000)	(350,000)	(350,000)	[21] (350,000)	[21] (350,000)	(350,000)	[21] (350,000)
Surplus property utilization	1,243,000	1,255,000	1,255,000	1,255,000	1,255,000	1,255,000	1,255,000	1,255,000	1,255,000
Office of the General Counsel	2,161,000	2,282,000	2,244,000	2,244,000	2,244,000	[21] 2,244,000	[21] 2,244,000	[21] 2,244,000	[21] 2,244,000
Trust fund transfers	(1,375,000)	(1,416,000)	(1,396,000)	(1,396,000)	(1,396,000)	[21] (1,396,000)	[21] (1,396,000)	[21] (1,396,000)	[21] (1,396,000)
Total, departmental management	30,898,000	35,160,000	34,734,000	34,734,000	34,734,000	[21] 34,734,000	[21] 34,734,000	[21] 34,734,000	[21] 34,734,000
Trust fund transfers	(6,293,000)	(7,575,000)	(7,133,000)	(7,385,000)	(7,385,000)	[21] (7,385,000)	(7,385,000)	[21] (7,385,000)	(7,385,000)
Total, Department of Health, Education, and Welfare	15,417,892,500	[6] 16,473,906,000	[6] 17,529,082,000	[6] 18,113,146,000	[6] 17,735,619,500	[20 22] 16,790,705,000	[20 22] 17,370,386,500	[20 22] 17,370,386,500	[20 22] 17,370,386,500

TITLE III—RELATED AGENCIES

National Labor Relations Board	$35,474,000	$36,880,000	$36,880,000	$36,880,000	$36,880,000	$36,880,000	$36,880,000	$36,880,000	$36,880,000
National Mediation Board	2,492,000	2,226,000	2,226,000	2,226,000	2,226,000	2,226,000	2,226,000	2,226,000	2,226,000
Railroad Retirement Board:									
Limitations on salaries and expenses	(14,490,000)	(15,092,000)	(15,172,000)	(15,172,000)	(15,172,000)	(15,172,000)	(15,172,000)	(15,172,000)	(15,172,000)
Payment for military service credits	18,446,000	19,206,000	19,206,000	19,206,000	19,206,000	19,206,000	19,206,000	19,206,000	19,206,000
Federal Mediation and Conciliation Service	8,215,000	[16] 8,452,000	8,240,000	8,412,000	8,412,000	8,412,000	8,412,000	8,412,000	8,412,000
U.S. Soldiers' Home (trust fund appropriation):									
Operation and maintenance	8,602,000	9,149,000	9,149,000	9,149,000	9,149,000	9,149,000	9,149,000	9,149,000	9,149,000
Capital outlay	726,000	170,000	170,000	170,000	170,000	170,000	170,000	170,000	170,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1969 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1970—Continued

H. Rept. 91-391, July 24, 1969, passed House July 31, 1969
S. Rept. 91-610, Dec. 16, 1969, passed Senate Dec. 17, 1969
Conference report 91-781, Dec. 20, 1969, passed House Dec. 22, 1969, passed Senate Jan. 20, 1970
House agreed to Senate amendments to conference report Jan. 26, 1970
Presidential veto Jan. 26, 1970
House defeated motion to override veto, Jan. 28, 1970
H.J. Res. 1072, continuing resolution, Feb. 2, 1970, passed House Feb. 2, 1970, passed Senate Feb. 4, 1970
House Document 91-218, Feb.3, 1970, proposed revisions of Labor-HEW appropriations
H. Rept. 91-840, Feb. 16, 1970, passed House Feb. 19, 1970

TITLE II—Continued

[Note.—All amounts are in the form of definite appropriations unless otherwise indicated]

Agency and item	New budget (obligational) authority, fiscal year 1969 [1]	Budget estimates of new (obligational) authority, fiscal year 1970 (revised)	New budget (obligational) authority recommended in the House bill H.R. 13111	New budget (obligational) authority recommended in the Senate bill H.R. 13111	New budget (obligational) authority recommended in the conference bill H.R. 13111 (vetoed)	New budget (obligational) authority recommended in current appropriation request	New budget (obligational) authority recommended in the House bill H.R. 15931	New budget (obligational) authority recommended in Senate bill H.R. 15931	New budget (obligational) authority recommended, H.R. 15931 conference agreement
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Office of Economic Opportunity	$1,948,000,000	$2,048,000,000	[7]	$2,048,000,000	$1,948,000,000	[21] $1,948,000,000	[21] $1,948,000,000	[21] $1,948,000,000	[21] $1,948,000,000
Federal Radiation Council	127,000	124,000	124,000	124,000	124,000	124,000	124,000	124,000	124,000
President's Committee on Consumer Interests	421,000	450,000	450,000	450,000	450,000	450,000	450,000	450,000	450,000
National Commission on Product Safety	525,000	1,475,000	1,475,000	1,475,000	1,475,000	1,475,000	1,475,000	1,475,000	1,475,000
President's Council on Youth Opportunity		357,000	[17]	300,000	300,000	300,000	300,000	300,000	300,000
Inter-Agency Committee on Mexican-American Affairs		510,000	510,000	510,000	510,000	510,000	510,000	510,000	510,000
Payment to the Corporation for Public Broadcasting	5,000,000	[18] 15,000,000	[7]	[18] 15,000,000	15,000,000	15,000,000	15,000,000	15,000,000	15,000,000
Total, related agencies	2,028,028,000	2,141,999,000	78,430,000	2,141,902,000	2,041,902,000	2,041,902,000	2,041,902,000	2,041,902,000	2,041,902,000
Grand total, new budget (obligational) authority	18,217,489,500	[6] 19,618,940,000	[6] 18,584,417,000	[6] 21,256,626,000	[6] 20,757,967,500	[21] [6] 19,813,053,000	[22] 20,392,734,500	[22] 20,392,734,500	[22] 20,392,734,500
Grand total, new budget (obligational) authority excluding an advance for 1970 of $1,010,814,300 appropriated in the 1969 bill		18,608,125,700	17,573,602,700	20,245,811,700	19,747,153,200	[20] [22] 18,802,238,700	[20] [22] 19,381,920,200	[20] [22] 19,381,920,200	[20] [22] 19,381,920,200

[1] 1969 appropriations are adjusted comparable to the 1970 estimates.
[2] Includes budget amendment of $26,928,000 (S. Doc. 91-41) which the House did not consider.
[3] Includes budget amendment of $750,000 (S. Doc. 91-41) which the House did not consider.
[4] Included under Wage and Hour Division, Salaries and expenses, in 1970.
[5] 1970 request was enacted as a 1969 supplemental.
[6] Includes an advance for 1970 of $1,010,814,300 appropriated in the 1969 bill.
[7] Consideration deferred by House, due to lack of authorizing legislation.
[8] Included in "Instructional equipment," a new appropriation recommended by the Senate Appropriations Committee.
[9] Includes budget amendment of $7,241,000 (S. Doc. 91-41) which the House did not consider.
[10] Up to one percent of work-study funds can be used for cooperative education.
[11] Included under the Office of Economic Opportunity in 1969.
[12] $60,000 not considered by House due to lack of authorization.
[13] Includes budget amendment of $2,893,000 (S. Doc. 91-34) which the House did not consider.
[14] Includes budget amendment of $19,700,000 (S. Doc. 91-34) which the House did not consider.
[15] Includes budget amendment of $252,000 (S. Doc. 91-34) which the House did not consider.
[16] Includes budget amendment of $172,000 (S. Doc. 91-41) which the House did not consider.
[17] Consideration deferred.
[18] Includes budget amendment of $15,000,000 (S. Doc. 91-41) which the House did not consider.
[19] A reprograming of an additional $1,000,000 for solid waste management is being developed in response to a Senate recommendation.
[20] Table does not include the deductions of 2% as provided by sec. 410 of the bill.
[21] Indicates change from budget estimate.
[22] Indicates change from conference agreement.

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

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

The PRESIDING OFFICER. Is there further morning business?

ORDER OF BUSINESS

Mr. FULBRIGHT obtained the floor.

Mr. FULBRIGHT. Mr. President, among the many innovative ideas——

Mr. MAGNUSON. Mr. President, has my request been acted upon?

Mr. FULBRIGHT. I understood the conference report was adopted.

Mr. MAGNUSON. Mr. President, I ask unanimous consent that the vote by which the conference report was agreed to be reconsidered.

Mr. FULBRIGHT. I have the floor. Does the Senator wish me to yield to him?

Mr. MAGNUSON. Yes. Will the Senator yield? I did not know we had acted so quickly.

Mr. FULBRIGHT. The Senator from Arkansas has the floor.

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

Mr. FULBRIGHT. I shall yield to the Senator from Washington. For what purpose does the Senator ask that I yield?

Mr. MAGNUSON. I ask unanimous consent that the vote by which the conference report was agreed to be reconsidered; and on that question, I ask for the yeas and nays.

Mr. FULBRIGHT. Mr. President, reserving the right to object, does that mean we will have a vote right away?

Mr. MAGNUSON. Yes.

Mr. FULBRIGHT. I am delighted to yield for that purpose.

The PRESIDING OFFICER. Is there objection? The Chair hears none. The yeas and nays are requested. Is there a sufficient second?

Mr. MAGNUSON. Mr. President, before we do that I wish to suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, the matter is reconsidered, and the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ERVIN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. A quorum call is in progress.

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. MANSFIELD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MANSFIELD. Mr. President, what is the pending business?

The PRESIDING OFFICER. The question is now on the adoption of the conference report.

Mr. MAGNUSON. Mr. President, I ask for the yeas and nays.

Mr. COTTON. What does the Senator mean? The conference report has been agreed to.

Mr. MANSFIELD. The Senator requested that the Senate reconsider the vote by which the conference report was agreed to.

The PRESIDING OFFICER. The re-

consideration was agreed to. Now, the question is on the motion.

Is there a sufficient second for the yeas and nays?

There is not a sufficient second.

There is now a sufficient second.

The yeas and nays have been ordered and the clerk will call the roll.

Mr. MAGNUSON. Mr. President, before the clerk calls the roll, because we did not anticipate there would be a rollcall vote on this question this morning I would like to suggest the absence of a quorum to give the Senators a little time to get to the Chamber.

Mr. COTTON. Mr. President, this is debatable. I made no remarks whatever at the time the chairman was making his. I would like 3 or 4 minutes.

The PRESIDING OFFICER. The clerk will call the roll for a quorum call.

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.

The question is on the adoption of the conference report.

Mr. COTTON. Mr. President, we cannot hear what is going on.

The PRESIDING OFFICER. The majority leader asked that the order for the quorum call be rescinded. The question now is——

Mr. COTTON. I object to the rescinding of the order for the quorum call.

The PRESIDING OFFICER. It has already been ordered to be rescinded.

Mr. COTTON. Then I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Is there objection?

Mr. COTTON. Mr. President, reserving the right to object, a parliamentary inquiry.

The PRESIDING OFFICER. A Senator cannot reserve the right to object on a quorum call.

Mr. FULBRIGHT. I will ask for it myself.

Mr. COTTON. I want to know if we will have a rollcall without intervening business.

Mr. FULBRIGHT. I am just going to make a statement and make some insertions.

The PRESIDING OFFICER. Is there objection to rescinding the order for the quorum call? Without objection, the order is rescinded.

S. 3543—INTRODUCTION OF A BILL TO PROVIDE FOR A U.S. CONTRIBUTION TO THE SPECIAL FUNDS OF THE ASIAN DEVELOPMENT BANK

Mr. FULBRIGHT. Mr. President, by request, I introduce for appropriate reference a bill to provide for a U.S. contribution to the special funds of the Asian Development Bank, and for other purposes.

This bill has been requested by the President of the United States and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

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

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

The bill (S. 3543) to provide for a U.S. contribution to the Special Funds of the Asian Development Bank, and for other purposes, introduced by Mr. FULBRIGHT, by request, was received, read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

S. 3543

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Asian Development Bank Act is amended by adding at the end thereof the following new sections:

"SEC. 12. (a) Subject to the provisions of this Act, the United States Governor of the Asian Development Bank (hereinafter the Bank) is authorized to enter into an agreement with the Bank providing for a United States contribution of $100,000,000 to the Bank in three annual installments of $25,000,000, $35,000,000, and $40,000,000, beginning in fiscal year 1970. (Such contribution is hereinafter referred to as the 'United States Special Resources.')

"(b) The United States Special Resources shall be made available to the bank pursuant to the provisions of this Act and Article 19 of the Articles of Agreement of the Bank, and in a manner consistent with the Bank's Special Funds Rules and Regulations.

"SEC. 13. (a) The United States special resources shall be used to finance specific high priority development projects and programs in developing member countries of the Bank with emphasis on such projects and programs in the Southeast Asia region.

"(b) The United States special resources shall be used by the Bank only for—

"(i) making development loans on terms which may be more flexible and bear less heavily on the balance of payments than those established by the Bank for its ordinary operations; and

"(ii) providing technical assistance credits on a reimbursable basis.

"(c) (i) United States special resources shall be expended by the Bank for procurement in the United States of goods produced in, or services supplied from, the United States: *Provided, however,* That the United States Governor, in consultation with the National Advisory Council on International Monetary and Financial Policies, may allow eligibility for procurement in other member countries from the United States special resources if he determines that such procurement eligibility would materially improve the ability of the Bank to carry out the objectives of its special funds resources and would be compatible with the international financial position of the United States.

"(ii) The United States special resources may be used to pay for administrative expenses arising from the use of the United States special resources, but only to the extent such expenses are not covered from the Bank's service fee or income from use of United States special resources.

"(d) All financing of programs and projects by the Bank from the United States special resources shall be repayable to the Bank by the borrowers in United States dollars.

"SEC. 14. (a) The letters of credit provided for in section 15 shall be issued to the Bank only to the extent that at the time of issuance the cumulative amount of the United States special resources provided to the Bank (i) constitute a minority of all special funds contributions to the Bank, and (ii) are no greater than the largest cumulative contribution of any other single country contributing to the special funds of the Bank.

"(b) The United States Governor of the Bank shall give due regard to the principles of (i) utilizing all special funds resources on an equitable basis, and (ii) significantly shared participation by other contributors in each special fund to which United States special resources are provided.

"SEC. 15. The United States special resources shall be provided to the Bank in the form of a non-negotiable, non-interest-bearing letter of credit which shall be payable to the Bank at par value on demand to meet the cost of eligible goods and services, and administrative costs authorized pursuant to section 13(c) of this Act.

"SEC. 16. The United States shall have the right to withdraw all or part of the United States special resources and any accrued resources derived therefrom under the procedures provided for in section 8.03 of the special funds rules and regulations of the Bank.

"SEC. 17. For the purpose of providing United States special resources to the Bank there is hereby authorized to be appropriated $25,000,000 for fiscal year 1970, $35,000,000 for fiscal year 1971, and $40,000,000 for fiscal year 1972, all of which shall remain available until expended."

S. 3544—INTRODUCTION OF A BILL TO AMEND THE ARMS CONTROL AND DISARMAMENT ACT RELATING TO ASSISTANT DIRECTORS

Mr. FULBRIGHT. Mr. President, by request, I introduce for appropriate reference a bill to amend the Arms Control and Disarmament Act, as amended, in order to extend the authorization for appropriations and provide for the uniform compensation of Assistant Directors.

A bill has been requested by the President of the United States and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with the letter from the President dated February 24, 1970, to the Vice President.

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

The bill (S. 3544) to amend the Arms Control and Disarmament Act, as amended, in order to extend the authorization for appropriations and provide for the uniform compensation of Assistant Directors, introduced by Mr. FULBRIGHT, by

request, was received, read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

S. 3544

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second sentence of section 49(a) of the Arms Control and Disarmament Act, as amended (22 USC 2589(a)), is amended by inserting immediately after "$18,500,000", the following: ", and for the two fiscal years 1971 and 1972, the sum of $17,500,000,".

(b) Section 24 of such Act (22 USC 2564) is amended by inserting at the end thereof the following provision: "If an Assistant Director is an officer of the armed forces serving on active duty, he shall receive, in addition to his military pay and allowances (including special and incentive pays) for which the Agency shall reimburse his service, an amount equal to the difference between such military pay and allowances and any higher compensation established for the position of Assistant Director."

The letter, presented by Mr. FULBRIGHT, is as follows:

THE WHITE HOUSE,
Washington, February 24, 1970.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Shortly after taking office I stated that the tasks of the Arms Control and Disarmament Agency were to be among the most important of my Administration, and today I want to reafirm my conviction that no task of our Government is more important. Intelligently directed arms control and disarmament efforts are not only an important element of our foreign policy, but are also essential to our national security.

Perhaps most dramatically in the strategic arms field, carefully designed arms control arrangements offer the prospect of halting an arms race that could both drain the resources and decrease the relative security of all participants. Surely the quest for reliable ways of avoiding such an arms race deserves the very best we can muster in the way of brains, experience, knowledge, negotiating skill and support.

It is my conviction that the Arms Control and Disarmament Agency can do much to meet these requirements and to enhance the prospects of success in the strategic arms limitation talks, for which I have chosen the Director of the Agency as head of the U.S. Delegation.

Accordingly, I am forwarding herewith draft legislation to authorize appropriations for the Arms Control and Disarmament Agency for another two years—which is the same length of time as the prior authorization. I urge you to give this bill your prompt and favorable consideration.

Sincerely,

RICHARD NIXON.

CAMPAIGN TO JAIL SOUTH VIETNAM OPPOSITION LEADER TRAN NGOC CHAU

Mr. FULBRIGHT. Mr. President, among the many innovative ideas which we have exported to South Vietnam are "pacification," "neutralization," and western-style political institution. I am continually impressed by the ease with which the Vietnamese adapt themselves to such alien concepts. It is true, of course, that they have had a great deal of practice at this as a result of their experience at the hands of the Chinese, the French, and now the Americans.

In recent weeks the Foreign Relations Committee has heard American advisers recount with pride the accomplishments of their Vietnamese pupils.

Occasionally, however, one does get an uneasy feeling that the Vietnamese may be a step or two ahead of their tutors. Vietnamese judicial practices are a case in point.

In 1967 it was discovered that the Vietnamese needed a constitution. Naturally we showed them how to write one which provided everything we thought necessary—a President and Vice President, elective legislature, independent judiciary, due process, and so forth. These institutions have flourished and—with a certain amount of prodding from us—we are now told that the Vietnamese are so devoted to them that it is our duty to insure their survival.

Lately, however, the Vietnamese constitution has become something of a burden to President Thieu in his campaign to bind the affection of the Vietnamese people to his regime. He has proven himself equal to the challenge, a fact which is not really surprising since he is, as we have been told, one of the four or five greatest politicians in the world. Certainly no one can deny that title to Thieu after what we have witnessed of his determined campaign to jail the prominent opposition leader Tran Ngoc Chau.

With the consent of the Senate, I will insert in the RECORD an account from the Washington Post of March 3, of recent proceedings in the Chau case. After reading it I believe you will agree with me that the Vietnamese President and Government has nothing further to learn from the Americans concerning the administration of justice.

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

[From the Washington Post, March 3, 1970]

LAWYERS QUIT AT RETRIAL OF SAIGON DEPUTY

SAIGON, March 2.—Three lawyers defending Deputy Tran Ngoc Chau before a South Vietnamese military court resigned from the case after the first day of Chau's second trial, saying their efforts could have no effect on the verdict.

One of the three, an attractive woman who is also vice president of the Vietnamese Senate, said the verdict was "prefabricated." The defendant agreed with this judgment and welcomed his lawyers' decision to give up the case.

They resigned before the trial had reached substantive questions of the charges against Chau. Today's court session were devoted mostly to procedural issues and motions by the defense, all of which were rejected by the army lieutenant colonel running the court.

Chau, a member of the Vietnamese House who is charged with helping the Communists, appeared at the trial wearing peasant's black pajamas and sandals. There were adhesive bandages on the front and back of his neck, and a large swelling was clearly visible on the back. Chau's lawyers said he suffered cuts and bruises while being arrested last week.

He was taken into custody after his first trial, which was conducted in his absence. Chau was found guilty by a similar five-man military court on that occasion and sentenced to 20 years at hard labor. Under Vietnamese law, sentences passed in absentia are unenforceable so Chau was entitled to the second trial that began this morning.

In the afternoon the government announced a completely new basis for its case against Chau. Previously, it had based its prosecution on a petition supposedly signed by 102 of Chau's House colleagues—exactly three-fourths of them—authorizing prosecution of Chau on the charge of helping the Communists.

PETITION DISPUTED

Chau and his lawyers have disputed the legality of that petition, saying he could be stripped of his congressional immunity only by a floor vote in which three-fourths of the members voted against him. This issue is now before the Supreme Court.

But today the government said it was prosecuting Chau because he had been caught "in flagrante delicto"—in the act of helping the Communists. The Vietnamese constitution says congressional immunity is invalid when a National Assemblyman is so caught.

The charge against Chau is based on eight confessed meetings he had with his brother, a North Vietnamese spy. Defense attorneys noted today that he was not accused of any crime for months after the last of those meetings. They asked how this could be reconciled with the government's new charge that he was caught red-handed.

There was no official explanation of why the government worked so long and so hard to get 102 House members to sign the petition if it was not needed in the first place.

DEFENSE MOTION

The most important defense motion today was that the government had arrested and charged Chau illegally, because the petition signed by House members was unconstitutional. The court rejected this by introducing the "caught red-handed" argument.

The defense also argued that the military court itself was unconstitutional, because all "special" courts were supposed to have been abolished last September under explicit guidelines in the constitution. The court replied that the constitution could not abolish it—only a presidential decree could.

One of Chau's lawyers asked that U.S. officials, including Ambassador Ellsworth Bunker, be called as witnesses in the case. Chau has said he kept important Americans informed of all his contacts with his brother, which began in 1965. The court ruled that American officials had no part to play in a trial involving Vietnamese national security.

At one point Mrs. Nguyen Phuoc Dai, Chau's woman lawyer, wept as she protested the court's disregard for democratic procedures. The chief judge asked her not to bring emotion into the courtroom.

[The trial reconvened Tuesday morning, and Chau was represented by a new lawyer appointed by Saigon's bar association. The new attorney asked for a 15-day postponement to study the case, but the judge said he could postpone the trial only until Wednesday morning. If this was not enough time for him to study the dossier, the lawyer was told, the court would have to appoint "a citizen with a law degree" to defend Chau on Wednesday.]

THE NATURE OF THE WAR IN LAOS

Mr. ALLOTT. Mr. President, the fight for Laos continues. The troubled American debate continues concerning the proper American response.

One thing is already clear: Events are outrunning reflection. Those who hope that we will be able to put Laos on the "back burner" until the Vietnam war is "settled" are too optimistic.

Further, they are mistaken about the nature of our enemy in that part of the world, and they are mistaken about the nature of the war in Laos.

The fundamental truth about this war, and the fact that makes it a matter of urgent concern, is the fact that the war in Laos is an integral part of the war in neighboring Vietnam.

Mr. President, Senators recall that I spoke on this problem last Thursday. At that time I urged Americans to face five important lessons that the Laos situation teaches. These lessons are:

First. So-called "neutralization" schemes are too fragile to survive in that turbulent part of the world.

Second. North Vietnam has not tempered its enthusiasm for aggression.

Third. The so-called "domino theory" may be about to receive some confirmation from events in Laos.

Fourth. North Vietnam's continuing invasion of Laos proves that the war in South Vietnam is more than a nationalistic uprising, and more than an "indigenous peasant revolt."

Fifth. The fact that North Vietnam is attending the so-called Paris peace talks does not insure that they have peaceful intentions regarding any neighboring country.

Mr. President, today I want to suggest a few more considerations that should influence our response to the situation in Laos.

First, many reasons have been given for our fight in Vietnam. But the controlling reason for American involvement is the belief that unchecked aggression is a threat to world peace, hence events in Laos may test whether we still think that is true.

Second, another reason we have fought in Vietnam is that we think American security is linked to the continued existence of non-Communist governments in Indochina.

For nearly a decade we have backed that conviction with force in Vietnam. The situation in Laos may test whether we still are convinced of the validity of that principle.

Third, the President has received the overwhelming support of both Houses of Congress for his policy of seeking an honorable and lasting peace in Vietnam.

The President is trying to wind down the war without letting down our allies. And he is trying to end this war in a way that will not sow the seeds of future wars. He wants to release today's Americans from war without condemning a future generation to war.

To achieve this end, the President has launched the policy of Vietnamization. But this policy presupposes that there will be no sharp increase in the level of violence in South Vietnam. The President's policy presupposes that the enemy's offensive capability will not significantly increase.

But what would happen, for example, if the Laotians are, due to enemy pressure, forced to demand that America stop interdicting the Ho Chi Minh Trail in Laos?

If this happens, North Vietnam, which today is battered and reeling, will get a new capacity for aggression. North Vietnam will gain yet another form of sanctuary, and men and materials will move just that much more easily into the main war zone.

Mr. President, many Senators have expressed the fear that the situation in Laos threatens to become "another Vietnam war." But this fear misses the point. The fact is, the war in Laos is an integral part of the ongoing Vietnam war, certainly as seen through the eyes of the North Vietnamese military. The countries are contiguous.

The aggressor in Laos is the aggressor in South Vietnam.

North Vietnam has been harassing Laos for years.

North Vietnam has been using infiltration routes through Laos and into South Vietnam for years.

The inescapable fact is that North Vietnam's war in Laos is related to its war in South Vietnam in the way Germany's invasion of France was related to its invasion of North Africa in World War II. That is, they are two parts of an integrated strategy.

In responding to each part of North Vietnam's strategy, we must not allow ourselves to think merely what it is comfortable to think. And we must not allow ourselves to be mislead by slogans.

Mr. President, let me be very clear about what I am saying.

I am raising questions. I am speaking about problems that concern various parts of the American Government.

Further, I am not willing to expand American involvement on the ground in Southeast Asia. Senators recall that I cosponsored the amendment to the last defense appropriations bill which declared that no moneys should be spent for the introduction of ground combat troops in Laos without the consent of Congress.

I ask unanimous consent that the language of the amendment be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. ALLOTT. Mr. President, the question remains, what is to be done?

One thing is certain. With the situation in Laos in a state of extreme instability, and with many vexing problems yet to be fully understood, it is important that we do nothing hastily.

Beyond that there are two specific things we can do.

First, we can continue with the kind of support we are currently giving the Laotian defenders.

There is nothing in battlefield conditions that indicates this would be a good time to curtail the limited aid we are giving with our airpower. Further, no action taken by Congress impedes or disapproves of this American support.

This is as it should be. We are now in the early stages of implementing the Nixon doctrine, which holds that the primary responsibility for defending any nation resides with the people of that nation.

According to the Nixon doctrine, America will lend support to embattled nations which make a vigorous self-defense effort. Laos is making such an effort to defend itself from the high-powered, experienced, and well-supported North Vietnamese war machine. It would be tactically foolish, unconsciously wrong, and utterly self-defeating in terms of the Nixon Doctrine, if we were to do anything to discourage the Laotian effort at self-defense.

There is a second thing we should do at this time.

We should take care to avoid statements which would ease the enemy's anxieties. Specifically, we should not plunge beyond the policy spelled out in the amendment referred to above.

Congress, in its proper participation in policy formation, must continue to insist that there be no introduction of ground combat troops into Laos without congressional consent. But, Congress should not give the impression that there are no circumstances in which we would offer more of other aid than the Laotian defenders are currently receiving.

President Nixon has reversed an 8-year tide of escalation in Southeast Asia. I do not expect that policy to be stopped. Indeed, I think it is an achievement of the highest statesmanship.

But American aid can take many forms other than ground combat troops. American technology has given us an arsenal both formidable and flexible. We can offer aid from this arsenal to those who are willing to fight in their own defense.

Mr. President, I hope the Laotian forces will prevail against the North Vietnamese invaders. As this struggle hangs in the balance, we should do nothing to damage that effort, either by cutting our aid or by giving the enemy a sense of invulnerability.

To summarize, we should now do the following things:

We should learn the lessons of Laos. We should replace slogans with policies. We should do nothing hastily. We should continue with our current support. And we should not give the impression that Congress has foresworn further scrutiny and evaluation of enemy activity in Laos.

Indeed, the most crucial thing we can do is to continue reviewing the Laos situation with open-mindedness, and with a clear understanding of the close connection between events in Laos and South Vietnam. This is the most important thing of all; namely, that the actions in South Vietnam in the past few years, and the actions in Laos, are part of an integrated policy of aggression by the North Vietnamese.

Mr. President, I believe that the legislative history made at that time amply demonstrates and clarifies the meaning of the amendment which will be printed in the RECORD at the conclusion of my remarks.

Now, Mr. President, I want to express my very deep appreciation to the distinguished Senator from Alabama (Mr. ALLEN). He was ready to take the floor on his own matters and yielded me this time. As always, his courtesy is very much appreciated.

EXHIBIT 1.

Public Law 91–171, Department of Defense Appropriation Act, 1970. "Sec. 643. In line with the expressed intention of the President of the United States, none of the funds

appropriated by this Act shall be used to finance the introduction of American ground combat troops into Laos or Thailand."

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that the President had approved and signed the following acts:

On March 2, 1970:

S. 55. An act for the relief of Leonard N. Rogers, John P. Corcoran, Mrs. Charles W. (Ethel J.) Pensinger, Marion M. Lee, and Arthur N. Lee.

On March 3, 1970:

S. 1678. An act for the relief of Robert C. Szabo; and

S. 2566. An act for the relief of Jimmie R. Pope.

EXECUTIVE MESSAGE REFERRED

As in executive session, the Presiding Officer laid before the Senate a message from the President of the United States submitting the nomination of Joseph W. Keene, of Louisiana, to be U.S. marshal for the Western District of Louisiana, which was referred to the Committee on the Judiciary.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House has passed the bill (S. 2593) to exclude executive officers and managerial personnel of Western Hemisphere businesses from the numerical limitation of Western Hemisphere immigration, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 914. An act for the relief of Hood River County, Oregon;

H.R. 4574. An act to provide for the admission to the United States of certain inhabitants of the Bonin Islands;

H.R. 10068. An act to amend the act of April 29, 1941, to authorize the waiving of the requirements of performance and payment bonds in connection with certain contracts entered into by the Secretary of Commerce;

H.R. 14322. An act to amend section 405 of title 37, United States Code, relating to cost-of-living allowances for members of the uniformed services on duty outside the United States or in Hawaii or Alaska;

H.R. 14645. An act to amend title 18 of the United States Code to prohibit certain uses of likenesses of the great seal of the United States, and the seals of the President and Vice President; and

H.R. 15142. An act to authorize any former Chairman of the Joint Chiefs of Staff to recompute his military retired pay under certain circumstances.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (S. 2701) to establish a Commission on Population Growth and the American Future.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 914. An act for the relief of Hood River County, Oreg.

H.R. 4574. An act to provide for the admission to the United States of certain inhabitants of the Bonin Islands; and

H.R. 14645. An act to amend title 18 of the United States Code to prohibit certain uses of likenesses of the great seal of the United States, and the seals of the President and Vice President; to the Committee on the Judiciary.

H.R. 10068. An act to amend the act of April 29, 1941, to authorize the waiving of the requirement of performance and payment bonds in connection with certain contracts entered into by the Secretary of Commerce; to the Committee on Commerce.

H.R. 14322. An act to amend section 405 of title 37, United States Code, relating to cost-of-living allowances for members of the uniformed services on duty outside the United States or in Hawaii or Alaska; and

H.R. 15142. An act to authorize any former Chairman of the Joint Chiefs of Staff to recompute his military retired pay under certain circumstances; to the Committee on Armed Services.

ORDER OF BUSINESS

The PRESIDING OFFICER. The question is on the adoption of the conference report on the HEW appropriations bill.

Mr. EASTLAND and Mr. COTTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COTTON. Mr. President, may I yield to the Senator from Mississippi, without losing my right to the floor?

Mr. EASTLAND. I thank the Senator.

ATTEMPTS BY GOVERNMENT OF GREAT BRITAIN TO INFLUENCE POLICY OF UNITED STATES WITH RESPECT TO RHODESIA

Mr. EASTLAND. Mr. President, the Government of Great Britain yesterday took another step designed to impose its influence on the foreign policy of the United States. The British representative in the United Nations announced his country will seek a meeting of the Security Council in order to influence the United States and other members of the world body to join in its persecution of the nation of Rhodesia.

This is indeed the height of absurdity. It is most certainly a sad state of affairs when the State Department of this country finds itself at the beck and call of the foreign office of the Government of Great Britain. This is particularly true when all the British are seeking to do is further their own selfish interest.

I am dismayed and amazed that the leadership of the United States now finds itself in such a position.

The British are now trying to control the foreign policy of the United States and force us to take a course that is clearly in direct conflict with the best interest of America. These events take on even greater meaning when we examine the foreign policy of Great Britain and see that they have continually—almost without exception—acted in opposition to the interests of the United States and the Free World.

Read the roll of enemies of the United States—Cuba, North Vietnam, Communist China—and what do we find? We see that the British are dealing with every one of these enemies who have vowed to destroy America. Almost without exception, Great Britain has lined up with every enemy of this country.

Now, Mr. President, the government of Britain has the audacity to come before that great world body, the United Nations, and ask the United States to join them in condemning Rhodesia. I find this hard to believe.

Let us take a look at British foreign policy of recent years:

First, in Cuba, the British have joined in trade with this Communist nation that sits at the very doorstep of the United States. They have deliberately and openly flaunted the economic embargo which the United States imposed on Cuba, a policy which is supported by the Organization of American States and the nations of the Western Hemisphere who are interested in keeping Castro from exporting his doctrine of revolution. Only a few years ago this policy had brought the regime of Fidel Castro to its feet in an economic sense. It was then that our friends, the British, decided it would be in their best interest—Great Britain's, not ours—to join in trade agreements with Castro which brought a substantial number of British-manufactured buses to Cuba. The Cuban transportation system was in danger of breaking down completely—if it had not been for this act of wanton disregard for the interest of the United States on the part of Great Britain. The United States, at that time, protested the British action—and we were greeted with some statement in return that the British did not believe in boycotts. I maintain that the British do not believe in boycotts—except when the boycott is in their own selfish interest.

Mr. President, now we have the British before the United Nations, asking that the United States join them in boycotting Rhodesia. How can they make such a request when they refused to simply halt trade of strategic goods to Communist Cuba, which lies only 90 miles from our coast and points its missiles at American cities.

Now, let us look at Communist North Vietnam. What is the British foreign policy in regard to this country which threatens the whole of Southeast Asia, this archenemy of the United States and of freedom everywhere, this Communist government which kills Americans and holds others imprisoned in their country?

One needs only to look in the port of Hanoi, where we find ships flying the British flag regular visitors to the capital of our enemy. We see cargo-carrying ships docked at the head of the supply line that leads into South Vietnam and maintains the war against Americans in that country.

Now, Mr. President, only in recent days, we find the British Foreign Secretary standing on the floor of Parliament and publicly admitting that his country maintains a consulate in Hanoi. Need I remind you that this is the Hanoi which masterminds the war against the free people of South Vietnam, the Hanoi that

sends its troops against Americans fighting for freedom in South Vietnam?

The British ask us to close the American Consulate in Rhodesia. How absurd can one get?

Finally, now, let us look at Communist China. This great mass of humanity stands poised on the Asian continent, posing a threat to the freedom of man everywhere. A nation which made war on Americans in South Korea only a generation ago, this country that today is manufacturing and testing nuclear weapons with their only goal to prepare for war against mankind.

What does Great Britain do? It grants full and complete diplomatic recognition to Communist China, carrying with it the complete exchange of diplomats, recognition on all fronts, and trade between the two countries.

And Great Britain says the United States should not extend diplomatic recognition to Rhodesia. I find this incredible.

During the course of recent years, world diplomacy has taken some strange turns. The old American saying that "politics makes strange bedfellows" was never more true when applied to the foreign relations of the nations of the world.

It would be amusing—if it were not so deadly serious—this strange turn of events. We witness the spectacle of representatives of Great Britain standing on the floor of the United Nations asking the United States and the countries of the world to join in a more stringent boycott of Rhodesia. This is the same British Government that trades with Cuba, the same British Government that maintains a consulate in Hanoi, and the same British Government that extends diplomatic recognition to Communist China.

They ask us to help them. But where was Britain when we asked their help?

Mr. President, I call on the State Department and the President of the United States to seriously consider the problem the British have placed before us. The interests of the United States should be paramount to British selfishness. I call on them to consider what Britain has done to us in our fight against the Communist menace. I call on them to weigh this matter carefully on the scales of diplomacy. I ask them to place on one side of the balance the role of Great Britain in helping America to battle communism around the world—and place on the other side the request that we join them in boycotting a tiny country which has been our friend. I challenge them to look at the results of this exercise in world diplomacy and abide by the outcome.

It is sheer folly for the United States to even seriously consider the British request. We should turn a deaf ear to this absurd demand that we turn our backs on a friend. We should, once and for all, remove wholly and completely the hand of Great Britain from our foreign policy. Let us right the ship of state and steer our own course—a course that leads America in its own best interest and the interest of freedom for all.

I call on the President to put a stop to the absurd "follow the leader" diplomacy.

Rhodesia is our friend. We should not only reject the British request forthwith—but we should act promptly to place our stanch ally on the African Continent in her rightful place among the nations of the world. I call on the President to extend full and complete recognition to Rhodesia.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATION BILL, 1970—CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15931) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes.

Mr. COTTON. Mr. President, in view of the fact that the only remarks in connection with this report were made by my distinguished chairman, in which he voiced the regret many of us feel for the necessity of some of the reductions, I simply want the RECORD to show, in view of the fact that we are about to have a rollcall vote, that the distinguished chairman introduced a statement from HEW as to exactly where the reductions would be made, that this is 2 percent of $19 billion, and that in view of the fact that the Senate unanimously voted out a bill with the 2-percent reduction, I trust that same action will be taken now.

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

Mr. COTTON. I yield.

Mr. GRIFFIN. I am sure the Senate does not want any long speeches at this point, and I do not intend to make one; we are all glad to have reached the end of a long and tortuous road. But I pay particular tribute to the Senator from New Hampshire (Mr. COTTON) for the role he played in finally persuading the Senate to adopt the amendment which could finally be the basis for the resolution of this difficult controversy. I think he was most patient and very persuasive. and did an outstanding job, and I think the Senate owes him a debt of gratitude.

Mr. COTTON. I thank the Senator from Michigan.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. EAGLETON. Mr. President, I apologize, at this late hour, for prolonging this very important matter, which has been the subject of so much labor on the part of all Members of the Senate, especially the Senator from Washington (Mr. MAGNUSON), and the Senator from New Hampshire (Mr. COTTON). However, if I may, I should like to ask one or two specific questions of the Senator from New Hampshire with respect to certain budget figures.

I understand that the Senator from Washington (Mr. MAGNUSON), has placed in the RECORD a statistical summary, indicating where the cuts prospectively would be made by HEW under the Cotton formula, as amended by the Eagleton amendment. Is that correct?

Mr. MAGNUSON. That is correct.

Mr. EAGLETON. Looking at that table, if I can direct the attention of the Senator from New Hampshire to page 3 of that table, "Health Manpower," and then one subheading, "Nursing," wherein, under the Senate bill, the figure is $8.4 million——

Mr. COTTON. What subheading please? I did not catch it.

Mr. MAGNUSON. Nursing, under "Health manpower."

Mr. EAGLETON. I beg the Senator's pardon. On page 3 of this mimeographed table put into the RECORD by the Senator from Washington (Mr. MAGNUSON), about two-thirds of the way down, there is a heading called "Health manpower," and then, under that heading, an item called "Nursing."

In the bill before us, the figure is $8.4 million. Does the Senator find that?

Mr. COTTON. That was the amount in the Senate bill.

Mr. EAGLETON. In which the House of Representatives has now concurred?

Mr. COTTON. That was the amount in the Senate bill.

Mr. EAGLETON. And the House has accepted that Senate figure of $8.4 million?

Mr. COTTON. That is right.

Mr. EAGLETON. The amount of the proposed reduction is $1.4 million.

Mr. MAGNUSON. The amount HEW plans to reduce the $8.4 million by.

Mr. EAGLETON. The next column says "amount of reduction." I am reading from the statistical memorandum put in the RECORD by the Senator from Washington.

Mr. MAGNUSON. Yes.

Mr. EAGLETON. Labeled "amount of reduction."

Mr. MAGNUSON. That is correct.

Mr. EAGLETON. Now, $1.4 million, as a percentage of $8.4 million, comes to 16 percent. How can HEW contemplate reducing that item by $1.4 million?

Mr. COTTON. First, may I ask the distinguished Senator, has he other——

Mr. EAGLETON. I will pose all my specific questions at once, if the Senator so wishes. I have about eight items which our computation shows are in excess of 15 percent, in terms of the amount that it is proposed they be reduced by HEW.

Mr. COTTON. I can personally assure the distinguished Senator that it was not the purpose of HEW, in preparing these figures and submitting them to the conferees, to exceed the 15-percent limitation in the bill. If there have been included, through error, items that do exceed the 15-percent limitation even by 1 percent, I can say to the distinguished Senator that I am assured they will keep faith on this, and that the reductions will in no instance ever exceed the 15 percent.

Mr. MAGNUSON. I might say, the reason for the figures that might disturb the Senator from Missouri is that the line item in the bill is "Health manpower," and the reduction from that total could not go over 15 percent; but some of these items are just activities

and programs within the line item. They are all included in "Health manpower." They could go over 15 percent on some activities, as long as the total cut for "Health manpower" was not over 15 percent. This is the department's interpretation of the amendment of the Senator from Missouri.

Mr. EAGLETON. If I may now respond to both the Senator from Washington and the Senator from New Hampshire, I thought this was the ground we plowed the other day when the so-called Eagleton amendment was adopted. By the Eagleton amendment, we attempted to get away from the concept of having a broad umbrella called "Health manpower," but to set forth the specific items that comprise and come under that broad umbrella, so as to prevent the emasculation of any single program contained within the broad umbrella.

In a series of exchanges between myself and the Senator from New Hampshire, when I went through "libraries," "guidance and counseling," "university and college construction programs," and other items and he agreed with me that these were line items which, in his judgment, if my amendment were adopted, would not be susceptible of a cut beyond 15 percent.

Mr. COTTON. That is perfectly correct, Mr. President. And let me say to the Senator from Missouri that his question is very much in point. I have not at any time—during the consideration of this bill—dodged or quibbled over definitions, and I am not going to attempt now to argue what is a line item and what is not a line item.

But those items that are specified in the bill I regard as such, and when these tables were shown to me just before we went into another conference on another bill; namely, the cigarette bill, I discussed this with the budget officer of HEW, reminding him that the Eagleton amendment to the Cotton amendment was in effect, and making sure that he and the Department recognized the moral obligation to see that it is living up to it in spirit and in fact. If in these tables there are inconsistencies on line items—and I am not going to dispute what is a line item, except to say that an item, if it is in the bill, is obviously such an item—I can assure the Senator that his very well taken position will be adhered to.

Mr. MAGNUSON. I might say to the Senator from Missouri that when we talk about line items, we are talking about items in the bill, but some of these programs and activities are within a line item that is mentioned in the bill. A good example of it is dental health for children, on which there was only $200,000 provided in the bill. That is not in the bill as such, though it comes under an appropriation account. That is the reason why these figures exceed 15 percent in some cases.

But the Senator from New Hampshire is correct that any line item that is in the bill will not be cut or could not be cut more than 15 percent.

Mr. COTTON. That is correct.

Mr. EAGLETON. Mr. President, if I may say so in conclusion, the comments just made by the Senator from Washington do not coincide, in totality, with my understanding of what was involved in the Eagleton amendment to the Cotton amendment.

So, to make the record clear, I would like just briefly to read into the RECORD at least eight items that I think, under the proposed plan of HEW, would be in violation of my interpretation and what I had in mind, and what I understood to be the purport of the Eagleton amendment.

"Health manpower," the subheading "Nursing." In the bill it is $8.4 million. The proposed amount of reduction is $1.4 million. That would be a reduction of 16 percent.

"Health manpower—direct loans." The figure in the bill is $40.141 million. The proposed cut is $15.531 million—a cut of 38 percent.

Mr. COTTON. On what page is that?

Mr. EAGLETON. On page 3. It is four items down from "Nursing."

Moving to page 4 of the table placed in the RECORD by the Senator from Washington (Mr. MAGNUSON), the heading "Education professions development." The last item under the heading "Recruitment and information," the amount in the bill is $500,000, and the amount of the proposed reduction is $500,000, or a reduction of 100 percent.

Turning to page 5 of the table placed in the RECORD, under the label "Vocational education," an item called "Research," the amount in the bill is $17 million, and the amount of the proposed reduction is $17 million, or a cut of 100 percent.

On the same page, "Libraries and community services," an item labeled, "College library resources." The amount in the bill is $20.834 million, and the amount of the proposed reduction is $10.934 million, or a proposed reduction of 52 percent.

Under the same heading, an item labeled "Librarian training." The amount in the bill is $6.833 million, and the amount of the proposed reduction is $2.833 million, or a proposed reduction of 41 percent.

On page 6 of the table, under the heading, "Maternal and child health and welfare," an item labeled "Dental health of children." The amount in the bill is $200,000, and the amount of the proposed reduction is $200,000, or a reduction of 100 percent.

An item called "Training (maternal and child health)." The amount in the bill is $11.2 million, and the proposed reduction is $2.2 million, or a reduction of 20 percent.

In conclusion, Mr. President, let me say that if HEW proceeds to cut the budget in the amounts indicated in this table with respect to each of these items, in my judgment, it would be in violation of the Cotton amendment as amended by the Eagleton amendment.

Mr. COTTON. I will say just one word in reply to the distinguished Senator.

In the first place, several of the items he has mentioned are parts of a general appropriation for the same purpose—so much under libraries and so much under various other subjects. Some of the items to which the Senator has referred did not appear anywhere—they were not in the bill or anywhere else, except that they showed up in the tables of the Appropriations Subcommittee as a result of the evidence given, as to how they were going to divide appropriations for a purpose—how they were going to divide it between colleges and elementary and secondary schools, or how they were going to divide it from an administrative standpoint. By raising his objections, the Senator from Missouri shows his careful search and his complete thoroughness and purpose, but the fact remains that when any Government department, in seeking its appropriation, endeavors to put the cards on the table in its presentation to the Appropriations Committees of Congress and many times in answer to specific questions gives its plan, tells what it plans to do administratively—if that is going to be raised as a line item in the bill—it will discourage what we want to encourage, which is utter frankness and candor in testimony to the committee and in submitting the administrative plans of the Department.

I would also say—good naturedly—that if, in my case, in offering the so-called Cotton amendment, if the Senator from New Hampshire had not leaned over backward to present all the information possible, many of these questions would not have been raised, because a line item in the bill is a line item in the bill. I accepted the Eagleton amendment so that every line item was affected; and now, to carry it to the further extreme of penalizing the Department for candor in how it separates a line item administratively is, I believe, inviting—the reticence on the part of those who spend the taxpayers' money in laying the situation before Congress and penalizes those who desire to be complete in our information.

I think that a 2-percent decrease in a $19 billion bill, with only 4 months left in the year, and after we have gone through all the agony of this long bill, is a very small decrease, and represents meeting the President halfway in making the sacrifice approximately half, and our yielding approximately half, after his February 2 suggestions. It seems to me that the matter is effectively and honestly disposed of.

All this information was before the conferees. It was in the possession of the House when they voted overwhelmingly to accept the amendment, and it will be adhered to.

That is all I am going to say in reply, because I think that flaws are being raised which, if I did not have so much respect and such high regard for my friend, would tempt me to say we are getting down to the point of nit-picking on a proposal that has been hashed and rehashed and upon which we have consistently tried to be completely open and above board.

Mr. EAGLETON. Mr. President, I, too, am a great believer in candor and in complete disclosure by the administrative departments of the Federal Government as to how they intend to spend their money. The most complete disclosure they can make of this type is that which is before us, which was part and parcel of the committee report, which indicated in specific detail how these moneys were intended to be spent.

Today they tell us how they intend to cut the programs. In my judgment, on page 4, "Education professions development," "Recruitment and information," most certainly is a line item. The $500,000 figure, in my judgment, cannot be cut $500,000, or 100 percent.

The Senator from New Hampshire is correct in saying that a 2-percent overall budget cut is perhaps not enormously deleterious. But if we look into the various items in the bill, such as "vocational education," we find that the Department of Health, Education, and Welfare intends to cut the $17 million designated for research by $17 million, which will totally obliterate and totally emasculate the program. So the effect of a 2-percent cut will be much more devastating than is contemplated or envisioned by the remarks of the Senator from New Hampshire.

I know that the hour is late and that the Senate is anxious to vote, but I think it is a gross oversimplification to say that any one of the programs can withstand a 2-percent cut and the Nation will not suffer. When we examine the component parts of an overall program and then find that some of those component parts will be totally eliminated and others will be cut by as much as 50 percent, then I think we can see that it is a gross oversimplification to talk in terms of the general or overall 2-percent cut. That is, insofar as HEW is proposing to apply the seemingly innocuous 2-percent cut to specific items, we find the total devastation in some instances and the substantial emasculation in other instances of some of our more important health and educational programs.

Mr. MAGNUSON. I appreciate the views of the Senator from Missouri. I share them. But we can only make an amendment to something that is in a bill. The other items are HEW's evaluation, and they name the programs and activities. They can move them around. They can cut out an activity then give it another name, and put it in another appropriation account. We can only deal with the line items. There are many programs that they can move around and put under some of the other line items. That is what they do. We do not always know whether programs are going to be absorbed, folded in, or cut out. We do know about the items in the bill.

The table which the Senator from New Hampshire mentioned is prepared by, and is from the Department itself. It is their tentative plan.

Mr. COTTON. The Senator from Missouri mentioned "vocational education" being cut out. As a matter of fact, the real bulk of "vocational education" is in the basic grants to the States. That is not cut 1 cent. So it merely indicates that there was a cut in research without touching the basic grants to the States, which is almost a whole program. We have only 4 months of research left anyway. I assure the Senator from Missouri that as we start the long road—and I commend the committee chairman for his intention to start hearings soon—toward the 1971 appropriations, every one of these points will be given serious consideration by the committee.

But the matter of "vocational education" is an example of the fact that they have gone far enough to show in one line item that they are telling where they will cut. Perhaps it would have been wiser not to have done so.

Mr. YARBOROUGH. Mr. President, although this bill does not appropriate enough funds for our vital health and education programs for people, I support it with reservations. Just to keep pace with a 6-percent price inflation, we would need to appropriate $19.3 billion, and to accommodate the much higher cost increases in health and education, a 10-percent increase over last year's funds would come to $20 billion.

Nonetheless, some of the increases above the President's budget recommendation, that we have retained, are crucial.

One is the $21 million for bilingual education, which is almost triple the amount appropriated last year. Unless we start providing some financial flesh for the skeleton of the Bilingual Education Act, the thousands of young people who could benefit from it will not, but will instead continue to leave elementary and secondary school in massive numbers. This amount is more than the total of all moneys appropriated for bilingual education in the past.

I find it hard to think of these children as dropouts from school. I think a school system that teaches only in a language which large numbers of its pupils do not understand easily is shutting out those children. Meaningful funding for title VII will provide meaningful education for the first time for thousands of children of Spanish-speaking families.

In higher education, we have $28 million for construction of undergraduate facilities. The administration requested no funds.

I have spoken out against the administration request for no funds for school libraries. There will be $42.5 million for school libraries, elementary and secondary.

Grants for local, city, county, and town libraries total $29.8 million. Shortsightedly, the administration requested no funds for this important program.

The administration request contained no funds for hospital construction and modernization. This bill will allow construction and modernization of hospitals. The total for the Hill-Burton hospital section of the program will be approximately $70 million.

My most serious reservation is that the Cotton amendment marks another step down the road of congressional surrender of powers to the Executive. It is bad in principle. It is bad in its effect of reducing by 2 percent the funds the bill provides to promote the health, education, and welfare of the American people.

This is not a partisan issue; it is one of sustaining the authority and the voice the Congress of the United States was meant to have over the expenditures of the U.S. Government.

The power to tax and the power to spend are vested by the Constitution in the Congress, not in the President. Every time we give to the President the power to withhold money Congress appropriates, we weaken both our statutory position, our prestige, and our constitutional duties.

However, I do support enactment of this bill because it does fund vital domestic programs, though at a level that is not adequate for health and education.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRIFFIN. 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 PRESIDING OFFICER (Mr. SPONG in the chair). The question is on agreeing to the conference report.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Montana (Mr. METCALF), the Senator from Minnesota (Mr. MONDALE), and the Senator from Georgia (Mr. RUSSELL) are necessarily absent.

I further announce that the Senator from Alaska (Mr. GRAVEL), and the Senator from Arkansas (Mr. MCCLELLAN) are absent on official business.

I further announce that, if present and voting, the Senator from West Virginia (Mr. BYRD), the Senator from Arkansas (Mr. FULBRIGHT, the Senator from Alaska (Mr. GRAVEL), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Montana (Mr. METCALF), the Senator from Minnesota (Mr. MONDALE), and the Senator from Georgia (Mr. RUSSELL) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Massachusetts (Mr. BROOKE), the Senator from Arizona (Mr. FANNIN), the Senator from Oregon (Mr. PACKWOOD), the Senator from Illinois (Mr. PERCY), the Senator from Illinois (Mr. SMITH), and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

The Senator from California (Mr. MURPHY) and the Senator from Ohio (Mr. SAXBE) are absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Massachusetts (Mr. BROOKE), the Senator from Arizona (Mr. FANNIN), the Senator from South Dakota (Mr. MUNDT), the Senator from California (Mr. MURPHY), the Senator from Illinois (Mr. PERCY), the Senator from Illinois (Mr. SMITH), and the Senator from South Carolina (Mr. THURMOND) would each vote "yea."

The result was announced—yeas 82, nays 0, as follows:

[No. 79 Leg.]

YEAS—82

Aiken	Goldwater	Moss
Allen	Goodell	Muskie
Allott	Gore	Nelson
Anderson	Griffin	Pastore
Baker	Gurney	Pearson
Bayh	Hansen	Pell
Bellmon	Harris	Prouty
Bennett	Hart	Proxmire
Bible	Hartke	Randolph
Boggs	Hatfield	Ribicoff
Burdick	Holland	Schweiker
Byrd, Va.	Hollings	Scott
Cannon	Hruska	Smith, Maine
Case	Hughes	Sparkman
Church	Inouye	Spong
Cook	Jackson	Stennis
Cooper	Javits	Stevens
Cotton	Jordan, N.C.	Symington
Cranston	Jordan, Idaho	Talmadge
Curtis	Long	Tower
Dodd	Magnuson	Tydings
Dole	Mansfield	Williams, N.J.
Dominick	Mathias	Williams, Del.
Eagleton	McGee	Yarborough
Eastland	McGovern	Young, N. Dak.
Ellender	McIntyre	Young, Ohio
Ervin	Miller	
Fong	Montoya	

NAYS—0

NOT VOTING—18

Brooke	McCarthy	Packwood
Byrd, W. Va.	McClellan	Percy
Fannin	Metcalf	Russell
Fulbright	Mondale	Saxbe
Gravel	Mundt	Smith, Ill.
Kennedy	Murphy	Thurmond

So the report was agreed to.

VOTING RIGHTS ACT AMENDMENTS OF 1969—SUBMISSION OF AMENDMENT NO. 545

Mr. MANSFIELD. Mr. President, on behalf of the distinguished Senator from Washington (Mr. MAGNUSON), the distinguished Senator from Massachusetts (Mr. KENNEDY), and myself I offer an amendment to the pending substitute that would lower the voting age to 18 in all elections—Federal, State, and local.

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

Mr. MANSFIELD. I yield.

Mr. JAVITS. Mr. President, will the Senator include my name as a cosponsor of the amendment?

Mr. MANSFIELD. Yes, indeed.

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

Mr. MANSFIELD. I yield.

Mr. PELL. Mr. President, will the Senator include my name as a cosponsor of the amendment?

Mr. MANSFIELD. Yes.

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

Mr. MANSFIELD. I yield.

Mr. BIBLE. Mr. President, I ask that the Senator include my name as a cosponsor of the amendment.

Mr. MANSFIELD. Yes.

Mr. TYDINGS. Mr. President, I ask that the Senator include my name as a cosponsor of the amendment.

Mr. MANSFIELD. Yes.

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

Mr. MANSFIELD. I yield.

Mr. INOUYE. I ask that my name be included as a cosponsor.

Mr. MANSFIELD. Yes.

Mr. STEVENS. Mr. President, I ask that the Senator include my name as a cosponsor of the amendment.

Mr. MANSFIELD. Yes.

Mr. President, I ask unanimous consent that the names of the Senators who have so requested be added as cosponsors of the amendment.

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

The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with, because it is quite lengthy.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

AMENDMENT No. 545

On page 2, line 9, strike out the word "title" and insert in lieu thereof "titles".

On page 8, line 8, strike out the quotation marks and the last period therein.

On page 8, after line 8, insert the following new title:

"TITLE III—REDUCING VOTING AGE TO EIGHTEEN IN FEDERAL, STATE, AND LOCAL ELECTIONS

"DECLARATION AND FINDINGS

"SEC. 301. (a) The Congress finds and declares that the imposition and application of the requirement that a citizen be twenty-one years of age as a precondition to voting in any primary or in any election—

"(1) denies and abridges the inherent constitutional rights of citizens eighteen years of age but not yet twenty-one years of age to vote—a particularly unfair treatment of such citizens in view of the national defense responsibilities imposed upon such citizens;

"(2) has the effect of denying to citizens eighteen years of age but not yet twenty-one years of age the due process and equal protection of the laws that are guaranteed to them under the Fourteenth Amendment of the Constitution; and

"(3) does not bear a reasonable relationship to any compeling State interest.

"(b) In order to secure the constitutional rights set forth in subsection (a), the Congress declares that it is necessary to prohibit the denial of the right to vote to citizens of the United States eighteen years of age or over.

"PROHIBITION

"SEC. 302. No citizen of the United States who is otherwise qualified to vote in any State or political subdivision in any primary or in any election shall be denied the right to vote in any such primary or election on account of age if such citizen is eighteen years of age or older.

"ENFORCEMENT

"SEC. 303. (a) (1) In the exercise of the powers of the Congress under the necessary and proper clause of section 8, Article I of the Constitution the Attorney General is authorized and directed to institute in the name of the United States such actions against States or political subdivision, including actions for injunctive relief, as he may determine to be necessary to implement the purposes of this title.

"(2) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this title, which shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28 of the United States Code, and any appeal shall lie to the Supreme Court. It shall be the duty of the judges designated to hear the case to assign the case for hearing and determination thereof, and to cause the case to be in every very expedited.

"(b) Whoever shall deny or attempt to deny any person of any right secured by this title shall be fined not more than $5,000 or imprisoned not more than five years, or both.

"DEFINITION

"SEC. 304. As used in this title the term 'State' includes the District of Columbia."

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may proceed for 2 or 3 minutes beyond the 3-minute limitation.

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

Mr. MANSFIELD. Mr. President, entering the 1970's, the United States and the world face extremely complex issues—issues wrought by international tensions both new and old and by domestic unrest tragically witnessed already in the smoldering wake of urban disorders. One of the most difficult challenges we face is the growing barrier of misunderstanding that gulfs the young people of today from the older generation who were the youth of yesterday. As our living standards and educational opportunities have improved so have our youth become more experienced, more aware, perhaps more restless, but better equipped than ever to exercise responsibility.

The fact that some have flaunted their disdain for certain of the institutions that we long ago accepted as a way of life in no way should reflect upon the great majority of our young people. Their probing intelligence, deep interest, and eagerness to participate in the elective process exemplify the best qualities of responsible citizenship. The future, to repeat a truism, is in their hands. If it is to be a better nation and a better world—and I am confident that it will be—the youth of today will make it so. I think the time is long overdue when they should be given more in the way of recognition, more in the way of public responsibility.

The very first step should be to open to 18-year-olds the right to vote. Kentucky, Georgia, Alaska, and Hawaii have already moved in that direction. Only in this way will the youth of today be able to participate fully in the elective process. We need their participation in the important events of these days; they need to know that their participation and counsel is sought and valued. I am sure the contribution will be significant.

To cling to the belief that 18-year-olds are not responsible or sufficiently mature to exercise the right to vote is to fail to face the issue squarely or fairly. In the elective process today, young people are in the forefront—working, listening, talking, participating. The age of 21 is simply not the automatic chronological door to the sound judgment and wisdom that is needed to exercise the franchise of the ballot or, for that matter, to assume any other responsibility. Indeed, it is the age of 18 that has long been regarded as the age when young people "try it on their own" and become responsible for themselves and for others. In fact, at this age the citizen has fresher knowledge and a more enthusiastic interest in government processes.

Moreover, 18 is the age when young

men are told to fight our wars even though they themselves may have no right to choose the officials who make the policies that may lead to war.

Some people derogate this argument, but it also is a truism. At 18, they become young adults and are treated so by our courts. They are deemed legally responsible for their actions—both civil and criminal—and must suffer the full penalties of the law. Eighteen-year-old men and women marry and need not obtain the consent of parents or guardians to do so. Young adults of 18 hold down full-time jobs. They pay taxes at the same level as everyone else; yet they have no voice in the imposition of those taxes. If we say they can assume the economical and social responsibilities of adults, of marriage and family, why not the vote?

This young generation is interested. It is concerned. It should be allowed to exercise that most basic of all rights in our democracy—the right to vote.

The colleges and universities are filled with alert minds, eager, willing, and able to participate. Permitting them to do so would be a large step forward, not only in bridging the unwarranted gap between 18- and 21-year-olds but in providing a basis for better understanding between the youth of today and the youth of yesterday.

The issue is perhaps more pertinent in 1970 than at any time in the past. The problems of today may well become the crises our young people must face tomorrow, as the leaders of this Nation. The idealism and enthusiasm they bring to the ballot box cannot but have a beneficial influence on the conduct of government.

Let me just say in conclusion that age is not the critical influence on a citizen's maturity, experience, and judgment. Our young people have been saddled already with enormous responsibilities which they have assumed with great competence. There are compelling reasons to lower the voting age. This amendment should be adopted.

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

Mr. MANSFIELD. I yield.

Mr. MAGNUSON. Mr. President, as one of the authors of the amendment, I wish to join in the remarks made by the distinguished majority leader. I think the majority leader has stated the issue correctly and with great force. I think there are many compelling reasons to change the age at which young people can vote. I share the opinion of Professor Cox:

> Congress has the power to find the facts and to find that a distinction between those who are 18 to 21 and those who are over 21 is an invidious classification and a denial of equal protection under the 14th amendment.

I think at this time in this changing world and changing society, it is appropriate to review our past thinking on giving the vote to 18-year-olds. There has been great improvement in education. There has been great change in the age at which young people take jobs, marry, raise families, and have children. They have greatly increased knowledge and sophistication on all issues. This all bears on the propriety of concluding that these interests make waiting until one is 21 to vote an unreasonable requirement.

Personally, I am pleased with the large number of cosponsors.

I was just recalling and mentioning to my friend from West Virginia, that in 1933 when I was a member of my State legislature, I introduced an 18-year-old measure. It is now 36 years since that time. Conditions have made it even much more imperative that such a measure be passed by Congress. I believed in it then, when I was a Member of the House some 30 years ago, and I believe that the circumstances now are even more compelling. Young people today are totally qualified at 18 to exercise their citizenship.

I share the views of the Senator from Montana that this action is long overdue. The States simply have not taken the initiative and I believe that Congress must act. Prof. Archibald Cox, testifying before the Subcommittee on Constitutional Rights, gave strong support for this approach. Congress can no longer find the age of 21 as being justified. The Supreme Court in Kramer against Union Free School District uttered some language that seems to me very pertinent on this point. It said that any unjustified discrimination in determining who may participate in political affairs or the selection of public officials undermines the legitimacy of representative government.

VOTING RIGHTS ACT AMENDMENTS OF 1969

The PRESIDING OFFICER. If the Senator will suspend for just a moment, 2 hours having elapsed, the Chair lays before the Senate the unfinished business, which will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. H.R. 4249, to extend the Voting Rights Act of 1965 with respect to the discriminatory use of tests and devices.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the morning hour be extended for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection.

The Senator from Washington has the floor.

VOTING RIGHTS ACT AMENDMENTS OF 1969—SUBMISSION OF AMENDMENT NO. 545

Mr. MAGNUSON. Mr. President, another problem is that so many States have different standards for qualifying voters, many have different age limitations, I believe Alaska allows the vote for 19-year-olds. Georgia—in its original constitution allowed 18-year-olds to vote.

The States have not acted as they could have, and the leadership in this matter must come, I believe, from the Federal level. I am pleased that we can now deal with this issue directly without the long delays required by the constitutional amendment process.

I understand from the distinguished Senator from Hawaii that the State legislature of his State is going to drop the required age for voting this year to 18. The newer States have recognized the lack of merit in keeping the arbitrary age of 21; particularly with the level of sophistication of younger Americans.

I do not want to bring out more cliches, but I think the most potent argument for 18-year-olds to vote, which I have heard many times, and which I have used many times, is that if they are old enough to be drafted, fight, and shed blood, they are old enough to come back home and participate in their government.

I am hopeful this amendment will pass. Many Senators have had a deep interest in this subject for a long time, and I am glad we are now bringing it to the attention of the Senate in this amendment.

I yield to the Senator from West Virginia.

Mr. RANDOLPH. Mr. President, I have listened with intense interest to the presentation of our able majority leader (Mr. MANSFIELD) and the very knowledgeable Senator from Washington (Mr. MAGNUSON).

I think I should, for the RECORD, indicate the status of Senate Joint Resolution 147, which was introduced by me, and which would take the so-called constitutional route, and not the statutory route as an amendment to the voting rights bill.

Mr. MAGNUSON. Mr. President, I wanted to add that I appreciate that there are two different courses of action in pursuing this matter and that there are constitutional questions involved. The Senator from Montana and I discussed the constitutional questions at some length this morning. We feel that this is the time for action and that we must take the amendment course because of the urgency of this issue. I also believe it is a constitutional approach which will be upheld by the Court in light of the Katzenbach case.

Mr. RANDOLPH. Mr. President, further expanding on the comments of my colleagues, I want to note that Joint Resolution 147 has 67 cosponsors.

Mr. MAGNUSON. And I am one of them, I believe.

Mr. RANDOLPH. The majority leader is a cosponsor and, as the Senator from Washington has indicated, he is a cosponsor. I also have the commitment of four additional Senators. That would make 72 in all, including myself.

It had been hoped that we could move this resolution into the Senate within perhaps the next 2 or 3 weeks. We have had hearings in recent days in the Senate Judiciary Subcommittee, chaired by the Senator from Indiana (Mr. BAYH), on Senate Joint Resolution 147.

The PRESIDING OFFICER. The 3 minutes of the Senator have expired.

Mr. RANDOLPH. Mr. President, I ask unanimous consent to proceed for an additional 5 minutes.

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

Mr. RANDOLPH. Mr. President, it is my belief—which I express again today—that in the Senate Judiciary Subcommit-

tee a sufficient number of Senators will vote affirmatively for Senate Joint Resolution 147 so that the measure will come before the full Judiciary Committee. I believe also that there is a sufficient number of votes in the full Judiciary Committee to report the joint resolution to the Senate.

Very frankly, it is my belief that the constitutional amendment route is best. This was the procedure, as my colleagues will remember, which was followed in previous efforts to broadly expand our electorate: the 15th amendment which was ratified in 1869 providing that the right to vote would not be denied on account of race, color or previous condition of servitude; in 1920 the 19th amendment providing for women's suffrage; and the 24th amendment approved in 1964 which held that poll tax was not a condition of voting privilege.

I will recall for the RECORD that all these amendments were ratified by the necesary number of States in less than a year and a half. The 15th amendment was proclaimed 13 months after congressional approval, the 19th amendment was ratified in 15 months, and the 24th amendment within 18 months.

I want to join in any effort that seems to be practical and responsive on this vital issue. I have studied the legal opinions of several authorities in this field. There are differences in the legal opinions on whether the statutory route is constitutional.

I make reference to this question today because it has been raised by the Senator from Washington (Mr. MAGNUSON).

Mr. President, I should note also that we have hopes in this second session of the 91st Congress of acting upon a constitutional amendment. At this time, I believe that would be the best method of accomplishing this very necessary change. But I do not want to be in any wise reluctant to join others who feel that the statutory approach is possible.

And so, Mr. President, even though this effort on a lower voting age is old hat, so to speak, with me, I am as excited about it today as when I first offered the resolution in 1942 in the House of Representatives. I have continued to offer resolutions to that effect in later Congresses. I repeat, however, that I do not allow my belief in the constitutional amendment approach to cause me not to request the opportunity to join as a cosponsor of the amendment which is offered here to the voting rights bill.

It is not my purpose to argue the issue today. That has been done by me over the years, and it has been done again at the hearings within the past 3 weeks. It has been done also, by many other persons whom I shall not name, who have made excellent arguments for enabling this element of our population to make constructive contributions through the use of the ballot.

I believe that a constitutional amendment is the proper route, but I shall ask to become a cosponsor of the proposed amendment to the voting rights bill. I think the Senator from Montana (Mr. MANSFIELD) and the Senator from Washington (Mr. MAGNUSON) both would wish me to join with them and other Senators in this further effort to see what can be done about raising the subject during the consideration of the voting rights issue.

The PRESIDING OFFICER. The additional time of the Senator from West Virginia has expired.

Mr. ERVIN. Mr. President, the distinguished majority leader asked a question a while ago, which was, in substance, why should not the Senate seek to confer the right to vote on 18-year-olds by an amendment to a statute?

The answer to that question is twofold. The first answer is that such action on the part of Congress is prohibited by four separate sections of the Constitution; and the second answer is that Members of the U.S. Senate have all taken an oath to support the Constitution.

Section 2 of article I of the Constitution says:

> The House of Representatives shall be composed of members chosen every second year by the people of the several states, and the electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislature.

This provision of the Constitution has been interpreted time and time again by the Supreme Court, and has been held to mean just exactly what it says, that one cannot vote for a representative in Congress unless he possesses the qualifications prescribed by State law for electors of the most numerous branch of the State legislature. This is about as clear a provision of the Constitution as can be found.

Then section 1 of article II of the Constitution provides this about the selection of presidential and vice-presidential electors:

> Each state shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of senators and representatives to which the state may be entitled in the Congress. . . .

Other provisions of the Constitution provide that these electors who are to be appointed in such manner as the legislatures of the States may direct are the men who are empowered to elect the President and Vice President of the United States.

This section of article 2 of the Constitution has been uniformly interpreted by the Supreme Court of the United States to mean exactly what it says; namely, that the power to prescribe the qualifications of the electors resides in the legislatures of the States.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, AND SO FORTH

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

REPORT ON NAVY MILITARY CONSTRUCTION CONTRACTS AWARDED ON OTHER THAN A COMPETITIVE BID BASIS TO THE LOWEST RESPONSIBLE BIDDER

A letter from the Assistant Commander for Contracts, Naval Facilities Engineering Command, Department of the Navy, transmitting, pursuant to law, a report on military construction contracts awarded on other than a competitive bid basis to the lowest responsible bidder, for the period 1 July 1969 to 31 December 1969 (with an accompanying report); to the Committee on Appropriations.

REPORT OF DEPARTMENT OF THE NAVY ON FLIGHT PAY

A letter from the Under Secretary of the Navy, reporting, pursuant to law, the number of officers of the Navy and Marine Corps above the grade of lieutenant commander or major entitled to flight pay, including the number in each grade and the amount of pay received; to the Committee on Armed Services.

PROPOSED LEGISLATION TO PROVIDE CONTINUED FINANCING FOR THE CORPORATION FOR PUBLIC BROADCASTING

A letter from the Acting Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to amend the Communications Act of 1934 to provide continued financing for the Corporation for Public Broadcasting (with an accompanying paper); to the Committee on Commerce.

REPORTS OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the opportunity for the Army to save on the cost of temporary lodging for student officers at Fort Rucker, Ala., Department of the Army, dated March 3, 1970 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on procedures to be improved for determining what constitutes a farm for purposes of subsidy payments under the U.S. sugar program, Agricultural Stabilization and Conservation Service, Department of Agriculture, dated March 4, 1970 (with an accompanying report); to the Committee on Government Operations.

SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

Two letters from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders suspending deportation of certain aliens, together with a statement of the facts and pertinent provisions of law pertaining to each alien, and the reasons for ordering such suspension (with accompanying papers); to the Committee on the Judiciary.

ADMISSION INTO THE UNITED STATES OF CERTAIN DEFECTOR ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered granting admission into the United States of certain defector aliens (with accompanying papers); to the Committee on the Judiciary.

PROPOSED LEGISLATION TO ESTABLISH A NATIONAL INSTITUTE OF EDUCATION

A letter from the Acting Secretary, Department of Health, Education, and Welfare, transmitting a draft of proposed legislation to establish a National Institute of Education, and for other purposes (with accompanying papers); to the Committee on Labor and Public Welfare.

PROPOSED CONSTRUCTION OF A POST OFFICE AND COURTHOUSE AT ABERDEEN, MISS.

A letter from the Administrator, General Services Administration, transmitting, pursuant to law, a prospectus for the proposed construction of a Post Office and Courthouse at Aberdeen, Miss. (with an accompanying paper); to the Committee on Public Works.

PROPOSED LIBRARY SERVICES AND CONSTRUCTION AMENDMENTS OF 1970

A letter from the Secretary, Department of Health, Education, and Welfare, transmitting a draft of proposed legislation to extend,

consolidate, and improve programs under the Library Services and Construction Act, and for other purposes (with accompanying papers); to the Committee on Labor and Public Welfare.

MEMORIAL

The ACTING PRESIDENT pro tempore laid before the Senate a memorial of the House of Representatives of the State of Michigan, which was referred to the Committee on Finance, as follows:

HOUSE RESOLUTION No. 364, STATE OF MICHIGAN

A resolution memorializing the U.S. Senate to vote against removing the exemption of State and local government from air travel taxes

Whereas, The United States Senate has before it for consideration HR 14465 which amongst its provisions eliminates state and local government exemptions from air travel taxes; and

Whereas, State and local governments are already hard pressed to find sufficient sources of revenue to meet the cost of providing the services demanded of them by their citizens, especially in light of the preemption by the Federal government of the most practical tax revenue source through the Federal income tax; and

Whereas, The removal of the exemption for state and local governments from air travel taxes would impose an onerous financial burden upon them, increasing their cost of transportation for employees and officials who are traveling on state and local government business by eight percent; now therefore be it

Resolved by the House of Representatives, That the Michigan House of Representatives does urge the United States Senate not to accept the provisions in HR 14465 which removes the exemption of state and local governments from air travel taxes and which would put an additional onerous financial burden on all units of state and local government; and be it further

Resolved, That a copy of this resolution be sent to each member of the Michigan delegation to the United States Congress.

Adopted by the House February 6, 1970.

T. THOS. THATCHER,
Clerk of the House of Representatives.

ENROLLED BILL SIGNED

The PRESIDING OFFICER announced that on today, March 4, 1970, the Acting President pro tempore (Mr. HOLLINGS) had signed 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, which had previously been signed by the Speaker of the House of Representatives.

REPORTS OF A COMMITTEE

The following reports of a committee were submitted:

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, without amendment:

S. 3339. A bill to authorize the Public Printer to fix the subscription price of the daily CONGRESSIONAL RECORD (Rept. No. 91–714); and

S. Res. 358. Resolution authorizing the Committee on Interior and Insular Affairs to expend additional funds from the contingent fund of the Senate.

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, with amendments:

S. Res. 355. Resolution authorizing the printing of a history of the Committee on Finance as a Senate document (Rept. No. 91–715).

TEMPORARY PROHIBITION OF STRIKES OR LOCKOUTS WITH RESPECT TO THE CURRENT RAILWAY LABOR-MANAGEMENT DISPUTE—REPORT OF A COMMITTEE (S. REPT. NO. 91–717)

Mr. YARBOROUGH, from the Committee on Labor and Public Welfare, reported an original joint resolution (S.J. Res. 180) to provide for a temporary prohibition of strikes or lockouts with respect to the current railway labor-management dispute, and submitted a report thereon, which joint resolution was passed, without amendment.

BILLS AND JOINT RESOLUTIONS INTRODUCED

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

By Mr. COTTON:

S. 3542. A bill to authorize the Secretary of Housing and Urban Development to establish a Federal insurance guaranty program under the Federal Insurance Administrator to protect the American public against losses resulting from the insolvency of insurers, and for other purposes; to the Committee on Commerce, by unanimous consent.

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

By Mr. FULBRIGHT (by request):

S. 3543. A bill to provide for a U.S. contribution to the special funds of the Asian Development Bank, and for other purposes; and

S. 3544. A bill to amend the Arms Control and Disarmament Act, as amended, in order to extend the authorization for appropriations and provide for the uniform compensation of Assistant Directors; to the Committee on Foreign Relations.

(The remarks of Mr. FULBRIGHT when he introduced the bills appear earlier in the RECORD under the appropriate headings.)

By Mr. MUSKIE (for himself, Mr. HART, Mr. GOODELL, Mr. METCALF, and Mr. YOUNG of Ohio):

S. 3545. A bill to require an immigrant alien to maintain a permanent residence as a condition for entering and remaining in the United States, and for other purposes; to the Committee on the Judiciary.

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

By Mr. MUSKIE (for himself, Mr. BAYH, Mr. EAGLETON, Mr. MONTOYA, Mr. RANDOLPH, and Mr. SPONG):

S. 3546. A bill to amend the Clean Air Act, as amended, and for other purposes; to the Committee on Public Works.

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

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

S. 3547. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the Narrows unit, Missouri River Basin project, Colorado, and for other purposes; to the Committee on Interior and Insular Affairs.

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

By Mr. RANDOLPH:

S. 3548. A bill to credit certain service rendered by District of Columbia substitute teachers for purposes of civil service retirement; to the Committee on the District of Columbia.

By Mr. ANDERSON:

S.J. Res. 179. A joint resolution to authorize the Secretary of Agriculture to carry out demonstration projects, using heat and light traps and other nonchemical means, to control insects harmful to agricultural crops; to the Committee on Agriculture and Forestry.

(The remarks of Mr. ANDERSON when he introduced the joint resolution appear later in the RECORD under the appropriate heading.)

By Mr. YARBOROUGH:

S.J. Res. 180. A joint resolution to provide for a temporary prohibition of strikes or lockouts with respect to the current railway labor-management dispute; considered and passed, without amendment.

(The remarks of Mr. YARBOROUGH when he reported the joint resolution appear later in the RECORD under the appropriate heading.)

S. 3542—INTRODUCTION OF THE FEDERAL INSURANCE GUARANTY ACT

Mr. COTTON. Mr. President, at the request of the department involved, I now introduce the administration's proposed Federal Insurance Guaranty Act and ask unanimous consent that it be referred to our Committee on Commerce.

I make this request in view of the fact that on May 23, 1969, a similar measure, S. 2236, was introduced by the distinguished Senator from Washington (Senator MAGNUSON) for himself and others, which was referred to our Committee on Banking and Currency which subsequently discharged the bill for referral to our Committee on Commerce.

Since that time our Committee on Commerce has held several days of hearings on the bill S. 2236, the last being on February 10 of this year at which time administration witnesses testified in response to the committee's request indicating that it, the administration, would submit its own legislative proposal as an alternative to the bill S. 2236.

Mr. President, this alternative legislative proposal is the one which I now introduce and, as previously noted, request unanimous consent for its referral to our Committee on Commerce.

In making this introduction, I am mindful of the fact that there is considerable concern both within and without Congress with respect to such legislative proposals and the probable impact of such upon the McCarran-Ferguson Insurance Regulation Act which provides in part a congressional declaration that "the continued regulation and taxation by the several States of the business of insurance is in the public interest."

It is my understanding, Mr. President, that the bill which I now introduce is in consonance with this congressional declaration of policy and will do minimum violence to it. Quite frankly, if it

were to do otherwise and upset this long-standing Federal/State relationship, then I would be constrained to oppose its enactment. I have been advised, however, that this alternative legislative proposal will serve to meet the particular problem at hand without any such adverse impact, and I would hope that subject to the granting of my unanimous-consent referral to our Committee on Commerce, such legislative proposal will be accorded every consideration along with the bill S. 2236 now pending before that committee.

The PRESIDING OFFICER. The bill will be received and referred to the Committee on Commerce, by unanimous consent.

The bill (S. 3542) to authorize the Secretary of Housing and Urban Development to establish a Federal insurance guaranty program under the Federal Insurance Administrator to protect the American public against losses resulting from the insolvency of insurers, and for other purposes, introduced by Mr. COTTON, was received, read twice by its title, and referred to the Committee on Commerce, by unanimous consent.

S. 3545—INTRODUCTION OF IMMIGRATION AND NATURALIZATION ACT, 1970

Mr. MUSKIE. Mr. President, I introduce, for appropriate reference, a bill to amend the Immigration and Nationality Act, to require an immigrant alien to establish and maintain a permanent, bona fide residence as a condition for entering and remaining in the United States, and for other purposes. I ask unanimous consent that the text of this bill be printed in the RECORD following my remarks.

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

(See exhibit 1.)

Mr. MUSKIE. Mr. President, all immigrants to the United States must generally have valid immigrant visas upon any entry or reentry to the United States. Exempted from this general rule are immigrants, who are returning to an unrelinquished lawful permanent residence in the United States after a temporary absence abroad not exceeding 1 year. Such persons are issued a Form I–151, generally referred to as a "green card" and by regulation of the Attorney General are permitted to use this "green card" in lieu of an immigration visa or reentry permit. The Attorney General has and clearly should continue to have authority to promulgate such regulations.

This bill is directed at an outgrowth and abuse of the above regulations concerning the "greencarder" who is classified as an alien immigrant but who does not, in fact, maintain a bona fide permanent residence in the United States. This type of "greencarder" continues to reside in a foreign country and commutes daily or frequently to work in the United States. The Immigration and Nationality Act normally requires such aliens to obtain an immigrant visa or reentry permit for each entry into this country. However, since these commuters or "greencarders" were primarily aliens working in U.S. border towns and living in contiguous foreign territory, an "amiable fiction" was created whereby employment was equated with permanent residence. Despite the fiction that the commuter is an immigrant, it is clear that what really has been established is a work permit system. This "amiable fiction" in its early years applies only to daily commuters in border towns. More recently, however, it has been extended far beyond border towns to seasonal workers who stay in the United States for longer periods of time. However applied, it is still a fiction, a product of bureaucratic accommodation.

SCOPE OF THE PROBLEM

A count made by the Immigration Service on October 31, 1969, indicates over 49,000 "greencarders" crossed the Mexican border on that day alone. It is important, moreover, to note that in the past few years there has been a large increase in the number of seasonal workers who enter this country to follow the crops for several weeks or months, and then return to their homes in Mexico. The number of seasonal workers has never been definitely established. Estimates run from 100,000 to 400,000. We do know, however, that the numbers are high and that the presence of these workers has an adverse economic and social effect on American labor.

EXTENT OF ECONOMIC AND SOCIAL PROBLEMS

The extent of the economic and social problems resulting from the commuter system has been documented in a report prepared by the U.S. Department of Labor for the Select Commission on Western Hemisphere Immigration. I ask unanimous consent that pages 113–130 of this report be reprinted in the RECORD following my remarks. They are well worth reading. The report correlates the employment of commuter aliens with low wages and chronic unemployment among domestic workers.

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

(See exhibit 2.)

Mr. MUSKIE. Characteristic of this data is a study made in Laredo, Tex. At the time of the survey, unemployment was 11.3 percent of the total domestic labor force. Two large garment manufacturing firms were found to employ 88 commuters as sewing machine operators at the very time the Texas Employment Service listed 156 U.S. sewing machine operators as unemployed. A comparison of wages paid by firms employing only U.S. workers was found to be 38 percent higher than the wages paid by firms employing commuters in identical occupations.

Another Labor Department report submitted to former Secretary of Labor Willard Wirtz by a high-level departmental factfinding group which visited Delano, Calif., in May of 1968, spells out additional odious economic, social, and administrative problems stemming from the commuter system. This report found, among other things, that commuters were in fact being used as strikebreakers to the detriment of American workers. I ask unanimous consent that the text of this report be printed in the RECORD following my remarks.

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

(See exhibit 3.)

Mr. MUSKIE. The 1965 amendments to the Immigration and Nationality Act place a limitation of 120,000 on total annual immigration to the United States from all nations in the Western Hemisphere. Given this limited quota, it seems unfair that a single one of these 120,000 positions be used by any person who does not intend to come to permanently and physically live, work in, and become a part of American society.

The legislation I am introducing today recognizes that the commuter problem will be eliminated only by specific congressional action. In a recent article appearing in the Case Western Reserve Journal of International Law—volume 1, No. 2, spring 1969—Mr. Charles Gordon, General Counsel for the U.S. Immigration and Naturalization Service, states:

> It is unlikely that there will be any significant changes in the administrative approach to the commuter problem. As I have noted, proposals to end or modify the program have been rejected by the administrators on the ground that they have been enforcing the will of Congress. Consequently, it may be expected that unless changes are enacted by Congress the alien commuter program will continue to operate as it has for the past 40 years. Thus, if changes are to be made, they apparently will have to be accomplished by new legislation.

I believe there is much merit to the argument that border communities are integrated economic units. Our border towns need the services of Canadian and Mexican workers. Many businessmen depend upon residents of Canada and Mexico for much of their sales. Conversely, Canadian and Mexican border towns rely heavily on the incomes of commuters. Nonetheless, I believe that Canadian and Mexican residents working in the United States should not be exploited and that their presence should not depress our own labor standards. The legislation I am introducing reflects these realities. It does not propose to bar alien commuters from working in the United States.

Specifically, my bill:

First. Would redefine the term "lawfully admitted for permanent residence" under the Immigration and Nationality Act. I intend by this redefinition and other amendments to make it clear that all immigrants after initial admission must permanently and physically reside in the United States. In short, it is my express intent to abolish the commuter system.

Second. Would establish a nonresident work permit system. By recognizing the interdependence of border communities this new form of border crossing authorization is designed for use by nonresident aliens who wish permanent employment in U.S. border towns. Accordingly, its use will be limited to authorized work locations not more than 20 miles from the U.S. border. This provision, I believe, will preserve freedom

of movement and a healthy interconnection between the economies of our border towns. At the same time we abolish one of the abuses of the commuter system—the impact of the farther-ranging "green card" commuter—which has no relationship to the interconnection of our border economy and which has been disruptive and harmful to nonresident American workers.

Work permits would be issued only after the Secretary of Labor certified that American workers are not available and, if none are available, that the wages and working conditions of Americans similarly employed would not be adversely affected. I have included a provision for periodic review of such certifications. My intention is to give the Secretary of Labor wide discretion in determining under what conditions work permits should be granted or withdrawn. Specifically, I have in mind situations where work-permit holders are used as strike breakers. In such cases the Secretary of Labor would revoke the work permit. In brief, I would grant to the Secretary of Labor authority to promulgate such rules and regulations as he feels are needed to implement these amendments.

Third. The bill would establish a 2-year grace period during which time the present commuter system would be phased out. I recognize that a practice of 40 years standing cannot be abolished overnight without hardship on those who have heretofore attained commuter status. In order to deal fairly and humanely with the many thousands of commuters who have relied on present practice, my bill would provide for a reasonable grace period during which all present commuters must either, first, move to the United States, thus becoming bona fide residents, or second, transfer to a nonresident work permit status. Should neither step be taken within that 2-year grace period, their commuter status would be terminated. No new commuters would be admitted after the effective date of this act. During the 2-year grace period all existing commuters will be subject to the same rules and regulations promulgated by the Secretary of Labor vis-a-vis work permit holders.

Fourth. There is evidence that a large number of commuters under the provisions of this bill would make a bona fide move to the United States. I fully recognize that such moves are difficult and in many cases would presuppose the moving of entire families.

The Immigration and Naturalization Service, for immigration purposes, would extend to an entire family the same priority date as their U.S. "green card" principal. This would move the families of green card holders high up on the immigration waiting list and considerably lengthen the waiting period of immigrants presently on the list who wish to enter the United States from the Western Hemisphere. To reduce or minimize this period of additional waiting, my bill would authorize a total of 12,000 numbers to be added to the Western Hemisphere numerical limit for the use of new permanent residents during the 2-year period following the enactment of this act.

Fifth. This legislation would amend the Immigration and Nationality Act by eliminating the present exemption applicable to employers from the so-called "harboring" provisions of section 274(a)(4). The effect of this proposed amendment would make it a criminal offense for employers willfully or knowingly to induce the entry of any alien not lawfully entitled to enter or reside in the United States. It is my intention that section 274(a)(4), as amended by my proposal, will also apply to employers who knowingly employ, among others, nonresident "work permit" holders who are no longer entitled to stay in the United States, or who are working beyond 20 miles of the border, as well as aliens who are in the United States on a so-called "72-hour" visitors card—Form I–186.

Sixth. This bill would establish a new civil action provision, which may be invoked in a Federal court by any person, or his representative, who has been aggrieved by any other person as a result of violations of these amendments. For example, if an employer, 75 miles from the border, knowingly hired an alien who was in the United States on a "72-hour" visitors card or hired an alien "work permit" holder, any person aggrieved by the hiring of such an alien would by this legislation have the right to seek redress in the nearest Federal court.

Seventh. As mentioned above, there is evidence that many commuters and their families would move to the United States. Recognizing that such a mass movement would have an impact on border town school systems, my bill would authorize on a one-time basis only, $25 million for the school systems affected by provisions of this act, as determined by the Department of Health, Education, and Welfare.

Eighth. In addition, all possible manpower and employment assistance should be given. Specifically, I have in mind that the Secretary of Labor, either directly or through the appropriate State public employment service, should provide manpower training and employment assistance to all commuter families where the need exists. Because it is unlikely that such families will know that training and employment assistance is available, I would urge that the Secretary of Labor, working with information provided by the Immigration and Naturalization Service, seek out such commuters and inform them and their families of training and employment opportunities. To assure that such assistance is provided my bill would authorize an additional $25 million in Manpower Act—MDTA—funds.

By finding commuter families, developing their abilities through training, and matching them with jobs, we can significantly ease the impact of the move to the United States.

Mr. President, I urge early and favorable consideration of this bill. I am fully aware how complex are the human, economic, and legal problems to which this bill would apply. I can assure you, however, that much thought and expert consultation has been devoted to devising a bill that would bring a greater measure of social justice to the inhabitants of the Southwest, and especially those along both sides of the Mexican-American border.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill and other material will be printed in the RECORD, as requested by the Senator from Maine.

The bill (S. 3545) to require an immigrant alien to maintain a permanent residence as a condition for entering and remaining in the United States, and for other purposes, introduced by Mr. MUSKIE (for himself and other Senators), was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S. 3545

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

IMMIGRANTS

SEC. 2. (a) Section 102(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20)) is amended to read as follows:

"(20) The term 'lawfully admitted for permanent residence' means the status of an immigrant who—

"(A) has been lawfully accorded the privilege of residing permanently in the United States in accordance with the immigration laws;

"(B) at the time of making an application for an immigrant visa, intends to reside permanently in the United States; and

"(C) following his admission into the United States as a permanent resident, thereafter permanently and physically resides in the United States; such status not having changed."

(b) Section 212(a) of such Act is amended—

(1) by striking out the period at the end of paragraph (31) and inserting in lieu thereof a semicolon; and

(2) by adding at the end thereof the following new paragraph:

"(32) Any alien who seeks to procure, has sought to procure, or has procured an immigrant visa without any intent to reside permanently in the United States."

(c) Section 221(a)(1) of such Act is amended by inserting after "section 222" the following: "(including the statement and oath required by subsection (a)(2) of such section)".

(d) Section 222(a) of such Act is amended—

(1) by inserting after the subsection designation "(a)" the following: "(1)";

(2) by striking out the following: "whether or not he intends to remain in the United States permanently;"; and

(3) by inserting at the end thereof the following new paragraph:

"(2) Each immigrant shall sign a separate statement, under oath, at the end of such application that he intends to reside permanently in the United States. The statement of such intent shall be considered a material fact of the application."

(e) Section 241(a) of such Act is amended—

(1) by striking out the period at the end of paragraph (18) and inserting in lieu thereof a semicolon and "or"; and

(2) by adding at the end thereof the following new paragraph:

"(19) was admitted as an immigrant and failed to maintain the immigrant status in

which he was admitted or to which it was adjusted pursuant to section 245, or to comply with the conditions of such status."

(f) The introductory matter preceding paragraph (1) of section 244(a) of such Act is amended by inserting after "suspension of deportation" the following: "(which application shall include a statement signed by the alien, under oath, that he intends to reside permanently in the United States)".

(g) Section 245(a)(1) of such Act is amended by inserting after "such adjustment the following: "(which application shall include a statement signed by the alien, under oath, that he intends to reside permanently in the United States)".

SEC. 3. Section 274 of the Immigration and Nationality Act is amended—

(1) by striking out of subsection (a)(4) the colon and the following: *"Provided, however,* That for the purposes of this section, employment (including the usual and normal practices incident to employment) shall not be deemed to constitute harboring"; and

(2) by adding at the end thereof the following new subsection:

"(c)(1) A person, or his representative, who is aggrieved by another person who commits an act in violation of clause (1), (2), (3), or (4) of subsection (a) of this section, may commence a civil action, without regard to the amount in controversy, in the judicial district in which the defendant resides, has his principal place of business, or in which the defendant may be found.

"(2) If the court finds that the defendant has committed any act in violation of any such clause, it shall order the defendant to cease such violation immediately, and grant such other relief as the court considers appropriate. Failure to obey an order may be punished by the court as contempt of the court."

NONRESIDENT WORK PERMITS

SEC. 4. (a) Section 101(a)(15)(H) of the Immigration and Nationality Act is amended by adding at the end thereof the following: "or (iv) who is going to commute regularly to the United States to perform skilled or unskilled services or labor at a point not more than twenty miles away from a border between the United States and the foreign country of residence of such alien;".

(b) Section 214(c) of such Act is amended—

(1) by inserting after the designation "section 101(a)(15)(H)" the following: "(i), (ii), or (iii)"; and

(2) by inserting after the first sentence the following new sentence: "The question of importing an alien as a nonimmigrant under section 101(a)(15)(H)(iv) in any specific case or specific cases shall be determined by the Attorney General, upon petition of the person who intends to employ such alien, and only after the Secretary of Labor has certified to the Attorney General that (1) there are not sufficient workers in the United States who are able, willing, qualified, and available at the time and at the place to which the alien is destined to perform such skilled or unskilled services or labor, and (2) the employment of such alien will not adversely affect the wages and working conditions of the workers in the United States similarly employed."

(c)(1) Chapter 7 of title II of such Act is amended by adding at the end thereof the following new section:

"TERMINATION OF EMPLOYMENT STATUS

"SEC. 265A. The status of an alien admitted to the United States as a nonimmigrant under section 101(a)(15)(H)(iv) shall terminate when the employment with the employer petitioning for the admission of such alien ends. The employer filing the petition for such alien, shall, within five days after the alien ceases working for such employer, notify the Attorney General in writing that the employment has terminated and the date of such termination. The employer shall also furnish such additional information as the Attorney General may require."

(2) The table of contents of such Act is amended by inserting between items 265 and 266 the following new item:

"SEC. 265A. Termination of employment status."

(d) Section 266 of such Act is amended by adding at the end thereof the following new subsection:

"(e) Any employer who fails to give the written notice to the Attorney General, as required by section 265A, shall be guilty of a misdemeanor and shall, upon conviction thereof, be fined not to exceed $200 or be imprisoned not more than thirty days, or both."

(e)(1) Chapter 9 of title II of such Act is amended by adding at the end thereof the following new section:

"REVIEW OF NONIMMIGRANT LABOR CERTIFICATIONS

"SEC. 293. Not less than once every six months, the Secretary of Labor shall review the certification he has made under the second sentence of section 214(c) on behalf of an alien admitted as a nonimmigrant under section 101(a)(15)(H)(iv). If upon review the requirements of such sentence are no longer met, the Secretary of Labor shall revoke such certification and shall so notify the Attorney General immediately, and the alien shall be subject to deportation. The Secretary of Labor shall have authority to promulgate rules and regulations necessary to carry out his duties under such sentence and this section."

(2) The table of contents of such Act is amended by inserting after item 292 the following new item:

"SEC. 293. Review of nonimmigrant labor certifications."

(f) An alien lawfully admitted for permanent residence prior to the date of enactment of this Act (as such term was defined in section 101(a)(20) of the Immigration and Nationality Act prior to such date) may be reclassified, if otherwise eligible, as a nonimmigrant alien under section 101(a)(15)(H) of such Act, as amended by this section.

WESTERN HEMISPHERE NUMERICAL LIMITATIONS

SEC. 5. During the two-year period following the date of enactment of this Act, beginning on the first day of the first month following such date, a total of 12,000 aliens may be classified as special immigrants, as defined by section 101(a)(27)(A) of the Immigration and Nationality Act, which total shall be exclusive of special immigrants who are immediate relatives of United States citizens as described by section 201(b) of such Act and shall be in addition to the total authorized by section 21(e) of the Act of October 3, 1965.

ASSISTANCE TO SCHOOL DISTRICTS

SEC. 6. In order to minimize the impact upon school districts resulting from the provisions of this Act, there is authorized to be appropriated to the Commissioner of Education an amount not to exceed $25,000,000, to be administered by the Commissioner for operating expenses of school districts determined by the Commissioner to have an increased enrollment as a result of the provisions of this Act. The Commissioner shall distribute the funds authorized by this section, in such manner and under such conditions as he may determine, on an equitable basis after considering the impact of the additional numbers of children enrolled in the schools of each local educational agency as a result of this Act and the amount appropriated pursuant to this Act. Such amount shall remain available until expended.

MANPOWER TRAINING

SEC. 7. There is authorized to be appropriated to the Secretary of Labor an amount not to exceed $25,000,000, to be expended for manpower development and training programs authorized by the Manpower Development and Training Act of 1962, title I of the Economic Opportunity Act of 1964, or any other manpower development and training program administered by or through the Department of Labor, for aliens lawfully admitted to the United States for permanent residence prior to the date of enactment of this Act, and their families. The Secretary shall distribute the funds authorized by this section, in such manner and under such conditions as he may determine, on an equitable basis after considering the numbers of such aliens and their families locating in any State.

APPLICABILITY

SEC. 8. (a) Except as provided in subsection (b), the amendments made by section 2 of this Act shall apply only to an alien who has not been granted an immigrant visa prior to the date of enactment of this Act.

(b) The amendments made by section 2 of this Act shall apply, commencing 2 years after the date of enactment of this Act, to any immigrant who was granted an immigrant visa prior to the date of enactment of this Act.

EXHIBIT 2

THE "COMMUTER" PROBLEM AND LOW WAGES AND UNEMPLOYMENT IN AMERICAN CITIES ON THE MEXICAN BORDER

(Prepared for the Select Commission on Western Hemisphere Immigration by The Bureau of Employment Security, Office of Farm Labor Service, U.S. Department of Labor, April 1967)

For many years the American Government has permitted alien immigrants to the United States to reside in Mexico and Canada and commute to jobs in the United States without losing their immigrant status. In effect, employment is equated with residence. This practice has been bitterly opposed by residents of U.S. towns on the Mexican border. They feel the Mexican immigrants are not really immigrants to the United States—they only enjoy the material benefits of working for U.S. wages and working conditions while living in Mexico where living standards and costs are much less. With lower living costs than U.S. residents, alien commuters are able, it is argued, to accept less pay than reasonable for U.S. residents to accept. Thus wage rates are undercut and American workers suffer.

It is not just that the commuters settle for lower wages and a lower living standard. They also avoid much of the *costs* of public services in the United States, some of which they enjoy: public highways, medical and police protection services, shopping facilities, and sometimes even schools. This further reduces the real income of U.S. residents.

Opposition to the alien commuter was succinctly expressed in a February 3, 1961, resolution of the Texas AFL–CIO Executive Board that is typical of feeling on the border.

"The citizens along the U.S.-Mexican border . . . are the victims of the unfair competition for jobs of border crossers who commute daily . . . from the low cost-of-living areas south of the border. These people are willing to work at a wage which is insufficient to provide a decent standard of living for the American citizen living in the United States.

"The 'commuters,' moreover, have at times been used as strikebreakers in an effort to destroy unions of American citizens . . .

"There can be no hope that thousands of American citizens living in the Rio Grande Valley or El Paso or other border cities ever will be able to earn a living wage so long as

commuting by border crossers is permitted . . ."

This paper examines readily available data that may shed some light on the extent to which U.S. residents living on the Mexican border are affected by commuters. No effort is made to discuss the legal aspects of the American Government's policy permitting commuting which has also been challenged by U.S. groups opposed to the practice. Perhaps the best discussion of this may be found in the House Judiciary Committee's 1963 publication, "Study of Population and Immigration Problems and Commuters," an unpublished paper prepared by John W. Bowser, Deputy Assistant Commissioner, Inspections, U.S. Immigration and Naturalization Service.

Extent of commuting. Unfortunately commuters are not routinely identified in the operating reports of the Immigration Service. That agency has made several special identification checks of border crossers to try and pinpoint the volume of commuting; the results of these checks are probably the best measure of commuting. The U.S. State Department and the Mexican governmental agency, Programa Nacional Fronterizo have also made estimates of commuting that yielded data roughly comparable to the I&NS survey results.

In part, some of the difficulty with understanding the commuter problem lies in the difference between the popular conception of what is a commuter and the technical, legal definition.

The general public probably would regard anyone living in Mexico and working in the United States as a commuter. Furthermore, all aliens working in the United States would also be regarded as part of the commuter problem, even though they do not commute.

In the legal sense, only *aliens* living in Mexico are commuters. United States citizens living in Mexico are not; aliens living and working in the United States are not. The situation is further compounded by the fact that most of the alien commuters have family or friends living in the United States and may themselves reside occasionally in the United States. Very frequently aliens will give U.S. addresses to their employers and may reside some of the time in the United States and some of the time in Mexico.

One other problem exists. American policy basically is designed to facilitate travel between Mexico and the United States. Many thousands of Mexican citizens are permitted to enter this country for business or pleasure with entry documents that do not permit them to work. Undoubtedly some of these visitors do work, despite the best efforts of U.S. authorities. Such illegal, wetback workers would be regarded in the popular mind as commuters but would not appear in any official or semiofficial estimate of the volume of alien commuters. Indeed, officials of the Immigration Service would probably deny that there are many illegal commuters. But residents of border communities do not agree.

The wide difference between the popular view of the commuter problem and the legal view has been discussed to emphasize that the official statistics really only describe a limited part of a general problem. In an economic sense the public view is right. The existence of a large number of unskilled workers making themselves available for U.S. jobs serves to depress wage rates; it makes no difference whether the worker is an alien or a United States citizen living in Mexico; whether he is an alien residing in the United States; whether he enters and works legally or illegally. The impact is the same: wage rates are lowered.

The latest I&NS special survey identified about 44,000 alien commuters January 17, 1966. Almost 95 percent worked in eight border areas—El Paso, Laredo, Brownsville and Eagle Pass, Tex.; Nogales and San Luis, Ariz.; and Calexico and San Ysidro, Calif. Illustrating the fact that the alien commuters do not fully describe the economic impact of commuting, another 18,000 United States citizens lived in Mexico and worked in the United States—almost 30 percent of the total commuters. Table 1 lists various estimates of the volume of commuting made by different agencies and at different time periods; table 2 presents a comparison of alien and U.S. citizens commuting at the time of the latest I&NS survey.

TABLE 1.—NUMBER OF MEXICAN ALIEN COMMUTERS

	Jan. 17, 1966 [1]		Jan. 11, 1966 [1]						
	Total	In agriculture	Total	In agriculture	May 17, 1963 [1]	May 8, 1963 [1]	January 1960 [2]	Jan. 24–Feb. 1, 1960 [1]	Mexican estimates [3]
Major points of entry:									
Texas:									
Brownsville	2,032	226	2,552	619	1,796	1,729	135		3,500
Hidalgo	1,163	805	1,000	511	366	532			
Roma	208	187	146	125	89	108			
Laredo	2,581	175	2,239	209	2,490	2,382	3,000		
Eagle Pass	1,604	536	2,195	901	1,586	1,037	1,400		
Del Rio	513	99	489	82	237	314	400		
Fabens	274	219	267	207	307	316			
Ysleta	248	137	266	115				111	
Cordova	2,932	80	3,455	164				2,273	
Santa Fe Street Bridge (El Paso)	8,592	590	7,605	944	13,492	13,332		10,884	15,700
Arizona:									
Douglas	418	96	470	93	307	288			
Naco	127	20	134	19	202	134			
Nogales	1,614	108	1,392	53	1,464	1,854	1,132		
San Luis	4,234	3,583	3,654	3,024	1,239	1,038			
California:									
Calexico	7,616	6,468	8,098	7,324	4,692	5,342	183		
San Ysidro	9,281	3,967	8,460	3,134	5,855	5,374	15,000–20,000		15,000
Minor points of entry	250	161	219	129	87	101			
Grand total	43,687	17,457	42,641	17,653	34,223	33,867			

[1] Special I. & N.S. surveys on dates indicated.
[2] U.S. State Department estimates based on U.S. consulate reports.
[3] Programa Nacional Fronterizo: Tijuana, B.C.; Ciudad Juarez, Chih.; and Matamoros, Tamps. Mexico, 1962. The Mexican figures probably include commuters who are U. S. citizens residing, in Mexico.

TABLE 2.—WORKERS RESIDING IN MEXICO COMMUTING TO JOBS IN THE UNITED STATES, MAJOR ENTRY POINTS, JAN. 17, 1966

	Total	Mexican aliens	U.S. citizens	
			Number	Percent of total
Texas:				
Brownsville	3,503	2,032	1,471	42
Hidalgo	2,561	1,163	1,398	55
Laredo	3,715	2,581	1,134	31
Eagle Pass	2,710	1,604	1,106	41
Del Rio	831	513	318	38
Cordova	4,290	2,932	1,358	32
Santa Fe Bridge	12,913	8,592	4,321	33
Arizona:				
Douglas	587	418	169	29
Arizona—Continued				
Nogales	1,882	1,614	268	14
San Luis	4,858	4,234	624	13
California:				
Calexico	9,957	7,616	2,341	24
San Ysidro	12,333	9,281	3,052	25
Total	60,140	42,580	17,560	29
All other areas	1,806	1,107	699	39
Total	61,946	43,687	18,259	29

Source: Special survey of border crossers by Immigration and Naturalization Service.

Evidence of depressed U.S. wage scales.—Comprehensive information about wage rates is not available for most border areas. Most of the border towns are very small and not included in the statistical series that contain wage rate information. The discussion that follows is based primarily upon very scattered and fragmentary information. Notwithstanding their limitations, the data do show clearly that wage rates are low in the border areas.

The presence of the alien commuters, however, is not the sole cause of low wage rates. Many factors determine wage levels—a surplus or shortage of workers; the kinds of jobs involved (higher-skilled jobs demand higher wages); the kinds of industry (usually durable goods manufacturing pays higher wages); the extent to which viable trade unions exist. In general, the factors which produce high wage rates are not found as

frequently in border areas as they are in interior areas. But the factors which produce low wages are commonly present in the border towns and quite often are interrelated with the alien commuter problem.

Most of the border areas have relatively large labor surpluses, partly because of the commuters, but also because of large numbers of low-skilled U.S. citizens and resident aliens residing in the United States. Thus, not all of the low wage problem is due to the commuters.

Comparisons of area wage levels in the same state do not always reveal that wages in the border areas are always the lowest in the state. Interior areas in a border state also have large labor surpluses that cause wages in these areas to be as low, or lower, than wages in the border areas. The northeastern corner of Arizona, far removed from the border, where the poverty-stricken Navajo Indians live, is a case in point.

Some border areas have concentrations of heavy industry, or establishments where the wage structure is determined by collective bargaining agreements or other factors not primarily concerned with conditions in the border towns. In such instances, the wages in the border towns may be higher than in interior areas where no such establishments exist. But wages on the border are seldom, if ever, higher than in the interior for the same kind of work at the same kind of firm.

TEXAS

Farm wage data are available from the monthly reports of the Texas Employment Commission. Monthly estimates of average hourly earnings in manufacturing, durable and nondurable goods industries are published by the Texas Employment Commission. Median earnings data are available from the 1960 census of population for one Texas border city, El Paso, and five other major Texas cities: Fort Worth, Beaumont-Port Arthur, Dallas, Houston, and San Antonio. Two special surveys were made in El Paso and Laredo in 1961 by the Department of Labor specifically designed to explore some aspects of the commuter problem. These surveys contain information about wages in the occupations in which most commuters are employed.

A. *Farm wages.*—Farm wage rates in Texas are lowest in border areas. Average hourly farm wages for seasonal farm work in the three agricultural reporting areas on the border were $0.76 in November 1966—31 percent less than the $1.10 average in the remainder of the state. The lowest wage rates are in the Lower Rio Grande Valley, $0.75; slightly higher in the next area, Rio Grande Plains, $0.77; and highest of all the border areas, $0.83 in the Trans Pecos area.

The highest farm wages in Texas are in the areas farthest removed from the border—$1.20 and $1.24 in the Northern Panhandle and the High Rolling Plains. The following map of Texas shows the geographic pattern of average wage rates for seasonal farmwork.

Large numbers of alien and U.S. citizen commuters are employed in agriculture in the border areas. The January 17, 1966, I&NS survey identified 1,584 citizen commuters and 1,282 alien commuters in the Valley; 531 citizen and 810 alien commuters in the Rio Grande Plains; and 973 citizen and 1,078 alien commuters in the Trans Pecos areas. Commuters to agricultural jobs formed a very large proportion of the commuters in the Valley and the Rio Grande Plains areas. In the former area, 51 percent of the U.S. citizen commuters and 37 percent of the alien commuters worked in farm jobs. The corresponding percentage in the Rio Grande Plains were 21 and 17 percent. In the Trans Pecos area, where most of the commuters went to nonfarm jobs in El Paso, only 11 percent of the citizens and 9 percent of the alien commuters worked in agriculture.

Commuters constituted a significant proportion of the seasonal farm work force in the border areas. In the Lower Rio Grande Valley about 15 percent of the seasonal farmworkers were commuters, with alien commuters making up about 7 percent of the seasonal farmworkers. In the Rio Grande Plains, about 9 percent of all seasonal workers were commuters, and 5 percent were alien commuters. In the Trans Pecos area almost all seasonal farmworkers were commuters. However, in this area farm work is a very minor activity—only about 1,500 seasonal workers were employed in January 1966, compared to 19,700 seasonal workers in the Valley and 15,600 in the Rio Grande Plains.

Wage rates were higher in the Trans Pecos area than in the other two border areas because of two factors: the area is isolated without a large resident farm population; the bulk of jobs in the area are found in the El Paso metropolitan area where nonfarm wage levels tend to be higher than levels in rural areas. In contrast, the Valley and Rio Grande Plains areas have no large metropolitan areas. They have a large rural population, largely composed of Mexican-Americans, both citizens and resident aliens. The level of economic activity in the latter areas is much lower than in El Paso. The low-wage levels in the Valley and the Rio Grande Plains areas are probably primarily due to the large surplus of poor, unskilled, poorly educated, rural people (most of whom are Mexican-American) residing in the areas. But augmenting this labor surplus by adding commuters from Mexico, persons who are even poorer, more unskilled, and less educated, serves to depress an already intolerable situation.

B. *1960 census of population median earnings data.*—Median earnings data reveal earnings of El Paso workers are significantly lower than in most other major Texas metropolitan areas. Of the 11 major occupational-sex groupings, median earnings were lowest in El Paso for four groupings (male clerical workers, female clerical, sales, and private household workers); and second lowest for three other groupings (male sales, clerical workers, and operatives and kindred workers). The highest El Paso ranked among the six areas was in the male service worker classification where it ranked third.

One other aspect of the census of population data must be mentioned. Since the data are obtained from a household enumeration, residents of Mexico are not included in the census statistics because their households were not enumerated. Thus, for El Paso, the census statistics overstate the incomes of persons that work in that city because they omit the earnings of commuters who work for the most part in the city's lowest paid jobs.

Table 3 contains pertinent median earnings data obtained in the 1960 census of population.

TABLE 3.—MEDIAN EARNINGS IN 1959 OF PERSONS IN THE EXPERIENCED LABOR FORCE BY SEX AND OCCUPATION

[6 standard metropolitan statistical areas in Texas]

Occupation	El Paso		San Antonio		Dallas		Fort Worth		Houston		Beaumont-Port Arthur	
	Earnings	Rank	Earnings	Rank	Earnings	Rank	Earnings	Rank	Earnings	Rank	Earnings	Rank
All male workers	$4,199	(5)	$3,725	(6)	$4,560	(4)	$4,657	(3)	$4,915	(2)	$5,207	(1)
Clerical and kindred	4,186	(6)	4,272	(5)	4,543	(4)	4,904	(2)	4,871	(3)	5,124	(1)
Salesworkers	4,437	(5)	4,414	(6)	5,562	(1)	4,833	(3)	5,526	(2)	4,776	(4)
Craftsmen and foremen	4,691	(5)	4,346	(6)	4,802	(4)	5,056	(3)	5,374	(2)	5,833	(1)
Masons	3,246	(6)	3,566	(5)	4,334	(4)	4,414	(3)	4,634	(2)	5,854	(1)
Painters	3,505	(3)	2,993	(6)	3,454	(4)	3,408	(5)	3,605	(2)	3,739	(1)
Operators	3,388	(5)	2,945	(6)	3,861	(4)	4,131	(3)	4,376	(2)	5,381	(1)
Auto service station attendant	2,172	(4)	1,926	(5)	2,498	(2)	2,527	(1)	2,341	(3)	1,831	(6)
Truckdriver	3,334	(5)	3,021	(6)	3,892	(1)	3,748	(2)	3,717	(3)	3,691	(4)
Welders	4,595	(3)	3,710	(6)	4,471	(5)	4,571	(4)	5,343	(2)	5,625	(1)
Service workers	2,788	(3)	2,362	(6)	2,702	(5)	2,833	(2)	2,771	(4)	3,486	(1)
Barbers	3,022	(4)	3,019	(5)	3,519	(2)	3,507	(3)	3,566	(1)	2,985	(6)
Cooks	2,682	(5)	2,577	(6)	2,719	(3)	2,685	(4)	2,987	(2)	4,678	(1)
Guards	3,793	(1)	3,051	(5)	3,291	(4)	3,671	(2)	3,393	(3)	1,808	(6)
Waiters	2,203	(1)	1,454	(4)	1,856	(3)	1,538	(6)	2,174	(2)	1,635	(5)
Laborers, except farm and mine	2,386	(4)	2,057	(6)	2,367	(5)	2,552	(3)	2,903	(2)	3,027	(1)
Manufacturing	2,775	(5)	2,506	(6)	2,843	(4)	3,322	(3)	3,619	(2)	4,655	(1)
Nonmanufacturing	2,337	(3)	1,904	(6)	2,296	(4)	2,413	(2)	2,526	(1)	2,107	(5)
All female workers	1,836	(5)	1,938	(4)	2,322	(1)	1,970	(3)	2,197	(2)	1,615	(6)
Clerical and kindred	2,656	(6)	2,865	(4)	3,125	(2)	2,867	(3)	3,225	(1)	2,748	(5)
Bookkeepers	2,855	(5)	2,864	(4)	3,286	(2)	2,805	(6)	3,331	(1)	2,887	(3)
Cashiers	1,724	(5)	1,617	(6)	2,089	(1)	1,762	(3)	1,785	(2)	1,751	(4)
Secretaries	3,147	(4)	3,089	(5)	3,568	(2)	3,269	(3)	3,707	(1)	3,015	(6)
Stenographers	3,290	(6)	3,322	(5)	3,417	(4)	3,607	(3)	3,791	(1)	3,733	(2)
Telephone operators	2,996	(6)	3,133	(5)	3,353	(2)	3,276	(4)	3,348	(3)	3,408	(1)
Typists	2,601	(3)	2,927	(1)	2,530	(5)	2,584	(4)	2,707	(2)	1,828	(6)
Salesworkers	1,292	(6)	1,478	(4)	1,817	(2)	1,460	(5)	1,900	(1)	1,513	(3)
Operators	1,711	(4)	1,559	(6)	2,223	(1)	1,848	(3)	1,886	(2)	1,576	(5)
Laundry	1,376	(4)	1,279	(5)	1,544	(1)	1,420	(2)	1,403	(3)	1,184	(6)
Private household	617	(6)	745	(3)	799	(2)	709	(4)	831	(1)	637	(5)
Service workers	1,130	(4)	1,171	(3)	1,321	(1)	1,116	(5)	1,316	(2)	1,002	(6)
Industrial attendants	1,388	(5)	1,588	(2)	1,445	(4)	1,190	(6)	1,599	(1)	1,485	(3)
Cooks	1,071	(6)	1,308	(2)	1,262	(3)	1,175	(5)	1,342	(1)	1,203	(4)
Waitresses	984	(3)	929	(4)	1,014	(2)	906	(5)	1,025	(1)	859	(6)

Source: U.S. Bureau of the Census, "Census of Population, 1960."

C. *Manufacturing average hourly earnings.*—Wages in El Paso manufacturing are extremely low. El Paso ranked lowest of the eight major Texas areas (El Paso, Austin, San Antonio, Beaumont, Corpus Christi, Dallas, Fort Worth, and Houston) for which the Texas Employment Commission published average hourly earnings in manufacturing.

Austin and San Antonio had lower earnings for durable goods, but El Paso had by far the lowest average for nondurable goods.

El Paso did not rank on the bottom for durable goods because it is the location of a large copper refinery and a large copper smelter. Wages in these establishments are high because the workers have effective trade unions. The refinery and smelter are branches of large corporations and collective bargaining between management and labor is on a regional basis, thus cuasing the unique situation of El Paso with its commuter problem to be of little importance in the determination of wages of El Paso copper workers.

Nondurable goods employment in El Paso is heavily concentrated in garment manufacturing—almost 75 percent of all nondurable goods workers are in this industry. The wage rates in garment manufacturing are little more than the minimum required by the Fair Labor Standards Act. Large numbers of alien commuters (mainly women) are employed in this industry. The existence of this industry is a recent phenomenon and many local residents believe garment firms moved to El Paso to take advantage of the large supply of labor and the low-wage scale; both conditions are due, in part, to the commuter situation.[1]

Table 4 contains average hourly earnings data in manufacturing in El Paso and other Texas cities.

[1] Other border areas in Texas, Laredo and Eagle Pass, have also attracted garment firms recently. A recent economic survey of Eagle Pass reports: ". . . it seems that the factors that have drawn garment manufacturers to Eagle Pass as a production site, *conspicuously the low cost of labor*, are likely to continue in the future." (Italic supplied.) Robert H. Ryan, Charles T. Clark, and L. L. Schkade, "Bridge into the Future Eagle Pass, Texas," Area Economic Survey No. 18 (Austin: Bureau of Business Research, University of Texas, 1964) pp. 82–83. Quoted by Lamar B. Jones, "Mexican-American Labor Problems in Texas," unpublished Ph. D. thesis, University of Texas, 1965.

TABLE 4.—AVERAGE HOURLY EARNINGS IN MANUFACTURING INDUSTRIES, 8 MAJOR TEXAS CITIES, 1966

	Average hourly earnings				Average hourly earnings		
	All manufacturing	Durable goods	Nondurable goods		All manufacturing	Durable goods	Nondurable goods
Texas	$2.57	$2.62	$2.52				
El Paso	1.90	2.46	1.72	Corpus Christi	2.96	2.57	3.26
Austin	1.98	1.71	2.26	Dallas	2.37	2.52	2.10
Beaumont	3.35	3.03	3.48	Fort Worth	2.81	2.97	2.39
				Houston	3.00	2.87	3.16
				San Antonio	1.98	1.92	2.02

Source: "The Texas Labor Market," Texas Employment Commission.

D. *Special commuter survey—Laredo.*—A special study of alien commuter problems—jobs held by commuters, wages received, and availability of domestic workers for these jobs—was made by the U.S. Department of Labor in the summer of 1961.

The study showed that commuters were employed in most occupations and industries, but concentrated most heavily in garment manufacturing, hotels, restaurants, and retail trade and service establishments. A sample of firms employing 3,000 workers was contacted. These firms employed 438 Mexican aliens identifiable as commuters. In addition, the survey team suspected that other alien employees of these firms were commuters, although they had given U.S. addresses to their employers.

When the survey was conducted, unemployment was very heavy in Laredo—11.3 percent. Large numbers of U.S. workers had the same occupational skills as the alien commuters and were unemployed at the time of the survey. For example, the two garment manufacturing firms in the sample employed 88 alien commuters as sewing machine operators. The Texas Employment Commission office files contained applications from 156 unemployed U.S. workers with this occupation.

The survey revealed a very common pattern of firms employing alien commuters paying lower wages than did firms employing U.S. workers. From the data collected in the survey, it was possible to make comparisons of the wage rates paid for 19 occupations by firms engaged in similar activities. The firms employing only domestic workers paid higher rates for 15 of the occupations; in one occupation the rates paid were the same; and for three occupations the firms employing alien commuters paid higher rates. There were also instances where the same firms paid its alien commuters less than it paid U.S. workers for the same work. The average of the wage rates for these 19 occupations paid by the firms employing only U.S. workers was 38 percent higher than the average rates paid by the firms employing alien commuters. Table 5 lists the occupational wage data obtained in survey.

TABLE 5.—OCCUPATIONAL WAGE STRUCTURE, LAREDO, TEX., JUNE 1961

Industry and occupation	Average wage rate (per week)		Industry and occupation	Average wage rate (per week)	
	Firms employing only domestic workers	Firms employing domestic and alien commuter workers		Firms employing only domestic workers	Firms employing domestic and alien commuter workers
Hotels and motels:			Grocery and related firms:		
Cook	$58	$34	Cashier	$24	$24
Maid	20	17	Stock boy	35	20
Hall boy	25	20	Produceman	45	35
Waiter	[1] 15	[1] 18	Butcher	65	52
Busboy	[1] 25	13	Warehouseman	37	31
Bartender	58	46	Miscellaneous retail firms:		
Bellboy	[1] 15	[1] 16	Porter	53	35
Drugstores and related firms:			Warehouseman	73	21
Cashier	27	12	Stockman	53	45
Stock clerk	52	40			
Fountain girl	16	[2] 23			
Drug clerk	77	55			

[1] Plus tips. [2] Plus $3 meal allowance.

Note.—Data were collected in the survey concerning the different rates paid each occupation in each firm. For some occupations monthly rates were reported; these were converted to weekly rates by dividing the monthly rate by 4.33. The number of workers paid each rate was not reported in all cases, making it impossible to compute an average rate weighted by the number of workers paid each rate. The average rates shown in the table represent the average of the highest and lowest rates paid. These averages correspond quite accurately with the weighted averages computed for the few occupations where data were reported for each worker.

E. *Special commuter survey—El Paso.*—The El Paso special study was similar in concept and scope to the Laredo survey discussed above. The survey was made in the summer of 1961. Seventy-five firms were surveyed. At least 1,000 alien commuters were employed by these firms. However, it is believed many more were employed: some firms did not provide information about the residence of their workers. In other cases, workers identified as alien residents of the United States were probably, in fact, residents of Mexico and had provided false addresses. One garment manufacturing firm, for example, claimed none of its employees were commuters; *but it ran a bus to the border to pick up workers.*

For the most part, the alien commuters were employed in the less skilled and more menial occupations—busboy, dishwasher, laborer, salesclerk, maid, housecleaner, sewing machine operator. Alien commuters, however, were also employed in skilled jobs. Many worked in organized firms and were members of trade unions.

The data collected in the El Paso survey cannot be summarized as were the Laredo data (table 5). In some industries studied, all of the sample firms employed commuter aliens. In other industries, the sample firms

refused to provide wage information or attempt to determine if any of their employees were alien commuters. The wage structure in other firms was determined by collective bargaining agreements negotiated on a national or regional basis and thus unaffected by commuters.

Where information was supplied, it was apparent that wage rates paid alien commuters were usually low. In about one-half of the occupations studied, the wage rates paid commuters were lower than what unemployed job applicants registered for work with the Texas Employment Commission said they would accept. These occupations were: sales men and women, cooks, laundry workers, painters, carpenters, and general manufacturing workers. In other classifications, salesclerks, kitchen helpers, packinghouse workers, laborers, and truckdrivers, the commuter aliens were paid rates commensurate with the expectations of unemployed domestic workers.

Following is a summary of the survey results:

Eleven construction firms.—Six firms employed only U.S. residents; five employed alien commuters. Two-thirds of the firms employing only U.S. residents paid the union scale. Only 20 percent of the firms employing commuters paid the union scale. The lowest rates were paid by the nonunion firms that employed commuters.

Four retail dry goods stores.—Three firms employed alien commuters. They paid lower wage rates than the firm that employed only U.S. residents.

Four wholesale and warehouse firms.—Three firms employed alien commuters. The firm employing only U.S. residents paid the highest wage rates.

All sample firms in the following industries employed alien commuters: Garment manufacturing (11 firms); restaurants (five firms); meatpacking (three firms); and laundries (four firms). Of interest is the fact that in the one laundry where wage rate data were supplied for both alien commuters and U.S. residents, the commuters were paid less than $0.50 per hour while the U.S. residents were paid about $0.80 per hour.

Insufficient wage and employment data were obtained to make any comparison for seven transportation and storage firms; two cotton processors; and three hotels and motels.

In several industries, refineries (four firms); miscellaneous manufacturing (seven firms); and miscellaneous firms (five establishments), there was no difference in the rates paid by firms employing alien commuters and those employing U.S. workers. One refinery, two miscellaneous manufacturing, and two of the other miscellaneous firms employed commuters.

Six other retail trade firms were included in the sample, but meaningful comparisons could not be made because the nature of their operations and the occupations of the workers they employed were too dissimilar.

F. *Unemployment in Texas border cities.*—The Texas Employment Commission prepares and publishes unemployment estimates for 22 Texas cities. In 1966 these data revealed that unemployment in border towns was substantially greater than in interior cities. Laredo had the highest rate—9.6 percent. The average rate for the four border areas (Brownsville-Harlingen-San Benito; El Paso; Laredo; and McAllen-Pharr-Edinburg) was 6.6 percent, almost 95 percent greater than the 3.4-percent rate in the 18 interior areas.

High unemployment rates are indicative of labor surpluses, surpluses that in turn cause lower wage rates as employers find it unnecessary to bid up wages to attract workers. The fact that unemployment is heavy and wage rates are low in the border towns is not coincidental. Workers residing in Mexico contribute to the labor surplus by filling jobs that United States residents would otherwise have—and frequently take them at wage rates unacceptable to United States residents.

Table 6 lists 1966 local unemployment rates for Texas; table 7 compares the volume of alien commuters in January 1966 with estimated unemployment in each of the Texas border towns for the same time period.

TABLE 6.—UNEMPLOYMENT RATES IN 22 TEXAS CITIES, 1966

City	Rate	Rank	City	Rate	Rank
4 border cities	6.6		18 interior cities—Continued		
Brownsville-Harlingen-San Benito	6.5	21	Galveston-Texas City	4.7	19
El Paso	4.4	17	Houston	2.4	1
Laredo	9.6	22	Longview-Kilgore-Gladewater	3.3	8
McAllen-Pharr-Edinburg	5.8	20	Lubbock	3.8	13
18 interior cities	3.4		Midland-Odessa	3.4	9
Abilene	3.6	11	San Angelo	3.4	9
Amarillo	2.9	4	San Antonio	4.3	16
Austin	2.6	3	Texarkana	3.8	13
Beaumont-Port Arthur-Orange	4.0	15	Tyler	3.3	7
Corpus Christi	3.7	12	Waco	4.4	17
Dallas	2.5	2	Wichita Falls	3.0	6
Fort Worth	2.9	4			

Source: "The Texas Labor Market," Texas Employment Commission.

TABLE 7.—TEXAS BORDER CITIES; UNEMPLOYMENT AND ALIEN COMMUTERS, JANUARY 1966

City	Unemployed U.S. residents		Alien commuters	City	Unemployed U.S. residents		Alien commuters
	Number	Rate			Number	Rate	
Brownsville-Harlingen-San Benito	3,020	6.2	2,032	Laredo	3,365	12.6	2,581
El Paso	5,050	4.8	11,772	McAllen-Pharr-Edinburg	4,190	6.9	1,163

Source: Unemployment data from "The Texas Labor Market," Texas Employment Commission; alien commuter data from I. & N.S. survey, Jan. 17, 1966.

ARIZONA

Alien commuters do not constitute as much of a problem in Arizona as they do in Texas. Only two border towns have any significant volume of alien commuter workers—San Luis, 4,200 and Nogales, 1,600. About 400 alien commuters cross the border at Douglas and another 100 at Naco. Employment and wage data for local Arizona communities are very limited, making it difficult to evaluate the economic impact of commuters. Farm wage data are available from the reports of the Arizona State Employment Service and that Agency has also published some occupational wage data for nonfarm jobs in its annual publication, "Arizona Basic Economic Data." Since Arizona has no sizable border cities, no earnings data are available from the 1960 census.

A. *Farm wage data.*—Data concerning wages for seasonal farm work in Arizona do not reveal any adverse impact exerted by alien commuters, despite a heavy volume of commuting into Yuma County where over half the farm workers employed are commuters who cross at San Luis. In the three major farming areas in Arizona, Maricopa, Pinal, and Yuma Counties, wages were highest in Yuma County, the only county where alien commuting occurs. The average hourly wage for seasonal farmwork in Yuma County, November 1966, was $1.31 per hour versus $1.29 in Pinal County and $1.26 in Maricopa County.

The reason for this anomalous situation, compared to wage patterns in other border areas, stems from unique conditions in the Yuma area. The farm work force in Yuma County for many years was dominated by Mexican aliens—Mexican contract workers admitted under Public Law 78 and/or illegal wetback workers prior to the wetback cleanup in the early 1950's. There was practically no resident domestic work force doing seasonal farm work in Yuma County. The prevailing wage rate in Yuma was whatever the Department of Labor required be paid to the Mexican contract workers.

When Public Law 78 ended in 1964, this situation changed. No longer was the labor force for seasonal farm work furnished by the Government. Growers had to compete with each other for available workers by bidding up wages. For the most part, the workers they were trying to attract were Mexican immigrants, some of whom lived in Yuma County; others lived in Mexico; and still others moved into Yuma from other areas in Arizona and California. In other areas of Arizona, the labor force was not so heavily composed of contract workers and the impact of Public Law 78's termination was not as severe; more local residents were available to replace the contract workers. Thus in Yuma there was more active competition in the wage area; this competition was successful in attracting workers, but many of the new workers were Mexican immigrants who chose to live in San Luis, Mexico, rather than in the United States.

Between May 1963 and January 1966, alien commuting increased almost fourfold, from about 1,100 to about 4,000. (Data are not available concerning the proportion of the 1963 commuters that worked in farm jobs. In 1966, about 85 percent did farm work.) Between 1963 and 1966, wage rates for seasonal farmwork in Yuma County increased

35 percent, compared to a 25-percent increase in Maricopa County, and a 10-percent increase in Pinal County where contract workers were largely eliminated prior to 1963.

B. *Nonfarm occupational wage data.*—The Arizona State Employment Service has published wage rate ranges, by county, for about a dozen occupations. Separate data are published for two Cochise County towns, Douglas and Bisbee. Although the two towns are only about 20 miles apart, there is a significant difference in the pattern of alien commuter employment. Douglas is directly on the border and about 400 aliens commute to jobs in the United States from Agua Prieta, Mexico; about 75 percent of them work in Douglas, the remainder in farm jobs in the Elfrida area, north of the city. There is very limited public transportation between Bisbee and Douglas, and very few alien commuters, or even Douglas residents for that matter, work in Bisbee. While Bisbee itself is only 10 miles from the border, the closest Mexican border town, Naco, is very small. Only about 100 alien commuters cross from Naco to work in the Bisbee area. Thus, alien commuters would have a much greater impact upon Douglas than upon Bisbee, despite the closeness of the towns.

The Employment Service data reveal lower wage rates existing in Douglas than in Bisbee, indicating that the commuter situation may have adversely affected rates in Douglas. As shown in table 8, seven occupations are listed which can be compared. Comparing the low point of the wage ranges shown for each occupation, four of the occupations in Douglas have lower rates while the other three are the same. Comparing the high point of the wage ranges, five of the occupations are lower in Douglas, one higher and one the same.

TABLE 8.—WAGE RATES PAID IN BISBEE AND DOUGLAS, ARIZ.: SELECTED OCCUPATIONS, 1966

Occupation	Bisbee	Douglas
Staff nurse	$425 to $525 per month	$400 to $525 per month.
Stenographer	$400 to $535 per month	$350 to $420 per month.
Salesperson	$1.25 to $2.15 per hour	$1.25 to $2 per hour.
Cook	$10 to $14 per day	$10 to $12 per day.
Carpenter	$2.50 to $4.645[1] per hour	$2.50 to $4.685[1] per hour.
Auto service station attendant	$1.25 to $1.50 per hour	$1 to $1.25 per hour.
Welder	$3 to $4.70 per hour	$1.50 to $2.75 per hour.

[1] Higher rate is union scale.

Source: "Arizona Basic Economic Data," October 1966, Arizona State Employment Service, Phoenix, Ariz.

Of the three Arizona counties where any appreciable volume of alien commuting occurs, commuting to nonfarm jobs is greatest in Santa Cruz County (Nogales is the major town in this county). The 1,600 alien commuters make up about one-third of the county's work force; over 90 percent work mainly in nonfarm jobs. In contrast, the alien commuters working in Cochise County (Bisbee and Douglas) constitute only about 3 percent of the work force. In Yuma County (San Luis is the border entry point) alien commuters make up 19 percent of the work force, but are heavily concentrated in agriculture. Over half of the farmworkers employed in the county are alien commuters, while only about 5 percent of the nonfarm workers are alien commuters. Thus, any impact of alien commuters upon the nonfarm wage structure in Arizona would be primarily concentrated in Santa Cruz County.

Occupational wage data published in "Arizona Basic Economic Data" clearly show that wage rates in Santa Cruz County tend to be lower than in other areas. Of the nine occupations for which data are available for 12 areas in the State, wage rates in Santa Cruz County are lowest (or tied for lowest) for five occupations—clerk typist, carpenter, auto service attendant, truckdriver, and welder; second lowest for stenographer and cook; third lowest for nurse; and fourth lowest for salesperson. Table 9 lists the occupation wage data published in "Arizona Economic Data."

TABLE 9.—WAGE RATES FOR SELECTED OCCUPATIONS, BY COUNTY, 1966

Occupation	Apache and Navajo	Cochise	Coconino	Gila	Graham and Greenlee	Maricopa	Mohave	Pima	Pinal	Santa Cruz	Yavapai	Yuma
Nurse (per month)	$315–$335	$400–$525	$250–$480	$400–$500	$275–$350	$420–$463	$395–$420	$340–$400	$350–$400	$325–$375	$425–$475	$400–$475
Stenographer (per month)	275–325	350–534	285–450	265–310	260–350	325–400	300–325	285–350	275–300	250–325	240–320	200–336
Clerk typist (per month)	240–260	325–410	200–400	220–265	215–260	270–360	250–275	225–315	240–260	200–250	225–275	275–315
Salesperson (per hour)	1–1.25	1.25–2.15	1.10–2	.90–1.25	1–1.25	1.10–1.66	1.25–1.50	1.25–1.40	1.25–1.75	1.25–1.35	1.25–1.35	1.25–1.75
Cook (per day)	12–14	10–14	9–22.50	10–16	10–12	10–18	12–18	14–18	9–11	10–12	10–13	16–20
Carpenter (per hour)	2.25–5.25	2.50–4.685	2.50–4.505	3.20–4.50	3–4	3–4.685	3–5.13	3–4.50	2.50–4.385	2–4.25	2.50–4.505	2.50–4.385
Auto service station attendant (per hour)	1.10–1.40	1–1.50	1.25–1.75	1–1.50	1.25–1.75	----------	1.25–1.50	1.25–1.35	1.10–1.25	1–1.25	1.10–1.35	1.25–1.50
Truckdriver, light (per hour)	1.15–1.35	----------	2.12–3.78	1.50–2	1.50–2	----------	1.25–1.50	1.25–1.75	1.25–1.50	1.25	1.50–2	1.35–1.75
Welder (per hour)	2.75–4.97	1.50–4.70	2.76–4.86	3.19–5.04	2–2.50	----------	2–4.25	2.50–4.65	2–2.50	1.50–2	2.25–2.85	2.50–3.25

Source: "Arizona Basic Economic Data," October 1966, Arizona State Employment Service, Phoenix, Ariz.

Mr. Ben Zweig, currently Executive Director of the Santa Cruz County and city of Nogales Economic Opportunity Community Action Committee, and formerly the American Consul at Nogales (1943–51) and Nuveo Laredo (1957–63), commented upon the commuter situation in an interesting fashion before the President's National Advisory Commission on Rural Poverty. Mr. Zweig said, "There is no doubt the daily influx of more than a thousand workers into this small community depresses wages." He went on to state commuters live in Mexico for two reasons: ". . . because living is cheaper, but also because they are unable to obtain immigrant visas for the immediate members of their families." According to Mr. Zweig, the reason visas cannot be obtained is the commuters earn such low wages they cannot prove their families would not become public charges. If Mr. Zweig's comments are correct, we have a situation that would be ludicrous if it were not so pitiful: Mexican aliens are admitted as immigrants. They satisfy the public charge requirements of immigration policy by accepting work in low paid jobs. But the jobs are so low paid they are not viewed as meeting the public charge requirements for the workers' families.

The 1960 census also contains data relating to the low earnings in Santa Cruz County supporting the previous discussion that indicated wages in this area are among the lowest in the State. According to the census, median earnings in 1959 of Santa Cruz County male residents were $3,666—lower than any county except Apache. (Earnings in this county are depressed because of the large Indian population.) For female residents, Santa Cruz County ranked 11th among the 14 Arizona counties.

CALIFORNIA

Large numbers of alien commuters work in California, crossing at two major points of entry, Calexico and San Ysidro. Calexico is in the rich farming area of the Imperial Valley. About 85 percent of the 7,500 to 8,000 alien commuters work in agriculture. San Ysidro is within the San Diego metropolitan area and about 40 percent of alien commuters work in agriculture with the remainder working in a wide variety of nonfarm jobs. Data concerning the occupational characteristics of the alien commuters working in nonfarm jobs in San Diego are not available, but there is no reason to suspect that such workers would be much different than those crossing into El Paso. There they worked for the most part in the lowest skilled, most menial jobs.

Data concerning wages, employment, and unemployment in border areas and the alien commuter problem in California indicate that in this state, as in Texas and Arizona, economic conditions are much worse on the border.

A. *Farm wages.*—According to data collected by the California Department of Employment, farm wages in California are lowest in the border areas. The average wage for seasonal farmwork in November 1966 was $1.42 per hour in the two border counties, Imperial and San Diego. Wage rates for similar work in the remainder of the state were 6 percent higher.

Most of the seasonal farm work in the border areas is done by alien commuters. The number of alien commuters that cross at Calexico is equal to about 90 percent of seasonal farm employment in Imperial County. Some of the alien commuters actually commute out of Imperial County to jobs in the Coachelle Valley, over 60 miles north of the border. In all, however, alien commuters probably make up about 85 percent of the seasonal work force in Imperial County. The same situation prevails in San Diego County. The number of alien commuters crossing at San Ysidro is equal to almost all of the workers employed in seasonal farm jobs in the county. Since some aliens also commute out of the San Diego County, the proportion that aliens constitute of the seasonal work force is less than 100 percent—probably about 85 or 90 percent.

There is also a significant volume of commuting by U.S. citizens residing in Mexico. About 1,600 such workers cross at Calexico to do farmwork and another 800 enter the United States at San Ysidro. It is clear that for practical purposes nearly all of the seasonal farmworkers employed in San Diego and the Imperial Valley live in Mexico.

Considering this fact, it is perhaps surprising that farm wage rates are not even lower. They are not because of the same fac-

tor present in the Yuma, Ariz., situation—the termination of Public Law 78. When this program was in existence, most of the seasonal farmwork was done by contract Mexican workers. As the program ended, farmers had to compete for whatever domestic workers were available. For the most part, these were Mexican aliens who had previously been admitted as immigrants. They accepted the farm jobs formerly held by alien contract workers at the higher wage rates employers were offering. When the alien contract workers dominated the farm labor force, particularly in Imperial County, farmworker housing was geared to the contract worker. Barracks-type housing for single male workers was the standard. Family housing for farmworkers was available only on a very limited basis. Thus when alien contract workers were replaced by U.S. citizens or alien immigrants, almost the only available family housing was in Mexico.

On the border in California, as in Arizona, the end of the bracero program increased alien commuting. But at the same time it also caused sharp wage rate increases, thus militating against—perhaps disguising is a more apt description—the adverse impact of the commuter situation. Total alien commuting jumped over 50 percent[2] between 1963 and 1966, but seasonal farm wages still increased 35 percent, one-fourth greater than the increase in wages for the same kind of work in the rest of the state.

B. *1960 census of population median earnings data.*—The published statistics of the 1960 census contain data for eight major metropolitan areas, one of which was San Diego. However, the area is so large that the smaller number of alien commuters would not be expected to have very much impact. The total volume of alien commuters amounted to less than 3 percent of the total labor force; those working in nonfarm jobs to only about 1.5 percent of nonfarm employment. Furthermore, the structure of industry in San Diego includes several relatively well paid industries. The Federal Government has a large naval installation in the area and several aircraft manufacturing firms are also present.

Nonetheless, there is evidence to indicate that economic conditions in San Diego are poorer than in other major California cities. San Diego ranked only fifth highest among the eight major cities in median earnings of male workers, and fourth highest for female workers. Earnings were lower in San Diego than in the largest urban areas, but higher than earnings in the interior valley cities where farming is an important activity. Of particular significance are the data for the occupations in which most alien commuters probably work. The earnings of farm laborers, $1,621, were the lowest of all eight areas. Comparing Los Angeles and San Diego, the earnings of San Diego residents were 8 percent lower for male salesworkers; 18 percent lower for male farmworkers; 5 percent lower for female clerical workers; 8 percent lower for female salesworkers; 18 percent lower for female private household workers; and 14 percent lower for female service workers. As was previously mentioned, the census data, which are collected from households in the United States, do not fully measure the impact of commuters because they reside in Mexico. If commuters were included in the census enumeration, the census median earnings would be lower than was reported. This is demonstrated by social security program data. These data show, for 1965, that average earnings in San Diego County were seven percent lower than in Los Angeles County. However, the census data showed median earnings of all male workers to be only .2 percent lower in San Diego County. The median earnings of women workers were about 8 percent lower. Table 10 lists earnings data from the 1960 census of population.

C. *Unemployment in California border area.*—The California Department of Employment has prepared estimates of unemployment for both San Diego County and the Imperial Valley. The unemployment rate in 1966 in San Diego was 5.2 percent, somewhat higher than the Los Angeles-Long Beach rate of 4.5 percent and San Francisco-Oakland rate of 4.4 percent. In the Imperial Valley, where alien commuters form a much greater proportion of the work force, the unemployment rate was 10 percent, double the average rate for the entire state.

[2] There is reason to suspect alien immigrant commuting increased more than 50 percent. In 1963 alien contract workers employed in the Imperial Valley were permitted to live in Mexico and commute to their jobs. Some of these workers may have been counted as commuters in the 1963 I&NS survey.

TABLE 10.—MEDIAN EARNINGS IN 1959 OF PERSONS IN THE EXPERIENCED LABOR FORCE BY SEX AND OCCUPATION—MAJOR CALIFORNIA CITIES

Occupation	San Diego	Los Angeles-Long Beach	Bakersfield	Fresno	Sacramento	San Bernardino-Riverside-Ontario	San Francisco-Oakland	San Jose
All male workers	5,672	5,684	5,119	4,498	5,709	5,069	5,705	5,998
Farmers and farm managers	3,331	3,731	6,537	4,317	4,242	3,796	4,070	4,500
Clerical and kindred	5,259	5,108	5,247	4,982	5,179	5,182	5,166	5,344
Salesworkers	5,338	5,828	5,473	5,445	5,554	5,216	5,816	5,971
Salesmen and clerks	5,397	5,885	5,467	5,481	5,639	5,309	5,913	5,090
Retail trade	4,850	4,940	4,817	4,775	4,880	4,552	5,056	5,107
Craftsmen, foremen	6,182	6,088	6,035	5,448	6,113	5,582	6,223	6,435
Carpenters	5,803	5,701	5,398	5,085	5,907	5,119	6,065	6,188
Painters	5,368	4,761	5,165	4,510	5,624	4,634	5,320	5,511
Plasterers	6,468	6,068	6,049	5,978	6,122	5,487	6,011	6,534
Operatives and kindred	5,216	5,089	5,142	4,404	5,078	4,825	5,270	5,339
Attendants, auto	2,750	2,869	2,520	2,802	2,730	2,573	3,003	2,589
Meatcutters	6,051	6,104	5,739	5,804	5,747	5,871	6,096	6,419
Truck drivers	5,390	5,550	4,650	4,941	5,391	4,987	5,848	5,939
Welders	5,991	5,431	5,879	5,094	5,777	5,322	5,832	5,829
N.E.C. manufacturing	5,237	5,068	5,595	4,306	5,165	4,836	5,320	5,198
Durable	5,305	5,018	4,631	4,195	5,500	4,901	5,113	5,413
Nondurable	4,863	5,169	5,922	4,399	4,784	4,502	5,518	4,674
Service workers	4,042	3,977	3,909	3,594	4,076	3,605	4,193	3,873
Barbers	4,757	4,315	4,244	4,149	4,932	3,873	4,501	4,535
Cooks	3,777	4,234	3,619	3,737	3,942	3,847	4,321	4,533
Guards	5,390	4,416	4,073	3,357	5,094	4,591	4,481	4,258
Waiters	4,266	3,637	3,870	3,489	3,631	3,368	4,090	2,448
Farm laborers and foremen	1,621	1,964	2,281	1,960	1,815	1,785	1,999	2,274
Laborers, except farm and mine	3,753	3,684	3,462	2,924	3,965	3,407	4,473	3,760
Manufacturing	4,413	3,929	4,446	3,109	3,765	4,018	4,292	3,817
Durable	4,457	3,852	4,346	3,007	4,021	4,140	4,295	4,603
Nonmanufacturing	3,761	3,402	3,473	2,883	3,841	3,206	4,066	3,988
Construction	4,370	4,309	4,233	3,944	4,422	3,906	4,313	4,526
All female workers	2,729	2,957	2,154	2,038	3,042	2,307	3,165	2,635
Clerical	3,304	3,484	3,221	2,927	3,512	3,142	3,577	3,226
Bookkeepers	3,318	3,653	3,219	3,016	3,512	3,112	3,638	3,138
Cashiers	2,410	2,937	2,635	2,248	2,491	2,557	3,004	2,408
Office machine operators	3,606	3,612	3,548	3,154	3,526	3,509	3,634	3,384
Secretaries	3,525	4,034	3,649	3,161	3,945	3,338	3,976	3,574
Stenographers	3,589	3,799	3,713	3,648	3,814	3,388	3,885	3,498
Telephone operators	3,285	3,363	3,369	3,351	3,465	3,147	3,659	3,325
Typists	3,081	3,091	2,887	2,814	3,356	2,993	3,244	2,683
All other	3,277	3,287	3,049	2,628	3,420	3,061	3,456	3,093
Salesworkers	1,859	2,021	1,494	1,666	1,936	1,773	2,426	1,805
Retail trade	1,892	1,935	1,494	1,693	1,831	1,783	2,365	1,842
Operatives	2,866	2,676	1,733	1,529	1,976	1,872	2,696	1,947
Laundry	2,226	2,196	2,123	2,273	2,199	1,988	2 467	2,600
Private household	724	886	672	654	643	659	842	691
Live out	667	807	665	635	623	641	780	647
Service	1,698	1,969	1,589	1,594	1,871	1,545	2,191	1,843
Institute attendants	2,369	2,440	2,448	2,309	2,390	2,815	3,043	2,492
Cooks	2,163	2,203	1,773	1,690	2,020	1,901	2,348	2,231
Waitresses	1,464	1,638	1,329	1,312	1,472	1,354	1,802	1,565

Source: U.S. Bureau of the Census, Census of Population, 1960.

SUMMARY

The "commuter" problem and low wages and unemployment in American cities on the Mexican border

About 44,000 alien commuters live in Mexico and work in U.S. cities.

Another 18,000 U.S. citizens commute to their U.S. jobs from residence in Mexico.

90 percent of the commuters are in eight border areas: Brownsville, Laredo, Eagle Pass, and El Paso, Tex.; Nogales and San Luis, Ariz.; Calexico and San Ysidro, Calif.

Unemployment in Texas border cities is almost 95 percent greater than in Texas interior cities.

Alien commuters work most often in the lowest skilled, most menial, and lowest paid jobs: seasonal farmwork, maids, kitchen helpers, salesclerks, sewing machine operators.

Wages for seasonal farmwork in Texas border areas are over 30 percent less than in the rest of the State.

Firms that employ alien commuters tend to pay lower wages than firms that employ only U.S. residents.

Firms that employ alien commuters frequently pay them less than what they pay U.S. residents for the same work.

Wage rates paid to commuters are often less than what unemployed U.S. residents say they are willing to accept.

Greatest number of alien commuters in Arizona cross the border at San Luis for farmwork in the Yuma area. Farm wages, however, in this area are high because the great number of alien commuters is a relatively new phenomenon resulting from efforts to attract a new labor supply after Public Law 78 terminated.

Wage rates for nonfarmwork in Arizona border areas are very low in comparison to rates in other areas. Workers in Santa Cruz County, where most nonfarm alien commuters work, have the lowest earnings in the State, except for Apache County where poverty on the Navajo Indian Reservation depresses earnings.

California farm wage rates are lowest in the border areas. The bulk of the farmwork force in these areas is composed of alien commuters.

Alien commuters loom the largest in the Imperial Valley where they constitute about 30 percent of the total work force, and about 85 percent of the farmwork force. Unemployment in this area was 10 percent of the labor force in 1966, twice the average rate for the entire State.

In San Diego, another area where large numbers of alien commuters work, wage rates were lower, and unemployment higher, than in Los Angeles.

EXHIBIT 3

U.S. DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, June 19, 1968.

Hon. RAMSEY CLARK,
Attorney General,
Washington, D.C.

DEAR RAMSEY: I am enclosing a report with recommendations from the Labor Department staff on the Delano situation. I have seen a draft of the Immigration and Naturalization Service report, and I realize there are some differences in interpretation of the troubled relations between the INS and the United Farm Workers Organizing Committee in California. Our staff believes that the hostility and mistrust are so deep that there must have been some cause, whether it be poor judgment, lack of communication, or whatever. They also believe some ameliorative steps have been taken. However, the basic problem still lies in the whole concept of immigrants who reside in another country. The aggravation of this low-skilled and low-wage work force on the workers of the Southwest grows daily. Much of the energy and anger of the growing Mexican-American militancy in the Southwest is aimed at the workers who live in Mexico, but who claim the economic benefits of being a U.S. citizen. The Mexican-American social groups and the unions such as the UFWOC cannot rest until this problem has been resolved.

Therefore, I urge that the Federal Government move to control the impact of the commuters. A new and simpler strike regulation which excludes all commuters from struck firms should be promulgated immediately. A system of identifying commuters should be devised, and to that end, I will provide Labor Department staff to help absorb the workload. Ultimately, all commuters should be excluded unless they can prove they are not adversely affecting U.S. workers.

I urge your careful consideration of this matter. Stan Ruttenberg and I would like to discuss this with you personally at the earliest opportunity.

Sincerely,

WILLARD WIRTZ,
Secretary of Labor.

ALIEN COMMUTER PROBLEMS

(Report of Labor Department members of joint Labor-Justice fact-finding group)

Because of pronounced irreconciliable differences in their reactions to meetings and discussions with union officials during the Delano visit, the Task Force members have agreed to submit separate reports. This report, then, is submitted by the Labor Department representatives of the joint Justice-Labor Task Force.

On Monday, May 6, the members of a joint fact-finding group of the Justice Department and Labor Department met in Bakersfield, California. Present were:

Mario Noto, Associate Commissioner, INS.

Charles Gordon, General Counsel, INS.

Donald Coppock, Deputy Associate Commissioner, in Charge of Border Patrol, INS.

Michael Fargione, Deputy Regional Director, Southwest Region, INS.

Leonard W. Gilman, Associate Deputy Regional Director, Southwest Region, in Charge of Travel Control, INS.

Frank Borda, Deputy Assistant Secretary for Manpower, DOL.

Ken Robertson, Regional Manpower Administrator, San Francisco, DOL.

Lawrence W. Rogers, Assistant to the Administrator, BES, DOL.

Roberto Ornales, Mexican American Desk Director, Manpower Administration, DOL.

Mr. Noto outlined the mandate given to the task force by the Attorney General as follows: Review the entire situation concerning the use of commuter green card workers by employers in the Delano area. The examination was to assure that the proper policy emphasis on enforcement of the regulation was made clear to all Immigration and Naturalization Service personnel. The procedures for administering the regulation were to be examined to see what improvements could be made. Finally, meetings would be held with the United Farm Workers Organizing Committee to create a proper liaison with that organization.

The task force discussed the various problems they might encounter in Delano in carrying out the Attorney General's directive. The prominent problem seemed to be the attitude which the union and its members have toward the Immigration and Naturalization Service, which specifically is alleged discrimination by the Service against the union and its members in favor of the employers in this particular area.

Subsequent to the foregoing discussions, the Labor Department representatives urged that the task force convene at Delano, California, since the problems to be reviewed centered around that city. The INS members agreed, although there were some misgivings that undue public attention might result.

Mr. Cesar Chaves, Director.

Mr. James Drake, Member.

Mr. Jerry Cohen, Counsel.

Mr. Leroy Chapfield, Administrative Officer.

Mr. Marshall Ganz, Executive Board Member.

Mr. Larry Itliong, Assistant Director.

Mr. William Kircher, Director of Organization, AFL–CIO.

Mr. Kircher had been present at the meeting with the Attorney General when it was agreed to form the fact-finding committee. He presented the problem of the union. It soon became evident that the basic complaint of the union was that Immigration Service personnel were not enforcing the regulation restricting the use of commuter workers at strikebound firms. There were numerous meetings during this one day at which the union representatives fully aired their grievances. The union representatives repeatedly stated they were not asking for special treatment; they were only asking that the regulation be vigorously enforced. In essence, the union's allegations were:

1. The attitude of the Border Patrol is "provincial," anti-union, and anti-Mexican. This attitude was linked to the treatment which the union felt it had received at the hands of INS supervisory field staff. The union reported several instances of brusque and uncooperative encounters with District Directors in San Francisco and Los Angeles and the officers in charge of the Bakersfield office. The union felt that the INS supervisors did not want to cooperate with the union in the enforcement of the regulation, and that this attitude was transmitted to the Border Patrolmen.

2. That the Border patrol favors the "growers" in the enforcement of their responsibilities. Border Patrolmen do not adequately interrogate green card workers to ascertain if they are subject to the regulation. Field checks are far too brief. Border Patrolmen are too willing to accept inadequate answers as evidence that particular individuals are not subject to the regulation.

3. That the union has additional information regarding aliens illegally in the U.S., but will not furnish it to the Service unless it could be satisfied that the Service will take action on it.

4. That violators of 8 CFR 211.1(b) are not apprehended by the INS and prevented from working in the struck fields. The only exception was 10 cases which the Union maintains were acted on by INS only after a civil suit was filed by the Union against the 10 employees and their employer.

The Union developed one general question which it presented to the INS to elicit answers on the policy and procedures for enforcing 8 CFR 211.1(b). The INS officials offered, instead, a list of 14 questions and answers, prepared by the Service for internal use at all operating levels (Attachment "A"). However, the Union would not examine it nor accept it. There was discussion of various problem situations, and ultimately the INS agreed to provide the Union with a statement about how the regulation works.

In response to Union allegations that the Service had not taken action on violations reported by the Union, the Service offered to furnish to the Union representatives the results of the investigations which have been conducted and actions taken thereon. The Supervisory Patrol Inspectors of the Bakersfield station were called in and they were subjected to examination by the Union representatives and by members of the task force.

During the examination it was apparent that the Union's allegations had merit, at least in the lack of evidence available to show that the INS had acted on complaints. The demeanor of the officers and the Union representatives made it apparent that con-

siderable hostility and antagonism exists. From the incompleteness of information available concerning the officers' prior investigatory work it appeared that the investigations were either very superfical or the records were totally inadequate to support the conclusions made by the officers.

The Bakersfield officers explained the modus operandi used by the Border Patrol in locating and processing illegal aliens. As evidence of its good faith, the Service agreed that with respect to 38 cases in which the Union had expressed an interest and which had been referred by the Border Patrol for further investigation to determine whether there had been any violations of 8 CFR 211.1(b), the Service would furnish them on the following day with detailed information concerning actions taken and results achieved. This was done on the following day and no further question was raised by the Union with respect to these cases.

In response to the allegations made by the Union representatives that the Border Patrol of the Service was not searching for illegal aliens, INS furnished the group with a statistical account of the result of Border Patrol efforts made between February 8, 1968 and April 30, 1968. This was not acceptable to the Union officials since the results showed few persons found on struck farms who were covered by the regulation. Rather, the Union felt this supported their contention that the INS was not doing an adequate job of seeking out violators and properly interrogating suspected violators.

In support of allegations made by the Union that the Service attitude was anti-Union, Union representatives cited alleged instances of remarks made and attitudes shown by Service officers which were interpreted by them to reflect such attitudes. A typical example cited by the Union is reflected in a statement made by a person who alleges to relate an incident between Service District Director at San Francisco and one Jose Lune (Attachment "C"). It is observed at this point that at a conference held with INS officials on May 8, 1968 at San Pedro, California, the Service District Director at San Francisco denied the Union's interpretation of the incident in question, and in support thereof produced a letter which expressed appreciation by Union representatives for what is now characterized as an antagonistic attitude (Attachment "D"). However, it should be noted that the letter essentially is a polite thank you note returning $10 advanced by the District Director.

On May 7, 1968 additional meetings were held. During the morning the members of the task force actually observed and participated in Border Patrol field operations in locating and examining aliens employed on struck farms. While the members of the task force were favorably impressed by the inquiries conducted by Patrol officers during these investigations, the nature and conduct of the investigations indicated that prior investigations, and some of the current procedures, were inadequate to give meaningful protection to U.S. workers as contemplated by the regulations.

1. The questioning of suspect aliens was a time-consuming process. The brief time spent in some prior investigations observed by Union representatives, a charge not denied by the Bakersfield officers, would indicate the prior investigations were rather superficial, if the current investigations are a representative standard.

2. Of the small group questioned a significant number of suspect aliens were found. In fact, one alien who by his own statement was clearly in violation of the regulation, was found.

3. There was no effort made by the Border Patrolmen to immediately remove suspect aliens. The Border Patrol procedures call for only identifying the suspect aliens and their referring the case to other INS personnel for further, more detailed investigation. This permits the suspect alien to leave the employer or the area, only to return clandestinely, if he so chooses, at another time when he is not under scrutiny by INS officials. Unless there is an immediate investigation and removal of suspect aliens the enforcement of the regulation will continue to be a problem.

During the meetings on May 7 the same matters which had been discussed previously were reiterated. The Service representatives agreed to make any necessary changes in the procedures of the Border Patrol. The Union representative demanded that in demonstration of good faith, the group should reduce to writing the matters on which changes in procedures had been agreed to. During this discussion the Justice Department representatives declined to incorporate a commitment made the preceding day that the Service would establish a system to identify all commuters by using some sort of special identification marks on the I–151. The Justice Department representatives felt the expense of such an operation precluded its adoption at this time but that they would consider it further. Unfortunately, the failure to keep what the Union and Labor Department representatives felt was an unequivocal commitment exacerbated relations between the INS and Union representatives.

Additional tension was created when the Justice Department representatives declined to personally investigate some of the aliens cited by the Union as being in violation of the regulation. Earlier the union representatives had made an issue about turning such information over to INS because they felt thorough investigations would not be made. The Union information had been treated with some disdain by INS officials in the past who characterized investigations of their data as "wild goose chases." After being assured that their information would be carefully investigated, they changed their position about not furnishing it to INS as a good faith demonstration on their part. They were completely taken aback by the failure of the task force to make personal investigations. INS did bring officers into Delano immediately to investigate the cases, which helped ease the situation. Both the Justice and Labor Department representatives were invited by the Union to observe the network established by the Union in Delano and surrounding communities to identify suspect aliens. The Labor Department representatives joined the union representatives on such a tour the night of May 7. No investigations were made and none of the commuters were either visited or interrogated.

Notwithstanding the heightened tension at the end of the meetings, the Memorandum of Conversation finally agreed upon (Attachment "E") was accepted by the Union as an act of good faith on the part of INS.

As the meeting came to an end, it was most evident that while there remained an undertone of hostility and suspicion toward INS by the Union representatives, the climate was markedly improved over what it had been. It is believed that the Union has accepted the good faith of the Service as a result of the discussions held.

On May 8 the Immigration members of the Task Force proceeded to San Pedro, California, where a meeting of supervisory officers involved in this operation was convened.

The Labor Department representatives continued meeting with the Union representatives May 8. The Union's picketing operation was observed, its headquarters office was visited. Strike problems and Government policy were discussed at great length. On May 9 the Labor Department representatives met with members of its regional staff in San Francisco. The Delano discussions and commitments were discussed. Plans were discussed for the investigation of several farms to determine if they were still involved in the labor dispute. The extreme sensitivity of the Delano situation was emphasized and the regional staff was cautioned concerning the necessity of maintaining a fair, impartial and unbiased posture toward both sides in the dispute.

FINDINGS OF LABOR DEPARTMENT REPRESENTATIVES

1. That the issue at Delano really goes far beyond the narrow problem of the enforcement of 8 CFR 211.1(b) or even that of a dispute between a trade union and several employers. Underlying the situation at Delano is the striving of a minority group, Mexican-Americans, that has suffered odious economic, political and administrative discrimination for many years. The aspirations of this group are now centered in the Delano struggle, primarily because the Union leader, Mr. Cesar Chavez, has succeeded in projecting himself as not only a trade union leader, but as a charismatic leader of a people fighting for redress of long accumulated grievances. It is highly significant that the Union is referred to as "la causa," that the folk hero of the members is Emilio Zapato, that its patron is the Virgin of Guadalupe. All are symbolic of the struggles of an oppressed people. Unless the Delano issue is recognized for what it is, an integral part of the present civil rights struggle in America, measures to solve the particular issues investigated by the Task Force are likely to be ineffectual.

2. That there is considerable distrust and resentment by the United Farm Workers Organizing Committee, and probably shared by the Mexican-American community, of Government agencies and employees arising both as a survival of past feelings and as a result of current attitudes and practices.

3. That Mexican alien immigrants with homes in Mexico have been, and are now, employed on farms involved in the labor dispute despite the promulgation of 8 CFR 211.1(b). This arises because of insufficient enforcement techniques, but, more importantly, because the regulations do not provide meaningful protection to U.S. workers. In essence, U.S. workers are looking to the regulation to provide more of a safeguard of U.S. wages and working conditions than it can give. Enforcement measures are considered very inadequate and the Government attitude toward the workers' plight viewed as a deceitful sham simply because the regulation is not preventing commuters from working as strike breakers.

RECOMMENDATIONS OF LABOR DEPARTMENT REPRESENTATIVES

1. That the commitments made by the task force be honored. Specifically this means implementing the Memorandum of Conversation (Attachment "E") and furnishing the United Farm Workers Organizing Committee with a response to its questions to the task force.

2. That INS undertake a systematic program of identifying all commuters, seasonal or daily, to facilitate the identification of aliens possibly subject to 8 CFR 211.1(b). To assist in this the Labor Department will make staff help available to INS. Once this identification is completed, only holders of this card could cross the border. The ordinary green card holder would be required to have a re-entry permit.

3. That the enforcement techniques of INS be changed. Aliens suspected of being in violation of 8 CFR 211.1(b) should be removed from the farms in question as soon as grounds for such a suspicion are found. The INS investigatory staff stationed in Delano should be increased; this includes both Border Patrol and INS staff. Union allegations concerning aliens employed in violation of 8 CFR 211.1(b) should be investigated promptly and complete written reports of the investigations made promptly to the Union. That INS station in Delano an employee of Mexican-American ancestry, in whom the Union has confidence, to work with the Union, as a liaison officer.

4. That the Government agencies involved

immediately conduct extensive employee training to eradicate any attitudes of bias or prejudice against Mexican-American farm workers; that if such attitudes cannot be changed, the employees involved be transferred to jobs involving no work responsibilities with Mexican-Americans.

5. That 8 CFR 211.1(b) be amended to preclude the employment with a strike-bound firm of any alien immigrant who maintains a residence outside of the United States. This would eliminate the vexing enforcement problem existing under the present regulation of determining the date of an alien's employment at such a firm and the date and purpose of his entry into the United States.

6. That a regulation be promulgated that would condition any alien's commuter status upon a periodic determination by the Secretary of Labor that his employment in the United States does not adversely affect the wages and working conditions of U.S. workers.

The recommendations of the Labor Department Task Force members admittedly go beyond the Delano strike. But, as stated earlier, the issue itself involves more than the Delano strike. At issue is the relation of the Government, and specifically this administration, toward a minority group that in an era of social revolution is asking redress for accumulated grievances. The action of the Government in the Delano strike, the commuter regulation barring employment of commuter strikebreakers, and its enforcement (or lack of enforcement) is alienating the Mexican-American community from the administration. This will worsen until there is an effective resolution of the whole commuter problem. Unless far-reaching administrative action is taken, and taken soon, there is a real and immediate danger that a solution will be sought in the streets with grave national and international repercussions.

Frank Borda.
Kenneth Robertson.
Lawrence W. Rogers.
Roberto Ornales.

ATTACHMENT A

1. Q. An alien previously admitted as an immigrant who maintains a home and family in Mexico commutes daily to and from work in the United States. In May he moves farther north and discontinues returning home each night. After several weeks of varied employment, he secures work at a place where the Secretary of Labor has already determined a labor dispute exists. After a short term of employment, he returns to Mexico to visit his family. Two weeks later he applies for readmission to continue his employment at the place where the dispute exists. Is his Form I–151 valid for reentry?

A. No. His primary purpose is to be employed at the place where the dispute exists and his employment there commenced after the determination of a labor dispute was made.

2. Q. An alien previously admitted as an immigrant who has no residence in the United States and does maintain a residence in Mexico is workng close to the border and returning home every week or two to visit his family. The Secretary of Labor determines a labor dispute exists at the alien's place of continuous employment. The determination is made subsequent to commencement of the alien's employment. The alien visits his family for a few days and applies for readmission. Is his Form I–151 valid for reentry?

A. Yes. The alien's employment was continuous since prior to the Secretary of Labor's determination.

3. Q. An alien previously admitted as an immigrant is employed at a place prior to the time the Secretary of Labor determines a dispute exists. Due to seasonal work, the alien is temporarily "laid off." He returns to his home in Mexico and accepts employment there. A few weeks later he applies for readmission to continue his work with his former employer. Is his I–151 valid for reentry?

A. No. We consider the continuity of his employment broken.

4. Q. A legal resident alien who maintains his home and family in the United States accepts employment at a place where the Secretary of Labor has determined a labor dispute exists. He makes a visit outside the United States. Is his Form I–151 valid for reentry?

A. Yes—since his primary purpose in seeking reentry is to resume residence.

5. Q. An alien previously admitted as an immigrant but now domiciled in Mexico attempts reentry for the purpose of seeking work. He has made no arrangement for employment and has no particular place in mind. There are several places in the area where labor disputes have been determined and announced by the Secretary of Labor. The applicant is warned that seeking work where a labor dispute exists will invalidate his Form I–151 for admission. He is subsequently found employed at a place where a determined and announced dispute exists. Is he deportable? Is he excludable at next entry?

A. On the basis of the facts presented the alien would be deportable under section 241 (a) (1) in that he was excludable at time of entry as his Form I–151 was invalid as a document in lieu of a visa or permit to reenter. Absent a waiver or new immigrant visa he would be excludable at his next attempted entry.

6. Q. An alien who was initially admitted as an immigrant in 1956 works each year in northern California for the same employer from March to September, then follows the harvests until December. He spends December, January, and February in Mexico. His wife and children, who were also admitted as immigrants, accompany him. He has no fixed place of residence in the United States and usually he lives in housing furnished by the employer. During the period the alien was in Mexico (December through February) the Secretary of Labor determined and announced a labor dispute at the alien's regular place of employment. In March the alien applies for admission destined to the place where the dispute exists. Is his Form I–151 valid?

A. We now have several factors to consider. Was his employment continuous since before the dispute determination? Apparently not as he usually leaves that employer and follows the harvests in the United States from October through December. Is he seeking admission *primarily* to accept employment at the place where the dispute exists? Because of his habits there is indication the *primary* purpose is to resume residence. This would have to be decided by the facts in the case.

7. Q. An alien previously admitted as an immigrant and now domiciled in Mexico last entered the United States after the effective date of the amended regulation (July 10, 1967) at which time he was destined to an employer where no dispute existed. He later accepted employment at a place where a dispute had been determined. Is he deportable?

A. If an alien entered the United States after the announcement of the labor dispute and went to work, even though intervening employment, he is presumed to be in violation of the regulation. Facts should be developed.

8. Q. Is the Form I–151 of the alien described in the last question valid if he goes to Mexico and seeks reentry?

A. No. His employment commenced at the place where the dispute exists subsequent to the determination.

9. Q. An alien and his entire family have been admitted for permanent residence. They work as migrant agricultural workers and follow the harvest nine or ten months each year. In December they establish residence in a border city in Mexico and the principal alien commutes daily to work near the border. His children commute daily to school. He accepts employment at a place where a labor dispute has been determined. Is his Form I–151 valid for entry?

A. No. His primary purpose in seeking admission is to work at the place where the dispute exists.

10. Q. An alien previously admitted as an immigrant commutes daily from Mexico. He is employed in agricultural work but has no definite employer. He is picked up each morning by a labor contractor and does not know exactly where he will be employed. He is paid daily by the contractor. He enters the United States using his Form I–151 in lieu of a visa and is found that afternoon employed by the labor contractor on a farm where a labor dispute has been determined. Is he deportable?

A. Yes. We believe employment by a labor contractor at a place where a dispute exists to be equivalent to employment by the owner or operator. This rule should also be applied concerning continuity of employment if the employment continues at the same place. However, continuous employment by a labor contractor who places an alien at a place after a dispute is determined shall not exempt the alien from provisions of the regulation.

11. Q. An alien formerly admitted as an immigrant and who maintains no domicile in the United States last entered the United States in 1966 and worked for a labor contractor starting in May 1967. The contractor, who paid the alien's salary, continuously employed the alien on a specific farm. A labor dispute was determined on that farm in July 1967. The alien, although continuing in the same actual employment, was in August 1967, placed on the payroll of the farm where the dispute existed. In September he went to Mexico to visit his family and applied for readmission in October to continue his employment. Is his Form I–151 valid for reentry?

A. Yes. The regulation bars employment at a specified place whether the alien receives his pay from a labor contractor or from the owner or operator. This point is also covered in question and answer no. 10. Therefore if an alien has worked continuously at a place where a labor dispute exists since a date prior to the Secretary of Labor's announcement, the fact that he was subsequently changed from a labor contractor's payroll to the owner's or operator's payroll would not be material.

12. Q. Given the same set of circumstances except the alien continued employment with the labor contractor rather than transferring to the payroll of the disputed place. Is his Form I–151 valid for reentry?

A. Yes. We would consider his employment continuous and it was accepted prior to the effective date of the regulation and the determination.

13. Q. An alien previously admitted as an immigrant who maintains no residence in the United States entered the United States seeking employment. He accepted employment at a place where, a few days later, the Secretary of Labor determined and announced a labor dispute. What action is needed?

A. Even if employment commenced prior to the determination he will be considered in violation if we are satisfied the employment was actually entered into in anticipation of the labor dispute.

14. Q. The Secretary of Labor, on January 2, determined and announced a labor dispute at employer A. An alien previously admitted as an immigrant who maintains his residence in Mexico enters the United States on January 5 destined to employer B, where

no dispute exists, and accepts employment there. On January 6 he leaves employer B and accepts employment with employer A. What action, if any, is indicated?

A. He is considered in violation of the regulation in that his actions indicate an intent to circumvent the regulation.

ATTACHMENT C

STATEMENT OF JOANNE EDELSON, HOLLISTER, CALIF.

Mr. Luna then mentioned the incident where Immigration officials went to see Cesar and inspect his green card, calling this very insulting. Mr. Fullilove explained that the officials "did not go to see Cesar", but that Cesar was parked in a car alongside the field where they were checking. They asked to see his green card as part of their routine check of all Mexicans. He says Cesar refused to show it or even simply state he was Cesar Chavez—a behavior Fullilove labeled as "very uncooperative". He explained that Immigration sometimes has a hard time distinguishing between Mexicans and Mexican-Americans, and that they constantly had to be on the look-out for wetbacks.

Then we started to talk about the quotation Willard Wirtz and Ramsey Clark made last summer to the effect that no green carders shall work behind a picketline. Of Mr. Wirtz he said, "Mr. Wirtz is not in my department—he is in the Department of Labor, and Immigration is the Department of Justice." Of Mr. Clark he said, "Ramsey Clark is in Washington—must not know that there are two classes of people with green-cards: resident aliens and commuters. We cannot enforce that law as he stated in the press". He then made the comment (paraphrased). "Don't listen to the journalists, don't listen to the politicians—Mr. Willard Wirtz and Mr. Ramsey Clark are politicians. They are not the ones to be sued if they should apply the law against the resident aliens. I am the one who will be sued". He said they shouldn't have made their statements because they can't be carried out on the local level.

Then he went into a long thing about all the problems Immigration has with wetbacks, and people who slip into Florida illegally from the West Indies.

We asked how many men were assigned to the job of making sure Commuters weren't scabbing. He was very evasive on this, saying only that he would send in as many men as needed to do the job. He then said, "if your Union has positive proof that "commuters", not resident aliens are in Giumarra's fields, and you can furnish a list of names and addresses, then call the border patrol. If they don't act immediately, then you call me and I PERSONALLY will make sure they are thrown out." (He said this about three times).

ATTACHMENT E MEMORANDUM

(A memorandum of conversation between a task force composed of representatives of the Departments of Justice and Labor, and representatives of the United Farm Workers Organizing Committee, AFL–CIO, at Delano, Calif., on May 7, 1968)

1. The Immigration Service will investigate every alien found at certified struck plant.

2. Service will suggest that violators of strikebreaker regulation leave the struck employment. If they fail to do so, proceedings will be brought against violators who refuse.

3. Union will furnish to Service any information as to violations and Service will inform Union as to results of such investigations.

4. Service will make every effort to eliminate any provincial attitudes and Union will cooperate with Service in performing its enforcement responsibility.

5. Service will furnish a further statement to Union to clarify scope of strikebreaker regulation.

6. For Greencard holders covered by strikebreaker regulation, the latest date of entry is the one to be considered.

S. 3546—INTRODUCTION OF NATIONAL AIR QUALITY STANDARDS ACT OF 1970

Mr. MUSKIE. Mr. President, I introduce for myself and Senators RANDOLPH, BAYH, MONTOYA, SPONG, and EAGLETON the National Air Quality Standards Act of 1970.

In recent months, there has been an increasing awareness in this country that the fight against pollution is not just a matter of cleaning up the environment but a necessity for man's survival. The most basic of the pollution threats is the contamination of the air—our most precious and irreplaceable resource.

Congress has passed laws to combat air pollution since the early 1960's, but the administration of the Federal programs has not matched the gravity of the problem. If our acknowledgement of the environmental crisis is to be more than rhetorical, those agencies charged with protecting and enhancing our environmental resources must show a greater sense of urgency, and Congress must strengthen their power to do so.

What are we to tell the residents of our large cities where the air pollution endangers public health? What are we to tell our citizens living in rural States who want to preserve their clean air? And what are we to tell the young people who are alarmed over what they must inherit?

Must we tell them that while their leaders proclaimed the environmental crisis, the agencies charged with cleaning up the air could not keep up as time ran out?

In 1963, 1965, and 1967 Congress provided important tools designed to control air pollution and to correct past abuses. Congress enacted the Air Quality Act on November 21, 1967, and called for the designation of air quality control regions within 18 months "to provide adequate implementation of air quality standards." Through January 17, 1970, only 28 of the following 57 air quality control regions anticipated by the Department of Health, Education, and Welfare in May 1969 had been designated:

*1. Washington, D.C.
*2. New York.
*3. Chicago.
*4. Philadelphia.
*5. Denver.
*6. Los Angeles.
*7. St. Louis.
*8. Boston.
*9. Cincinnati.
*10. San Francisco.
*11. Cleveland.
*12. Pittsburgh.
*13. Buffalo.
*14. Kansas City.
*15. Detroit.
*16. Baltimore.
*17. Hartford.
*18. Indianapolis.
*19. Minneapolis-St. Paul.
*20. Milwaukee.
*21. Providence.
*22. Seattle-Tacoma.
*23. Louisville.
*24. Dayton.
25. Phoenix.
*26. Houston.
*27. Dallas-Ft. Worth.
*28. San Antonio.
29. Birmingham.
30. Toledo.
*31. Steubenville.
32. Chattanooga.
33. Atlanta.
34. Memphis.
35. Portland, Oregon.
36. Salt Lake City.
37. New Orleans.
38. Miami.
39. Oklahoma City.
40. Omaha.
41. Honolulu.
42. Beaumont-Port Arthur.
43. Charlotte, N.C.
44. Portland, Maine.
45. Albuquerque.
46. Lawrence-Lowell-Manchester.
47. El Paso.
48. Las Vegas.
49. Fargo-Moorhead.
50. Boise.
51. Billings.
52. Sioux Falls.
53. Cheyenne.
54. Anchorage.
55. Burlington.
56. San Juan.
57. Virgin Islands.

Ambient air quality standards have been approved for only one designated region, Philadelphia, although 19 States have submitted standards for 11 air quality regions for approval by the Department of Health, Education, and Welfare—see table.

If this rate continues, years will be lost before standards are approved for the first 57 regions. We must accelerate this process and expand the national air quality standards program.

The bill which I am introducing today is designed to meet these objectives by:

Directing the Secretary of Health, Education, and Welfare to accelerate the designation of air quality control regions;

Requiring each State to designate air quality control regions for all areas not covered by Federal regions and providing that the Secretary may do so if the State fails to act;

Requiring the establishment of air quality standards within the air quality control regions and authorizing the Secretary to act if a State fails to do so;

Requiring specifically that all air quality standards include emissions standards and schedules for the implementation of such standards;

Requiring that all air quality standards be reviewed and, if necessary, improved at least every 5 years;

Providing for orders from the Secretary for the abatement of any violation of an air quality standard;

Providing for injunctions or similar means to enforce such orders;

Providing for citizen suits for the enforcement of air quality standards;

Requiring that new industries subject to air quality standards install the best available pollution control equipment at the time of construction; and

Prohibiting Federal agencies from making loans or grants or entering into contracts for the construction, installa-

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*Designated.

tion, or operation of commercial or industrial facilities that do not comply with air quality standards established under the act.

We who talk about the environmental crisis cannot expect to whip the public into a fervor of anticipation and not deliver the improvement our words promise. This legislation is intended to help deliver that improvement.

I ask that the table to which I have referred in my remarks and the text of the bill be printed at this point in the RECORD.

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

The bill (S. 3546) to amend the Clean Air Act, as amended, and for other purposes, introduced by Mr. MUSKIE (for himself and other Senators), was received, read twice by its title, referred to the Committee on Public Works, and ordered to be printed in the RECORD, as follows:

S. 3546

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Air Quality Standards Act of 1970."

SEC. 2. In order to accelerate the establishment of ambient air quality standards pursuant to section 108 of the Clean Air Act, as amended, the Secretary of Health, Education and Welfare shall designate immediately all air quality control regions pursuant to the provisions of section 107 of the Clean Air Act, as amended.

SEC. 3. (a) Section 107(a)(2) of the Clean Air Act, as amended, is amended by changing "section 108," to "section 108(c)(1),".

(b) Section 107(a) of the Clean Air Act, as amended, is further amended by adding a new paragraph at the end thereof to read as follows:

"(3) For the purpose of establishing ambient air quality standards pursuant to section 108(c)(2), and for administrative and other purposes, each State shall, after public hearings and within 6 months after the effective date of this paragraph, designate one or more air quality control regions within such State which shall include all areas of the State not included in such regions designated under paragraph (2) of this subsection. Such regions shall be based on jurisdictional boundaries, urban-industrial concentrations, and other factors necessary to provide adequate implementation of air quality standards. The State shall immediately notify the Secretary of such designations. If the State fails to make such designations within the time prescribed, the Secretary shall promptly make such designations and notify the Governor of the State thereof. Such designations may be revised from time to time thereafter as necessary to protect the public health and welfare".

SEC. 4. (a) Paragraph (1) of section 108(c) of the Clean Air Act, as amended, is amended to read as follows:

"(1) If, within 30 days of receiving any air quality criteria and recommended control techniques issued puruant to section 107, the Governor of a State files a letter of intent that such State will after public hearings and within 180 days, and from time to time thereafter adopts ambient air quality standards applicable to any air quality control region or portions thereof designated pursuant to section 107(a)(2) within such State, and, after public hearings and within 180 days thereafter, and from time to time as may be necessary adopts a plan which shall include compliance schedules and emission requirements necessary for the implementation, maintenance, and enforcement of such standards of air quality adopted; and if the Secretary determines that:

"(A) such standards and plan are established in accordance with the letter of intent;

"(B) such State standards are consistent with the air quality criteria and recommended control techniques issued pursuant to section 107;

"(C) such plan assures that such standards of air quality will be achieved within a reasonable time;

"(D) such plan includes emission requirements necessary to implement such standards of air quality;

"(E) such plan includes a procedure to assure that proposed new sources of emissions will not cause violation of such standards;

"(F) a means of enforcement by State action, including authority comparable to that in subsection (k) of this section, is provided; and

"(G) any such State standards and plan are consistent with the purposes of this Act and this subsection;

such standards and plan or revisions thereof shall be the air quality standards applicable to such region or portions thereof.

(b) Paragraphs (2) through (6) of section 108(c) of the Clean Air Act, as amended, are amended to read as follows:

"(2)(A) After public hearings and within 12 months of the effective date of this Act, the Governor of a State shall adopt ambient air quality standards applicable to any air quality control region or portions thereof designated pursuant to section 107(a)(3) of this Act for any pollutants or combinations thereof for which air quality criteria and recommended control techniques have been issued prior to enactment of this Act.

(B) After receiving any air quality criteria and recommended control techniques issued after the date of enactment of this paragraph and after public hearings, the Governor of a State shall adopt ambient air quality standards applicable to such regions pursuant to the procedures set forth in paragraph (1) of this subsection.

(C) Such standards and plan or revisions thereof shall be the air quality standards applicable to such region or portions thereof if the Secretary determines that:

"(i) such standards and plan are established in accordance with the letter of intent;

"(ii) such State standards are consistent with the air quality criteria and recommended control techniques issued pursuant to section 107;

"(iii) such plan assures that such standards of air quality will be achieved within a reasonable time;

"(iv) such plan includes emission requirements necessary to implement such standards of air quality;

"(v) such plan includes a procedure to assure that proposed new sources of emissions will not cause violation of such standards:

"(vi) a means of enforcement by State action, including authority comparable to that in subsection (k) of this section, is provided; and

"(vii) such State standards and plan are consistent with the purposes of this Act.

"(3) The Governor of a State shall from time to time, but at least every five years, hold public hearings for the purpose of reviewing the air quality standards established under this subsection and, as appropriate, revising and adopting improved air quality standards. No revised air quality standards shall reduce the ambient air quality of any designated region or portion thereof to which such standards are applicable below the quality established by the air quality standards for such regions or portions thereof prior to such revision".

"(4) If a State does not (A) file a letter of intent or (B) establish or revise air quality standards in accordance with paragraph (1), (2) or (3) of this subsection with respect to any air quality control region or portion thereof, or if the Secretary finds it necessary to achieve the purpose of this Act, or if the Governor of any State affected by air quality standards established pursuant to this subsection petitions for a revision in such standards, the Secretary shall within 180 days develop proposed regulations setting forth such standards or revisions thereof consistent with the air quality criteria and recommended control techniques issued pursuant to section 107 applicable to such regions or portions thereof. When such standards are developed, the Secretary shall, after notice, promptly hold a public conference of interested representatives of Federal, State and interstate agencies and of municipalities, industries, and other persons to review and comment on such proposed standards. Upon completion of such conference, the Secretary shall publish such proposed standards in the *Federal Register* with such modifications as he deems appropriate and notify the affected State or States. If, within ninety days from the date the Secretary publishes such standards, the State has not adopted air quality standards found by the Secretary to meet the requirements of this subsection for establishing such standards, or if a petition has not been filed under paragraph (5) of this subsection, the Secretary shall promulgate such standards.

"(5) At any time prior to thirty days after standards have been published under paragraph (4) of this subsection, the Governor of any State affected by such standards may petition the Secretary for a hearing. The Secretary shall promptly issue a notice of such public hearing before a board of five or more persons appointed by the Secretary for the purpose of receiving testimony from State and local pollution control agencies and other interested persons affected by the proposed standards, to be held in or near one or more of the areas where such standards will apply. Each State affected by such standards shall be given an opportunity to select a member of the board. The Chairman and not less than a majority of the members shall not be officers, or employees of Federal, State, or local governments. Board members, other than officers or employees of Federal, State, or local governments, shall be, for each day (including travel time) during which they are performing committee business, entitled to receive compensation at the rate fixed by the appropriate Secretary but not in excess of the maximum rate of pay for grade GS–18 as provided in the General Schedule under section 5332 of title 5 of the United States Code, and shall notwithstanding the limitations of sections 5703 and 5704 of title 5 of the United States Code, be fully reimbursed for travel, subsistence, and related expenses. On the basis of the evidence presented at such hearing, the board shall within thirty days unless the Secretary determines a longer period is necessary, but in no event longer than sixty days, make findings of fact as to whether the standards comply with the requirements of this subsection for establishing such standards and issue a decision incorporating such findings therein and transmit its findings to the Secretary and make its findings public. If the Board finds that such standards so comply, they shall be promulgated immediately. If the Board recommends modifications therein, the Secretary shall promulgate revised standards in accordance with such recommendations.

"(6) Any violation of air quality standards established under this subsection, including the implementation plan is prohibited.

"(7) Whenever, on the basis of surveys,

studies, investigations, or reports, an authorized representative of the Secretary finds a violation of such standards he shall promptly issue an order in writing to the person causing or contributing to such violation requiring such person to abate such violation as soon as possible and within a time to be prescribed therein, except that in the case of a violation of emission requirements, such time shall not exceed 72 hours. A copy of the order shall be sent to the State pollution control agency of the State or States in which the violation occurred. Subject to the provisions of this subsection, such order shall remain in effect until such repersentative determines by written notice to such person that such violation no longer exists. All such orders shall contain a detailed description of the conditions or practices which cause or constitute a violation. Nothing in this paragraph shall affect the authority of the Secretary pursuant to subsection (k) of this section.

"(8)(A) Any person issued an order pursuant to paragraph (7) of this subsection other than an order to abate a violation of an emission requirement may file with the Secretary an application within thirty days of receipt thereof for a public hearing to review such order. The applicant shall send a copy of such application to the State pollution control agency in which the violation occurred. Upon receipt of such application, the Secretary shall promptly hold a public hearing to enable such person and other interested persons to present information relating to the issuance and continuance of the order, or the time fixed therein, or both. The filing of an application for review under this paragraph shall not operate as a stay of the order. Any such hearing shall be of record and shall be subject to section 554 of title 5 of the United States Code.

"(B) Immediately upon completion of the hearing, the Secretary shall make findings of fact giving due consideration to the technological feasibility of complying with such standards and he shall issue a written decision, incorporating therein an order vacating, affirming, modifying, or terminating the previous order complained of and his findings.

"(C) In connection with any hearing under this paragraph, the Secretary may sign and issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and administer oaths. Witnesses summoned shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. In case of contumacy or refusal to obey a subpoena served upon any person under this paragraph, this district court of the United States for any district in which such person is found or resides or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Secretary or to appear and produce documents before the Secretary, or both and any failure to obey such order of the court may be punished by such court as a contempt thereof.

"(9) Any decision issued by the Secretary under paragraph (7) or (8) of this subsection shall be subject to judicial review by the United States court of appeals for the circuit in which the violation occurred, or the United States Court of Appeals for the District of Columbia Circuit, upon the filing in such court within thirty days from the date of such order or decision of a petition by any person aggrieved thereby praying that the order or decision be modified or set aside in whole or in part. Any order issued by the Secretary to abate a violation of an emission requirement shall be final and shall be in force until and unless the court determines that the interests of the public are best served by staying such order. A copy of the petition shall forthwith be sent by registered or certified mail to the Secretary and the State water pollution control agency, and thereupon the Secretary shall certify and file in such court the record upon which the order or decision complained of was issued, as provided in section 2112 of title 28, United States Code. The court shall hear such petition on the record made before the Secretary. The findings of the Secretary, if supported by substantial evidence on the record considered as a whole, shall be conclusive. The court may affirm, vacate, or modify any order or decision of the Secretary and, when appropriate, issue such process as may be necessary to abate such violation, or may remand the proceedings to the Secretary for such further action as it may direct. The judgment of the court shall be subject to review only by the Supreme Court of the United States upon a writ of certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of a proceeding under this paragraph shall not, unless specifically ordered by the court, operate as a stay of the order or decision of the Secretary.

"(10)(A) The Secretary shall institute a civil action for relief, including a permanent or temporary injunction, restraining order, or any other appropriate order in the district court of the United States for the district in which a person subject to air quality standards established under this section is located or resides or is doing business, whenever such person (i) violates or fails or refuses to comply with any final order or decision issued under this subsection to enforce air quality standards established under this subsection or (ii) interferes with, hinders, or delays the Secretary or his authorized representative in carrying out his responsibilities under this section, or (iii) refuses to furnish any information, data or reports requested by the Secretary in furtherance of the provisions of this section, or (iv) refuses to permit access to, and copying of, such records as the Secretary determines necessary in carrying out the provisions of this section. Each court shall have jurisdiction to provide such relief as may be appropriate, except that such Court shall have jurisdiction only with regard to the issue of relief being sought pursuant to this paragraph. Temporary restraining orders shall be issued in accordance with Rule 65 of the Federal Rules of Civil Procedure, as amended, except that the time limit in such orders, when issued without notice, shall be seven days from the date of entry. In actions under this section, subject to the direction and control of the Attorney General, as provided in section 507(b) of title 28 of the United States Code, attorneys appointed by the Secretary may appear for and represent him. In any action instituted under this section to enforce an order or decision issued by the Secretary after a public hearing in accordance with section 554 of title 5 of the United States Code, the findings of the Secretary, if supported by substantial whole, shall be conclusive.

"(B) Any person who knowingly violates any air quality standards established under this subsection or who knowingly violates any plan for implementation or emission requirements included in such standards or who knowingly violates or fails or refuses to comply with any final order or decision issued under this section shall, upon conviction, be punished by a fine of not more than $25,000, per day of violation, or by imprisonment for not more than one year, or by both, except that if the conviction is for a violation committed after the first conviction of such person under this section, punishment shall be by a fine of not more than $50,000, per day of violation, or by imprisonment for not more than five years, or by both.

"(C) Any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this title or any order or decision issued under this section shall, upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than six months, or by both.

"(11) For the purpose of making any investigation under this subsection of any building, structure, or other facility subject to air quality standards established under this subsection, the Secretary or his authorized representative shall have a right of entry to, upon, or through such building, structure, or facility. Whenever any person is required by a final order issued under this subsection to abate any violation of air quality standards established under this subsection, the Secretary shall, when appropriate, require such person to sample any emissions subject to abatement by such order in accordance with such methods, at such locations, at such intervals, and in such manner as the Secretary shall prescribe and report such samples to the Secretary as he may prescribe and such report shall be public.

"(12)(A) No person shall discharge or in any other way discriminate against or cause to be discharged or discriminated against any employee or any authorized representative of employees by reason of the fact that such employee or representative of any alleged violator has filed, instituted, or caused to be filed or instituted any proceeding under this Act, or has testified or is about to testify in any proceeding resulting from the administrations or enforcement of the provisions of this Act.

"(B) Any employee or a representative of employees who believes that he has been discharged or otherwise discriminated against by any person in violation of subparagraph (A) of this paragraph may within thirty days after such violation occurs, apply to the Secretary for a review of such alleged discharge or discrimination. A copy of the application shall be sent to such person who shall be the respondent. Upon receipt of such application, the Secretary shall cause such investigation to be made as he deems appropriate. Such investigation shall provide an opportunity for a public hearing at the request of any party to enable the parties to present information relating to such violation. The parties shall be given written notice of the time and place of the hearing at least five days prior to the hearing. Any such hearing shall be of record and shall be subject to section 554 of title 5 of the United States Code. Upon receiving the report of such investigation, the Secretary shall make findings of fact. If he finds that such violation did occur, he shall issue a decision, incorporating an order therein, requiring the person committing such violation to take such affirmative action to abate the violation as the Secretary deems appropriate, including, but not limited to the rehiring or reinstatement of the employee or representative of employees to his former position with compensation. If he finds that there was no such violation, he shall issue an order denying the application. Such order issued by the Secretary under this subparagraph shall be subject to judicial review in accordance with this subsection. Violations by any person of paragraph (1) of this subsection shall be subject to the provisions of paragraph (10) of this subsection.

"(C) Whenever an order is issued under this paragraph, at the request of the applicant, a sum equal to the aggregate amount of all costs and expenses (including the attorney's fees) as determined by the Secretary to have been reasonably incurred by the applicant for, or in connection with, the institution and prosecution of such proceedings, shall be assessed against the person committing such violation.

"(13) The district courts of the United States shall have original jurisdiction, regardless of the amount in controversy or the citizenship of the parties, of civil actions brought by one or more persons on behalf of

themselves or on behalf of any other persons similarly situated within any air quality control region or portion thereof designated under section 107 against any person including a governmental instrumentality or agency, for declaratory and equitable relief or any other appropriate order against any person, where there is an alleged violation of any applicable air quality standards, plan for implementation or emission requirements established pursuant to this section. Nothing in this subsection shall affect the rights of such persons as a class or as individuals under any other law to seek enforcement of such standards."

(C) Section 108 of the Clean Air Act, as amended, is further amended by adding a new subsection at the end thereof to read as follows:

"(i) within six months after the effective date of this Act, the Secretary shall issue regulations to insure that any person constructing or installing any new building, structure or other facility subject to any air quality standard established or revised pursuant to this section installs, maintains and uses the latest available pollution control techniques. Such techniques shall be consistent with information developed pursuant to section 107(c). No person shall construct or install any such building, structure or facility without first receiving certification of compliance with such regulations from the Secretary or, as appropriate, the State pollution control agency. In no event shall the Secretary or state agency certify any technique which does not implement emission requirements established pursuant to this Act."

SEC. 5. Section 111 of the Clean Air Act, as amended, is amended further by adding a new subsection at the end thereof to read as follows:

"(c) Beginning on and after July 1, 1972, no Federal department or agency (1) shall make any loan or grant to, or issue any license or permit to, or enter into any contract for financial assistance with, any person for the construction, installation, or operation of any commercial or industrial building, structure, or other facility from which any matter is discharged into the air within any air quality control region or portions thereof designated under this title, or (2) shall procure goods or products from any person who manufactures such goods or products in a building, structure, or other facility from which matter is discharged into the air within any air quality control region or portions thereof designated under this title, unless it is found that such matter is being discharged in compliance with the air quality standards including emission requirements established under this title for such region or portions thereof by the air pollution control agency of the State in which such building, structure, or facility is located and such person files a statement with such department or agency of such finding."

SEC. 6. The provisions of this Act amending the Clean Air Act, as amended, shall, unless otherwise provided in said amendments, be effective on July 1, 1971, except that such amendments shall not, unless otherwise provided therein, affect actions taken under the sections as amended prior to such effective date.

The table, presented by Mr. MUSKIE, is as follows:

NAPCA AIR QUALITY CONTROL REGION INFORMATION RELATING TO STANDARDS FOR SULFUR OXIDES AND PARTICULATE MATTER—WEEKLY SUMMARY, FEB. 1-7, 1970

Region	Boundaries proposed	Consultation	Designation	State	Letter of intent: Due	Letter of intent: Dated	Public hearings scheduled/held	Standards: Due	Standards: Submitted	Standards: HEW approval	Implementation plans, due
Washington, D.C.	July 31, 1968	Aug. 22, 1968	Oct. 1, 1968	Virginia	May 12, 1969	May 8, 1969	July 14, 1969	Nov. 10, 1969	Oct. 13, 1969		May 7, 1970
				Maryland	do	May 12, 1969	Oct. 1, 1969; Jan. 23, 1970.	do			Do.
				District of Columbia	do	do	Oct. 24, 1969	do	Nov. 7, 1969		Do.
New York City	Aug. 30, 1968	Sept. 30, 1968	Nov. 20, 1968	New York	do	Mar. 11, 1969	May 13, 14, 15, 1969.	do	Nov. 19, 1969		Do.
				New Jersey	do	May 10, 1969	Sept. 22, 1969	do	Oct. 30, 1969		Do.
				Connecticut	do	Apr. 11, 1969	Aug. 12, 19, 1969.	do	Nov. 7, 1969		Do.
Chicago	Sept. 28, 1968	Oct. 21, 1968	Dec. 4, 1968	Illinois	do	May 9, 1969	Aug. 5, 1969	do	Nov. 3, 1969		Do.
				Indiana	do	do	July 21; Sept. 26, 1969.	do	Nov. 10, 1969		Do.
Philadelphia	Oct. 4, 1968	Oct. 28, 1968	Dec. 17, 1968	Pennsylvania	do	Mar. 12, 1969	Sept. 10, 1969	do	Nov. 3, 1969	Mar. 2, 1970	Do.
				New Jersey	do	May 10, 1969	Sept. 22, 1969	do	Oct. 30, 1969	do	Do.
				Delaware	do	Mar. 21, 1969	Sept. 26, 1969	do	Oct. 29, 1969	do	Do.
Denver	Nov. 9, 1968	Nov. 26, 1969	Jan. 15, 1969	Colorado	do	May 7, 1969	Oct. 15, 1969	do			Do.
Los Angeles	Nov. 23, 1968	Dec. 10, 1968	Jan. 29, 1969	California	do	do	Sept. 17; Nov. 19, 1969.	do	Dec. 15, 1969		Do.
St. Louis	Dec. 21, 1968	Jan. 14, 1969	Apr. 11, 1969	Missouri	July 10, 1969	May 6, 1969	Nov. 12, 1969	Jan. 6, 1970	Jan. 5, 1970		July 6, 1970
				Illinois	do	June 17, 1969	Aug. 12, 1969	do	Nov. 3, 1969		Do.
Boston	Dec. 24, 1968	Jan. 17, 1969	Apr. 12, 1969	Massachusetts	July 11, 1969	May 20, 1969	Nov. 25, 1969	Jan. 7, 1970	Jan. 15, 1970		Do.
Cincinnati	Jan. 10, 1969	Jan. 27, 1969	May 2, 1969	Ohio	July 31, 1969	July 28, 1969	Dec. 17, 1969	Jan. 27, 1970	Jan. 28, 1970		July 27, 1970
				Indiana	do	July 14, 1969	Oct. 28, 1969	do	Jan. 23, 1970		Do.
				Kentucky	do	May 7, 1969	Dec. 2, 1969	do			Do.
San Francisco	do	Jan. 31, 1969	May 1, 1969	California	July 30, 1969	May 9, 1969	Sept. 17; Nov. 19, 1969.	Jan. 26, 1970	Dec. 15, 1969		Do.
Cleveland	Feb. 12, 1969	Feb. 26, 1969	May 23, 1969	Ohio	Aug. 21, 1969	Aug. 21, 1969	Jan. 20, 1970	Feb. 17, 1970			Aug. 17, 1970
Pittsburgh	do	Feb. 27, 1969	May 1, 1969	Pennsylvania	July 30, 1969	June 10, 1969	Sept. 9, 1969	Jan. 26, 1970	Nov. 3, 1969		July 27, 1970
Buffalo	do	Feb. 28, 1969	do	New York	do	May 13, 1969	Aug. 19, 20, 1969.	do	Jan. 27, 1970		Do.
Kansas City	Mar. 25, 1969	Apr. 11, 1969	July 19, 1969	Missouri	Oct. 17, 1969	July 29, 1969	Jan. 21, 1970	Apr. 15, 1970			Oct. 12, 1970
				Kansas	do	Sept. 30, 1969		do			Do.
Detroit	Oct. 16, 1969	Nov. 3, 1969	Dec. 17, 1969	Michigan	Mar. 17, 1970			Sept. 14, 1970			Mar. 12, 1971
Baltimore	May 7, 1969	May 23, 1969	Aug. 16, 1969	Maryland	Nov. 14, 1969	Oct. 10, 1969	Mar. 12, 1970	May 13, 1970			Nov. 9, 1970
Hartford-Springfield.	Apr. 16, 1969	Apr. 29, 1969	Oct. 3, 1969	Connecticut	Jan. 2, 1970	Oct. 3, 1969	Feb. 9, 16, 1970	June 30, 1970			Dec. 28, 1970
				Massachusetts	do	Nov. 24, 1969		do			Do.
Indianapolis	May 23, 1969	June 10, 1969	Sept. 18, 1969	Indiana	Dec. 17, 1969	Oct. 21, 1969	Feb. 6, 1970	June 15, 1970			Dec. 14, 1970
Minneapolis-St. Paul.	May 7, 1969	May 21, 1969	Aug. 16, 1969	Minnesota	Nov. 14, 1969	Sept. 9, 1969		May 13, 1970			Nov. 9, 1970
Milwaukee	July 8, 1969	July 21, 1969	Sept. 18, 1969	Wisconsin	Dec. 17, 1969	Oct. 17, 1969		June 15, 1970			Dec. 14, 1970
Providence	July 21, 1969	July 29, 1969	Dec. 6, 1969	Rhode Island	Mar. 6, 1970			Sept. 2, 1970			Mar. 1, 1971
				Massachusetts	do	Jan. 15, 1970		do			Do.
Seattle-Tacoma	July 23, 1969	Aug. 5, 1969	Oct. 25, 1969	Washington	Jan. 3, 1970	Nov. 17, 1969	Mar. 13, 1970	July 22, 1970			Jan. 18, 1971
Louisville	Oct. 7, 1969	Oct. 17, 1969	Dec. 6, 1969	Kentucky	Mar. 6, 1970	Dec. 15, 1969		Sept. 2, 1970			Mar. 1, 1971
				Indiana	do	Dec. 12, 1969		do			Do.
Dayton	Oct. 2, 1969	Oct. 16, 1969	Dec. 17, 1969	Ohio	Mar. 17, 1970			Sept. 14, 1970			Mar. 12, 1971
Phoenix	Oct. 11, 1969	Oct. 21, 1969		Arizona			Dec. 12, 1969				
Houston	Oct. 28, 1969	Nov. 10, 1969	Jan. 20, 1970	Texas	Apr. 20, 1970			Oct. 19, 1970			Apr. 15, 1971
Dallas-Fort Worth.	Oct. 29, 1969	Nov. 12, 1969	do	do	do			do			Do.
San Antonio	Oct. 30, 1969	Nov. 14, 1969	do	do	do			do			Apr. 15, 1970
Birmingham	Dec. 9, 1969	Dec. 17, 1969		Alabama							
Toledo	do	Dec. 19, 1969		Ohio, Michigan							
Steubenville	Aug. 13, 1969	Aug. 27, 1969	Dec. 6, 1969	Ohio	Mar. 6, 1970			Sept. 2, 1970			Mar. 1, 1971
				West Virginia	do			do			Do.
Chattanooga	Dec. 9, 1969	Dec. 18, 1969		Tennessee							
				Georgia							
Atlanta	Feb. 3, 1970	Feb. 13, 1970		Georgia							
Memphis	Jan. 17, 1970	Jan. 28, 1970		Mississippi, Tennessee, Arkansas.							
Portland				Oregon, Washington.							
Salt Lake City				Utah							
New Orleans				Louisiana							
Miami				Florida							
Oklahoma City				Oklahoma							
Omaha				Nebraska, Iowa							
Honolulu				Hawaii							

NAPCA AIR QUALITY CONTROL REGION INFORMATION RELATING TO STANDARDS FOR SULFUR OXIDES AND PARTICULATE MATTER—WEEKLY SUMMARY, FEB. 1-7, 1970—Con.

Region	Boundaries proposed	Consultation	Designation	State	Letter of intent: Due	Letter of intent: Dated	Public hearings scheduled/held	Standards: Due	Standards: Submitted	Standards: HEW approval	Implementation plans, due
Beaumont-Port Arthur				Texas							
Charlotte				North Carolina							
Portland				Maine							
Albuquerque				New Mexico							
Lawrence-Lowell-Manchester.				Massachusetts, New Hampshire.							
El Paso				Texas							
Las Vegas				Nevada							
Fargo-Moorhead				North Dakota, Minnesota.							
Boise				Idaho							
Billings				Montana							
Sioux Falls				South Dakota							
Cheyenne				Wyoming							
Anchorage				Alaska							
Burlington				Vermont							
San Juan				Puerto Rico							
Virgin Islands											

S. 3547—INTRODUCTION OF A BILL RELATING TO NARROWS PROJECT, COLORADO

Mr. ALLOTT. Mr. President, on behalf of myself and Senator DOMINICK, I introduce, for appropriate reference, a bill to authorize the construction of the Narrows unit of the Missouri River Basin project in Colorado.

The project report was submitted to the Congress by the Department of the Interior and was printed May 27, 1968, as House Document No. 320, 90th Congress, second session. Senator DOMINICK and I sponsored a similar measure in the 90th Congress, S. 3561, introduced May 28, 1968. That earlier measure provided for a conditional authorization of flood control features pertaining to the control of the nearby Bijou Creek drainage area. The language of section 2 of S. 3561 reads as follows:

> The Secretary shall construct a channel and related works to divert Bijou Creek into Narrows Reservoir for flood control purposes: *Provided*, That the channel and related works shall not be constructed if the Chief of Engineers, Department of the Army, shall certify to the President and to the Congress by July 1, 1970, that he is recommending a more feasible plan to control floods originating on the Bijou Creek drainage: *Provided further*, That before any funds are appropriated for construction of such channel and related works, their feasibility of development shall be affirmed by the Secretary.

In commenting upon the project report of the Bureau of Reclamation, the Colorado, charged by statute with the responsibility of coordination of water resource planning and development, made the following observations concerning the Bijou Channel:

> The original plan of development for the Narrows Project proposed the channeling of Bijou Creek into the Narrows Reservoir for flood control purposes. The wisdom of this provision was demonstrated by the fact that in June of 1965 a flood of unprecedented magnitude originated on Bijou Creek. The floodwaters originating on this creek, along with waters discharged by other tributaries of the South Platte, caused the most damaging flood in the history of the State of Colorado, both in terms of the loss of human life and the widespread destruction of property. At the present time the U.S. Corps of Engineers is actively pursuing a course of study looking to the control of Bijou Creek. Since these studies are not yet completed it has not been determined at this time whether flood control structures on the Bijou Creek itself or the channelization of the creek into the Narrows Reservoir would be the more feasible. As we view the proposed plans prepared by the Bureau of Reclamation, it is our understanding that Bijou Creek could be channeled into the Narrows Reservoir at some future time if such is found to be the most feasible plan.

Mr. President, I have gone into this background to demonstrate that, as originally conceived, the Narrows project tentatively included provisions for the channeling of the Bijou Creek into the Narrows Reservoir.

It now appears that there are no proponents of a diversion channel among the local people in the Bijou Creek area or the South Platte below Bijou Creek, nor does the Colorado Water Conservation Board support a diversion channel from the Bijou Creek into the Narrows Reservoir. Since this decision has been made by the affected local interests and the two Federal agencies directly involved, there is no longer any reason to continue to maintain this option. Therefore, the Narrows project should now proceed to authorization.

After the disastrous flood of June 1965, great concern was expressed over the control of the Bijou Creek. During that flood, the Bijou, which is normally dry or nearly dry, reached a peak flow of 460,000 cubic feet of water per second. A member of the Corps of Engineers informally advised me that this flow exceeded the flow of the Missouri River.

As a result of this concern, the Corps of Engineers was asked to take a second look at the Bijou and possible methods of control. In addition, the Soil Conservation Service was requested to investigate potential small watershed protection and flood prevention projects—Public Law 566—in the Bijou Creek Basin. With the possibility that a diversion channel might be constructed in conjunction with the construction of the Narrows project, the downstream areas would be protected but the areas upstream in the Bijou Creek Basin would be without any protection.

Proposals for flood control on the Bijou ranged from a larger channel, which would carry the entire flow into the Narrows Reservoir, to a series of small, medium, and large dams on the various stems and tributaries of Bijou Creek, with some proposals contemplating a smaller channel into Narrows Reservoir. However, by February of 1968, it appeared that the proposal for a series of small dams on the upstream tributaries could not be economically justified. This diminished the alternatives to large or medium sized dams separately or in conjunction with a channel into the Narrows Reservoir, or the channel alone. Mr. President, I ask unanimous consent that a letter from Mr. F. A. Mark, State Conservationist, dated February 21, 1968, be printed in the RECORD at this point.

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

U.S. DEPARTMENT OF AGRICULTURE,
SOIL CONSERVATION SERVICE,
Denver, Colo., February 21, 1968.

Hon. GORDON ALLOTT,
U.S. Senator,
Washington, D.C.

DEAR SENATOR ALLOTT: As promised you earlier, please find attached a copy of the Preliminary Investigation Report of the East Bijou Watershed, Elbert and El Paso Counties, Colorado.

As major structures are being investigated on Bijou Creek by the Corps of Engineers and authority for USDA program development is limited to watersheds of 250,000 acres or less by P.L. 566, this investigation involved only the headwaters area of East Bijou Creek.

As pointed out in the Summary of this report, we have found the proposed project not feasible on a benefit-cost basis as required for P.L. 566 projects. The benefit-cost ratio of the two segments of the investigated program were 0.30 to 1.00 and 0.50 to 1.00, respectively.

The benefit-cost ratios were primarily affected by the low percent of flood plain lands in the watershed (2 percent) and the low frequency of widespread overbank flooding (occurring only in 1935 and 1965).

We have recommended local residents consider a similar program as being carried out on the headwaters of West Bijou Creek through ACP special project funding with SCS technical assistance, and other programs assistance that may be available and applicable.

Very truly yours,

F. A. MARK,
State Conservationist.

Mr. ALLOTT. Mr. President, the elimination of the small dams proposal gave added probability to the potential construction of the channel as a part of the Narrows project, whether it was to be the large full-flow channel or a smaller

channel which depended in part upon larger upstream dams for control of the Bijou Creek.

But, plans for control of the Bijou were still very unsettled. It was for this reason that the bill S. 3561, introduced May 28, 1968, contained the conditional authorization language in section 2, which I previously quoted.

I received two letters which will tend to demonstrate the various approaches being pursued during this period.

Mr. President, I ask unanimous consent that a letter from Maj. Walter P. Tokarz, dated June 18, 1968, and a letter addressed to the Corps of Engineers from Carl H. Kroh, mayor of Deer Trail, dated July 5, 1968, be printed in the RECORD at this point.

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

JUNE 18, 1968.

Hon. GORDON ALLOTT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ALLOTT: In the absence of Colonel McKenzie I am replying to your letter of 11 June 1968 asking about the current status of our plans for the Bijou Creek basin in Colorado.

Colonel McKenzie's letter of 12 January 1968 mentioned that $40,000 was allocated in FY 1968 for our South Platte River basin studies. Foundation explorations for the potential West Bijou Creek Dam, the East Bijou Creek Dam, and the Big Muddy Creek Dam were completed in late May. The results of these explorations are being evaluated to determine if there will be any significant problems in the embankment designs for these dams.

Your letter also requested information about our coordination with the Soil Conservation Service. We have been in contact with the Soil Conservationist at Agate. He forwarded us a status report of the Service's current plans for the basin. Since the Service's plans are not firm, an evaluation of the effects of its plan on the potential Corps dams in the basin has not been made.

A member of Colonel McKenzie's staff met in Fort Morgan on 8 February 1968 with the Board of Directors for the Kiowa-Bijou Management District and a small group of land owners from Agate. The Colorado Water Conservation Board was represented by Mr. Stanley A. Miller. The potential 3-dam system was outlined and the status of the studies was explained. Interest was expressed for additional flood control measures upstream from the potential dams. The ground water recharge potentials of the dams were also discussed. The suggestions made at the meeting are being investigated.

On 9 May 1968, members of Colonel McKenzie's staff met with Mayor Kroh and other interested persons at Deer Trail regarding our studies. Concern was expressed at the meeting that the potential dams would not provide flood protection to the town. The group was informed that we would investigate other dam sites upstream from Deer Trail. Mayor Kroh was also informed that the feasibility of a local flood protection project for the town could be investigated under provisions of Section 205 of the 1948 Flood Control Act, as amended. A request from the town is required to initiate such a study. If such a request is received, we will immediately initiate the study.

Your interest in this matter is appreciated, and we will keep you informed of any significant developments in our studies.

If we can be of any further assistance to you, please call on us.

Sincerely yours,

WALTER P. TOKARZ,
Major, Corps of Engineers.

TOWN OF DEER TRAIL, COLO.,
July 5, 1968.

U.S. ARMY CORPS OF ENGINEERS,
Omaha District,
Omaha, Nebr.
Attention Mr. McKenzie.

DEAR SIR: During the month of May a group of Three, of the Corps of Engineers, met with a partial group of the Town Council. The Engineers stated that if the Town of Deer Trail wanted Flood Protection from the Bijou Creek, that a possible Levy Construction could take place with a complete Grant of Money from the Corps. This Grant could not be in excess of a Million Dollars, without going through too much Red Tape, provided the Town could furnish an abstract or make provisions to obtain the land on which such a structure could be placed.

The Town Board after much discussion has decided to express their wishes for assistance and advice in a program to give Deer Trail adequate Flood Protection of this type.

It is our understanding that the Corps will take charge of a study of our problem and will be able to meet with the Town Council at your convenience and discuss the problems which might occur in such a program.

Our Sincerest appreciation to you in this matter.

Sincerely,

CARL H. KROH,
Mayor.
ROBERT W. PUNDT,
Clerk.

Mr. ALLOTT. Mr. President, at a field hearing of the Irrigation and Reclamation Subcommittee of the House Interior Committee held in Fort Morgan, Colo., in November 1968, the president of the North Kiowa Bijou Management District presented views expressing concern over control of the Bijou unless the plan included upstream retention dams. He, also, cast some doubt upon the advisability of the channel to the Narrows Reservoir.

Mr. President, I ask unanimous consent that a letter from Mr. Donald F. McClary, dated November 26, 1968, and the statement of Mr. Don Richardson, president North Kiowa Bijou Management District be printed in the RECORD at this point.

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

FORT MORGAN, COLO.,
November 26, 1968.

Hon. GORDON ALLOTT,
Senate Office Building, Washington, D.C.

DEAR GORDON: As you no doubt know, a hearing was held on the Narrows Project in Fort Morgan before the Sub-Committee on Irrigation of the Insular Affairs Committee of the House. At said hearing, Don Richardson of Wiggins, Colorado, as president of the North Kiowa Bijou Management District, appeared and made a statement in connection with said project, a copy of which statement is enclosed for your information.

As you can see from this statement, the Narrows Project leaves unanswered the real basic and prime question, insofar as flood control is concerned as to plans for flood control of Bijou Creek. From my information, it is absolutely correct that the Bijou Creek has been the prime source of any flood damage on the Lower South Platte and yet the Narrows Project does not tend to alleviate this flood threat.

The hearing in Fort Morgan was a Field Hearing before Representatives Johnson, Aspinall, Udall and White and there will be a later hearing in Washington on this project for appropriation. I urge you to familiarize yourself with the position of the Kiowa Bijou Management District and all those living in the vicinity of Bijou Creek as to their request for flood control of Bijou Creek. This is a major item in any proposed flood control of the Lower South Platte and until some concrete plan or project is made in connection with the Bijou Creek, the Narrows Project is only a partial plan and should not really be considered as flood control under the circumstances. The directors of the Kiowa Bijou Management District have only been contacted briefly by the corps of engineers in regard to any proposed flood control of the Bijou and have not really been consulted concerning this important issue, even though they represent everyone affected along the Bijou Creek.

After you have reviewed the enclosed statement, if you have any further questions, please feel free to contact me, and, on behalf of the Board of the North Kiowa Bijou Management District, I urge your support and help in securing for them the much needed flood control on Bijou Creek.

Sincerely yours,

DON.

STATEMENT OF NORTH KIOWA BIJOU MANAGEMENT DISTRICT

The North Kiowa Bijou Management District is a quasi municipal tax supported district encompassing ground water in Morgan, Weld, Adams and Arapahoe Counties along the drainage area of the Kiowa and Bijou Creeks from the Black Forrest area near Colorado Springs to the Confluence of these streams with the Platte River. This district is entirely supported by agriculture and dependent upon some seven or eight hundred irrigation wells, as it has no other source of water or surface rights. One of the prime reasons for forming the management district was for the conservation of the water to supply our irrigation wells in that there has been a constantly declining water table. The water supply of the area is declining at the rate of three times the rate of natural recharge.

The district's board has not taken an official position for or against the Narrows Dam, although we do favor generally any conservation projects in this state. The water users in our area have favored the Hardin Site over the Narrows Site, and one of the reasons therefore is the fear that a dam constructed at the Narrows Site would, as a practical matter, lead to the ignoring of the flood problems on the Bijou Creek. The Bijou Creek joins the Platte River approximately five miles east of the proposed Narrows Dam Site. The planners of the Narrows project have from time to time taken alternate positions in connection with the utilization or effect of the Narrows project as flood control for Bijou Creek. As we informed, the original plans did not in any way include any control of the Bijou Creek. Later, and particularly after the devastating flood of 1965, the planners apparently gave at least some consideration to some type of flood control for Bijou Creek in the Narrows project. Even now the position of the planners of the Narrows Dam is not clearly stated nor is there any guaranty of inclusion of flood control on the Bijou in this project. Until definite and affirmative planning is made in connection with the flood control of the Bijou Creek, our area does not feel that this project answers our problems or accomplishes what was intended.

In order to more clearly define the effect of the Bijou in flood loss to the entire Northeastern Colorado area, may we turn the clock back approximately three years and six months. In a newspaper article appearing in the "Tri County Tribune", published in Deertrail, Colorado, on June 24, 1965, the following headlines appear "Flood in Bijou Creek on Rampage." The entire business district was wiped out and the article proceeded to explain the evacuation of the area and the damage caused. In the area of Agate,

over two thousand sheep were lost as well as several hundred head of cattle. A week later, another issue explained the cleanup operations and the attempted rehabilitation of the area. This area was a true disaster area and one cannot evaluate the tragedy in terms of merely stock, crop and business loss, but we must consider the human misery. In this flood, we were fortunate in only losing one life; however, I am sure the parents of the baby who was lost in the disaster area count this loss in great proportion.

Again, if we turn the clock back about thirty years, we find other headlines in the newspapers of the area relating to the flood disaster of 1935, striking Wiggins, Elbert and Elizabeth, where these towns were inundated by Kiowa Creek and further describing the damage caused by Bijou Creek. The Narrows project was originally planned as a flood control project and yet the only two major floods in the area, in 1935 and 1965, would not in any way have been avoided by construction of this project along its original present plans. In 1965 the major flood damage in Fort Morgan and the South Platte Valley east of Fort Morgan was due almost entirely to flood water coming from Bijou Creek. This water was estimated at approximately five hundred thousand second feet at the crest. The Denver Flood had very little influence on the flooding in Morgan County. The South Platte was flowing at the rate of approximately 3,000 second feet when the Bijou flood hit. Most everyone in the area having knowledge of these floods is in agreement that the real damage was due to the Bijou Flood and not to the Platte coming into the area.

The Fort Morgan Times of June 16, 1965, carried many stories concerning the Bijou Flood and head lines such as "Bijou South Platte Lowlands Flooded" and "Dodd Bridge To Go" and "Park Threatened". On June 18, 1965, this paper carried headlines "Flood Reeks Havoc in Morgan County" and "Fort Morgan Cut Off on Three Sides". As you can see, two major floods are being described occurring over a period of three days. These floods were caused solely from water from the Bijou Creek. In "The Fort Morgan Times" on June 21, 1965, it described the request of $675,030.00 of disaster funds by ditch companies in Morgan County. On June 22, 1965, this paper refers to the request of the Lower South Platte Conservancy District of $1,500,000.00 disaster funds to repair irrigation structures. In "The Fort Morgan Times" on June 30, 1965, the flood damage in Morgan County only was estimated at $2,000,000.00, not including $800,000.00 needed to repair county roads and bridges, and an unspecified amount for the repair of Burlinton Railroad fill and bridge. Added to these sums, we must consider the loss of the State Highway bridge on the Interstate Highway near Wiggins and the loss of the highway bridges on Interstate 70 and Highway 36. Of course the flood area covers more than just Morgan County and the entire loss to bridges and other structures along the entire route of the Bijou would be almost unmeasurable. These are just examples in Morgan County, which might be multiplied several times by damages in Adams, Weld and Arapahoe Counties.

The question is, what, if anything, the Narrows project offers in its present plan to alleviate future disasters of this type. It has been suggested, although no definite commitment made, nor final plans prepared that the Bijou be diverted into the Narrows dam. This, of course, does not in any way solve the flood problems of our entire area along the Bijou Creek.

Everyone recognizes that the Bijou Creek carries a great deal of sediment during its flooding stage and, in fact in the past years, ditch companies have paid a man in Hoyt to call them and warn them if the Bijou was flooding so that they could close their headgates, because of the damage the silt laden water would do to their land. We are frankly suspicious of any statement made that the Bijou could, or would be controlled by the Narrows as we can visualize the effect upon the Narrows project, as in the case of the 1965 flood by the unrestricted flow into it of the silt, logs, dead animals and human refuse.

We feel that the present Narrows project, as planned, is objectionable to our area in that it is shortsighted and settles for something less than an adequate and total design for flood control for which it was intended. Until definite planning is included within the project for flood control of the Bijou, we feel that it is improper to classify this project as a real flood control project. The major floods of 1935 and 1965 all originated from waters falling south of Interstate 70 and much of the damage from these floods occurred between Highway 70 and the Narrows Dam site.

We had a graphic example in 1965 of what upstream flood control might achieve. Why did we not see in 1965 a similar story of flooding of Wiggins, Elbert and Elizabeth, as we did in 1935 when a similar potential existed. There was instituted on Kiowa Creek in the period from 1935 to 1961 a program of some 50 to 75 small upstream flood control dams, which were designed to alternately catch and release flood waters occurring in this area. This temporary delay of flood water allowed the Kiowa Creek in 1965 to hold this flood without extensive damage downstream.

Although Bijou Creek is more complex and has a larger stream system than the Kiowa, we feel that a combination of small dams and possibly some intermediate size dams could be designed to give complete control and protection. Any such system of dams should be concentrated on the upper reaches of the Bijou. Such a project, in addition to flood control on the Bijou, would have other benefits in that it would permit the water to move in a more orderly fashion which would reduce the amount of debris carried, as well as silt, and sand, thus improving the quality of the water. This system would also permit the aquifers in the Bijou area to be more adequately recharged and this potential disaster could be changed to a blessing for the people in the area.

The Board of Directors of the North Kiowa Bijou Management District wish to take this means of informing those interested that they feel the Narrows Project, in its present form does not answer the problem of flood control downstream on the Platte River and certainly not on the Bijou Creek itself. That until such time definite and adequate plans are included in this project for flood control in Bijou Creek, the Board of the district is in opposition to this project.

The district desires also to comment upon any proposed adjudication of decreed water rights for this project. We would refer to the policy statement of the Lower South Platte Water Conservancy District recently adopted wherein said district states "The district (Lower South Platte) has never intended that the Narrows priority to be used to shut down wells now being used so long as their manner of use is not materially changed and it now specifically states the Narrows should not and will not be used for this purpose." So long as this policy is carried forward in good faith in any eventual decrees, if any, given to this project, the board has no objection to any such proposed decree. However, any deviation from this policy, or any future proposed decree for the project which would not subordinate itself to existing ground water use would be objectionable to the board.

Mr. ALLOTT. Mr. President, however, it must be remembered that despite the apparent increase in interest in upstream reservoirs, the official position of the State of Colorado, as expressed in the letter of comment to the Commissioner of Reclamation, remained unchanged.

Mr. President, I ask unanimous consent that the letter of comment from the Colorado Water Conservation Board, dated December 29, 1967, be printed in the RECORD at this point.

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

COLORADO WATER CONSERVATION BOARD,
Denver, Colo., December 29, 1967.

Hon. FLOYD E. DOMINY,
Commissioner of Reclamation, Department of the Interior, Washington, D.C.

DEAR MR. COMMISSIONER: Under date of September 26, 1967, you transmitted to the State of Colorado on behalf of the Secretary of the Interior a proposed report on the Narrows Unit, Missouri River Basin Project, Colorado. This report was sent to us for our views and recommendations as provided by Section 1(c) of the Flood Control Act of December 22, 1944. In accordance with your request this letter constitutes the reply of the State of Colorado.

In addition to review by the undersigned as the Governor's designated representative, the report has also been reviewed by the Colorado Department of Game, Fish and Parks and by the Lower South Platte Water Conservancy District, the latter entity being an official political subdivision of the State of Colorado formed for the specific purpose of acting as the contracting and operating agency for the proposed Narrows Project. The views of both the Colorado Department of Game, Fish and Parks and the Lower South Platte Water Conservancy District are in accord with the views expressed herein.

Long-time records on the South Platte River indicate that the average annual discharge of the river at the Colorado-Nebraska state line is approximately 340,000 acre feet of water. About 100,000 acre feet of water annually is required to pass the state line in order to comply with the terms of the South Platte River Compact. This means that on the average there is 240,000 acre feet of water available for use in Colorado which is now being wasted at the state line. It was in recognition of this fact that the United States Congress on July 24, 1946, approved the construction of the Narrows Unit as a part of a comprehensive plan for the Missouri River Basin development. As a result of unfortunate disagreement within the State of Colorado itself, the project was never constructed as contemplated by the authorization of 1946.

In 1958, the Colorado Water Conservation Board requested the Bureau of Reclamation to re-evaluate the Narrows Project and to prepare a new feasibility report thereon. Subsequently, the Board contributed $125,000 to the Bureau of Reclamation to commence the necessary studies. As a result of the great interest in Colorado for the construction of the project, the State has now expended approximately $250,000 in an attempt to get the project construtced.

Since 1958 the members of our staff have worked closely with representatives of the Bureau of Reclamation as the new feasibility study progressed. We are therefore intimately acquainted with the scope of the study and with the basis for the findings and recommendations contained in the proposed report. We commend the diligent effort which has been made by Region 7 of the Bureau of Reclamation and we concur in the findings and recommendations contained in the proposed report.

In the letter of transmittal from the Bureau of Reclamation to the Secretary of the Interior under date of September 12, 1967, an

alternative plan of development is presented which is not covered in the basic reports. The alternative plan is based upon an additional release of water from the proposed Narrows Reservoir for recreation and fish and wildlife enhancement. The alternative plan reduces the benefits of the project, and the proposed operation would violate the constitution and laws of this state. The alternative plan is therefore entirely unacceptable to the State of Colorado. We therefore urge that the basic plan as set forth in the report be adopted.

The original plan of development for the Narrows Project proposed the channeling of Bijou Creek into the Narrows Reservoir for flood control purposes. The wisdom of this provision was demonstrated by the fact that in June of 1965 a flood of unprecedented magnitude originated on Bijou Creek. The flood waters originating on this creek, along with waters discharged by other tributaries of the South Platte, caused the most damaging flood in the history of the State of Colorado, both in terms of the loss of human life and the widespread destruction of property. At the present time the United States Corps of Engineers is actively pursuing a course of study looking to the control of Bijou Creek. Since these studies are not yet completed it has not been determined at this time whether flood control structures on the Bijou Creek itself or the channelization of the creek into the narrows Reservoir would be the more feasible. As we view the proposed plans prepared by the Bureau of Reclamation, it is our understanding that Bijou Creek could be channeled into the Narrows Reservoir at some future time if such is found to be the most feasible plan.

In accordance with the Fish and Wildlife Coordination Act, our Colorado Department of Game, Fish and Parks has reviewed and approved the included report of the Bureau of Sport Fisheries and Wildlife. We feel that every attempt should be made to carry out the recommendations contained therein, within the limitations of the available water supply.

Included in the project report in accordance with the Federal Water Project Recreation Act, it is proposed that a non-federal public body would be responsible for the payment with interest of $691,300, which represents an estimated one-half of the separable costs allocated to fish and wildlife enhancement, together with all of the separable annual operation and maintenance costs, estimated at $30,100. In addition, such nonfederal public body would be responsible for the repayment of reimbursable costs allocated to recreation to the extent of an estimated $1,457,300 with an annual operation and maintenance cost estimated at $204,200. We consider the recreation and fish and wildlife features of the project to be a necessary and integral part of the project. It is therefore the intent of the State of Colorado in connection with these features of the project to administer the project lands and water areas for recreation and fish and wildlife purposes, to bear the entire costs of such operation, maintenance and replacement, and to pay not less than one-half of the separable construction and acquisition costs of the project allocated to recreation, fish and wildlife purposes, as contemplated by the Federal Water Project Recreation Act.

In summary, the State of Colorado is in complete accord with the conclusions and recommendations set forth in Part XI of the proposed report. We respectfully urge that the Secretary of the Interior approve the proposed report in accordance with the recommendations contained in the report and the views expressed herein.

Respectfully submitted.

FELIX L. SPARKS,
Director.

Mr. ALLOTT. Mr. President, it should be noted, however, that during this period controversy existed among the local interests as to the location of the larger dams as proposed by the Corps of Engineers, and, also, as to whether it would be wiser to reconsider a series of small watershed protection and flood prevention projects. By this time, the Corps of Engineers had shifted its emphasis from the Bijou Creek Basin to the Sand Creek Basin in the Denver area. This was due, in part, to the lack of concerted support in the Bijou Creek Basin for the three-dams system being proposed by the Corps of Engineers.

However, in December of 1968, the Colorado Water Conservation Board indicated an interest in an interim report on the Bijou Creek Basin.

Mr. President, I ask unanimous consent that a letter from Col. W. H. McKenzie III, dated February 6, 1969, be printed in the RECORD at this point.

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

FEBRUARY 6, 1969.

Hon. GORDON ALLOTT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ALLOTT: In view of your expressed interest in the program of the Corps of Engineers within Colorado, I am furnishing the following report relative to study of the Bijou Creek basin.

Subsequent to the June 1965 flood, the Omaha District made an investigation of potential reservoir sites in the Bijou Creek basin. After preliminary screening of these sites, three sites were found which could provide flood control for the lower Bijou Creek basin and for the South Platte River flood plains downstream from Bijou Creek. One site is located on West Bijou Creek about 5 miles upstream from Byers; the second is located at the confluence of Middle and East Bijou Creeks; and the third is located on Big Muddy Creek about 16 miles upstream from Bijou Creek. The 3-dam system would control nearly 70 percent of the total drainage area of Bijou Creek.

About 75 percent of the benefits attributable to these potential dams would result from the reduction of flood damage potentials along the South Platte River flood plain. Local interests downstream from the potential reservoir sites have indicated an interest in the seasonal use of flood storage for groundwater recharge. Further study of the groundwater recharge capability of the system and potential benefits is required.

Local interests downstream from the potential Bijou Creek reservoir sites generally support the 3-dam system. Local interests in the area of and upstream from the potential reservoir sites have indicated interest in smaller dams in the upstream areas of the Bijou Creek basin. Studies by the Soil Conservation Service and the Omaha District indicate that small reservoirs in the upstream areas of the Bijou Creek basin lack economic feasibility and would have little effect on South Platte River flows.

Most of the support for the smaller reservoirs comes from the Deer Trail area which suffered severe damage in the 1965 flood. The Omaha District is investigating the feasibility of a local flood protection project at Deer Trail under provisions of Section 205 of the 1948 Flood Control Act, as amended. The study is nearing completion and it appears that a local flood protection project at Deer Trail would be economically feasible. Local interests will be contacted in the near future to determine their willingness and ability to provide the necessary local cooperation.

Due to the lack of concerted support in the Bijou Creek basin for the potential 3-dam system, the Omaha District shifted its primary study emphasis to the Sand Creek basin in the Denver area. Potential reservoir sites on Sand and Toll Gate Creeks are in danger of being developed for other uses. Since time is critical, an interim report on the Sand Creek basin has been scheduled for completion by 1 July 1969.

In December, the Colorado Water Conservation Board indicated an interest in an interim report on the Bijou Creek basin. Our studies in the Bijou Creek basin have been separated from our South Platte River investigation and an interim report will be prepared. The interim report on the Bijou Creek basin is tentatively scheduled for completion in December 1969. The review report, which would cover the remainder of the South Platte River basin, is scheduled for completion in March 1972.

If I can be of any further assistance to you in this matter, please call on me.

Sincerely yours,

W. H. MCKENZIE III,
Colonel, Corps of Engineers.

Mr. ALLOTT. Mr. President, it appears that local interest in the corps proposal began to rekindle, and the corps was urged by the North Kiowa Bijou Management District to develop their interim report as soon as possible.

Mr. President, I ask unanimous consent that a letter addressed to Col. W. H. McKenzie III, dated March 6, 1969, together with a letter from Mr. Donald F. McClary, dated March 13, 1969, be printed in the RECORD at this point.

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

FORT MORGAN, COLO.,
March 6, 1969.

Re North Kiowa Bijou Management District, Bijou flood control.

Col. W. H. MCKENZIE III,
District Engineer,
Omaha, Nebr.

DEAR COLONEL MCKENZIE: On behalf of the North Kiowa Bijou Management District, I wish to thank you and John Velehradsky for your cooperation and concern in meeting with the North Kiowa Bijou Management District to discuss and develop mutually acceptable plans for control of Bijou Creek. Mr. John Velehradsky attended the annual meeting of the taxpayers within the management district and gave a good discussion of your tentative plans for control of Bijou Creek by the suggested three dam systems.

At this meeting, representatives of the Soil Conservation Service as well as the Colorado Water Board were in attendance and gave an explanation of their positions and recommendations on control of Bijou Creek. This meeting was well attended by the taxpayers in the district, in that the district gave notice by mail to all taxpayers within the district of this important meeting and there were slightly more than 100 taxpayers in attendance.

After a full discussion by the taxpayers present, the Board of the management district and their engineer, as well as an extensive question period, the motion was duly made, seconded and unanimously carried that the district go on record requesting the Corps of Engineers to proceed as rapidly as possible to develop their studies and reports for flood control of the Bijou Creek at the highest feasible points. That further the district urges the Corps to develop their interim report as soon as possible but not later than December, 1969, to facilitate presentation for authorization in early 1970.

The Board of Directors of the district has also instructed me to advise you that they stand ready, willing and able to cooperate with the Corps of Engineers in any way possible to facilitate the developing of a feasible plan which will develop flood control with

consideration of ground water re-charge potential. The possible benefits of ground water re-charge cannot be over emphasized in connection with the developing of a feasible plan in that the area of potential benefits is one in which re-charge is sorely needed as they are depleting the ground water at the rate in excess of 55,000 acre feet per year, or over the normal rate of re-charge in the area.

If there is any information you or your staff desire, or if you have any suggestions as to what we may do to facilitate the development of this plan, please contact me.

Yours very truly,

——— ———.

FORT MORGAN, COLO.,
March 13, 1969.

Hon. GORDON ALLOTT,
Senate Office Building,
Washington, D.C.

DEAR SENATOR ALLOTT: I thought you might be interested in the enclosed letter to the Corps of Engineers bringing you up to date on developments in regard to flood control of Bijou Creek. The North Kiowa Bijou Management District appreciates your interest in this very important problem, and is hopeful that you can assist them in bringing needed flood control on Bijou Creek under the plans developed by the Corps of Engineers.

Sincerely yours,

DON.

Mr. ALLOTT. Mr. President, additional expressions of interest in the proposal of the Corps of Engineers followed.

Mr. President, I ask unanimous consent that a letter from Mr. Thomas H. Bradbury, dated March 26, 1969, a letter from Mr. Marvin W. Etchison, dated June 12, 1969, together with a resolution adopted by the Weldon Valley Ditch Co., May 5, 1969, a letter from Mr. Ralph E. Varner, dated April 30, 1969, together with a resolution adopted by the City Council of Fort Morgan, April 1, 1969, and a letter from Mr. Harold E. Taylor, dated April 10, 1969, be printed in the RECORD at this point.

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

BRADBURY LAND & CATTLE CO.,
Byers, Colo., March 26, 1969.

Hon. GORDON ALLOTT,
U.S. Senator, U.S. Senate, Washington, D.C.

DEAR SIR: I am very much in favor of the dam which has been recommended to be built by the Corps of Engineers on the West Bijou, south of Byers, Colorado.

In the flood of 1965, we lost over 120 head of cattle and 1,500 acres of land. This land is now useless sand bars, gulleys, and plain old blowsand. If this could be eliminated, it would be a great tax and economical boost to the state. This was top bottom-land, producing quality grass and crops. Now it is classified No. 5 for production and tax purposes.

Everyone I have talked to from east of Colorado Springs, where the Bijou Basin begins, clear to Wiggins, where it dumps into the Platte River, have been in favor of damming the West Bijou. Everyone seems highly favorable of such a project, knowing the protection it would offer their families, properties, and communities.

If you are interested in seeing this project carried out, I'd be more than willing to circulate a petition among the landowners and renters to show their opinions on this matter. If the statistical results of this survey would be beneficial to you, I'll get the job done and furnish you with the results.

I am looking forward to your comments on this project.

Sincerely yours,

THOMAS H. BRADBURY.

WELDONA, COLO.,
June 12, 1969.

Hon. GORDON ALLOTT,
New Senate Building,
Washington, D.C.

DEAR SENATOR ALLOTT: Enclosed is a resolution passed by the Board of Directors of the Weldon Valley Ditch Company of Weldona, Colorado.

Please give this resolution sincere consideration. Thank you.

Sincerely,

MARVIN W. ETCHISON,
Secretary.

RESOLUTION

(The following is a Resolution passed by the Board of Directors of the Weldon Valley Ditch Company of the 5th day of May, A. D., 1969, after a long discussion of storage on the South Platte and flood control on the Bijou.)

"Be it resolved by the Board of Directors of the Weldon Valley Ditch Company, that the Weldon Valley Ditch Company record its desires and support of the Corps of Army Engineers in building flood control dams or multiple purpose dams on Bijou Creek in order to control and stop the damaging floods that have occurred on the South Platte River as a result of the uncontrolled flow of Bijou Creek.

It is the opinion of this Board that the Army Corps of Engineers is the proper and logical body to take over the construction of dams on Bijou Creek; that the plan of the Army Corps of Engineers is feasible and that funds probably are available for this purpose.

Be it further resolved that a copy of this resolution be sent to the Congressional Delegation from Colorado.

In witness whereof, the Board of Directors of the Weldon Valley Ditch Company have placed their signatures this 5th day of May, A. D., 1969.

MAURICE JONES.
DONALD E. CHRISTENSEN.
MARVIN W. ETCHISON.
JOHN PARACHINI.
THEODORE JACOBSON.

I hereby certify that the above and foregoing is a true copy of the Resolution passed by the Board of Directors of the Weldon Valley Ditch Company on the 5th day of May, A.D., 1969.

MARVIN W. ETCHISON,
Secretary.

CITY OF FORT MORGAN, COLO.,
April 30, 1969.

Hon. GORDON ALLOTT,
Senior Senator from Colorado,
Senate Office Building,
Washington, D.C.

DEAR SENATOR ALLOTT: Attached please find a resolution by the Mayor and Council of the City of Fort Morgan endorsing flood control in the Bijou Creek drainage area south and west of Fort Morgan.

This resolution was unanimously approved by Mayor John G. Hamlin, and Aldermen L. L. Canfield, Reuben Peif, Robert Hall, Francis S. Jolliffe, Lenhard Johnson, Elmer Tieman.

Sincerely yours,

RALPH E. VARNER,
City Superintendent.

RESOLUTION

Be it resolved by the City Council of the City of Fort Morgan, Colorado that the City Council and its individual members, on behalf of the City of Fort Morgan, Colorado does hereby support and endorse the Construction of Flood Control dams and works on the upper water-shed of Bijou Creek.

The Bijou Creek at flood has in the past, and can in the future seriously damage vital and expensive properties and facilities in Fort Morgan.

To control Bijou Creek to prevent flooding would be to secure the City and its citizens from such loss of property and facilities and perhaps secure even the lives of some of them.

Further, we believe such dams would improve the underground water level and help stabilize the irrigation potential of the farming community along the water way.

We, therefore, request that the Congress look with favor upon forthcoming requests by the Corps of Engineers of the United States for appropriations to harness the flood potential of "The Bijou".

Passed, approved and adopted this 1st day of April, 1969.

WELDON VALLEY PROTECTIVE ORGANIZATION,
Weldona, Colo., April 10, 1969.

Hon. GORDON ALLOTT,
Senate Office Building,
Washington, D.C.

SIR: At a regular meeting of the steering committee of the Weldon Valley Protective Organization held Wednesday evening, April 9, 1969, the following resolution was unanimously adopted.

The Weldon Valley Protective Organization whole heartedly supports the Corps of Army Engineers plan to build a series of flood control dams on the upper portion of Bijou Creek in Eastern Colorado.

Respectfully submitted.

HAROLD E. TAYLOR,
Secretary.

Mr. ALLOTT. Mr. President, almost contemporaneously with the resurgence of interest in the three-dam proposal of of the Corps of Engineers, as expressed in the letters and resolutions I just referred to, I received a letter from Mr. F. A. Mark, of the Soil Conservation Service, summarizing the efforts of the Service to assist in developing a plan of works to control flood in the Bijou Creek basin. Consideration was given not only to small watershed protection and flood prevention projects under Public Law 566 but also to an ACP special project. His letter is self-explanatory, and I ask unanimous consent that the letter referred to, dated April 9, 1969, be printed in the RECORD at this point.

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

U.S. DEPARTMENT OF AGRICULTURE,
SOIL CONSERVATION SERVICE,
Denver, Colo., April 9, 1969.

Hon. GORDON ALLOTT,
U.S. Senator,
U.S. Senate, Washington, D.C.

DEAR SENATOR ALLOTT: This letter is in response to a request for additional information on flood control problems on Bijou Creek, Colorado, as requested by Mr. Blake last week.

Following a field examination on November 2, 1965, which was one of many requested following the 1965 flood, we published a Preliminary Investigation Report on the East Bijou Watershed in February 1968, a copy of which is attached. On the back side of page 1 of this report is noted two alternative flood prevention programs which were studied. The first indicated a benefit-cost ratio of 0.30 to 1.00; the second, 0.50 to 1.00, neither of which justifies a project proposal.

In the meantime, the soil conservation districts in Elbert County (Agate and Big

Sandy) in cooperation with the Elbert County Agricultural Stabilization and Conservation Committee (ASCS) proposed an ACP Special Project to interest a local group of farmers and ranchers to join in constructing through ACP cost shares a number of prevention dams in the East Bijou Creek tributaries.

A project was approved and ACP funds were earmarked for the project. SCS field personnel designed and staked out dams at feasible sites.

Several farmers interested in the project later withdrew due to some financial reverses in a re-used equipment sale following the accidental death of the promoter of the plan. This lead to less dams being constructed than originally planned.

The locations of planned and completed structures are shown in Table 1 and Table 2.

TABLE 1.—DAMS CONSTRUCTED OR UNDER CONSTRUCTION

Name	Location [1]	Year constructed	Total storage (acre-feet)	Drainage area (square miles)
Special projects ACP:				
1. Walter Burns detention dam No. 1	NE¼11-8-61	1967	92.8	2.0
2. Joel Fletcher	E½27-7-61	1967	[3]	.2
3. Del Carter	SW¼33-9-60	1968	[3]	1.2
4. Lambert and Carneal	SW¼30-7-60	1968	[4]	1.2
5. Lambert and Carneal	NE¼22-7-60	1968	[4]	.5
6. Dave Nagel	E½12-7-60	1968	[4]	.5
7. Frank Ehmann detention dam No. 1	SW¼14-7-61	[2]1969	34.7	.4
Great Plains conservation program:				
1. Joseph Sproch detention dam No. 1	NE¼14-7-61	[2]1969	146	3.1

[1] All structures are in Elbert County, Colo.
[2] Under construction.
[3] Storage capacity is less than 10 acre-feet.
[4] Combination stock water and detention storage dam. Storage data not available.

TABLE 2.—PROPOSED DAMS

Name	Location	Total storage (acre-feet)	Drainage area (square miles)
Special projects ACP:			
1. Frank Ehmann detention dam No. 2	NE¼ 17-7-60		2.0
2. Pearl Shirkey detention dam No. 1	NW¼ 19-7-60	56.1	1.3
3. Harold Benjamin	SW¼ 35-8-60		1.0
4. Oleyjar-Madigan	SE¼ 23-10-62		7.0
5. Ed Hertnecky No. 7	SE¼ 15-10-62		2.0
6. Ed Hertnecky No. 8	E½ 7-10-61		4.2
PL-566—East Bijou Creek watershed (preliminary investigation):			
EB-1	7-10-61	1,775	20.8
EB-2	7-10-61	512	6.0
EB-4	5-10-61	367	4.3
EB-5	33-9-61	546	6.4
EB-6	25-9-61	452	5.3
EB-7	21-9-60	2,048	24.0

You will note the first structures we installed in 1967. Also note in Table 1, the Joseph Sproch dam (146 acre feet), the largest dam is being constructed under Mr. Sproch's Great Plains Conservation Program contract.

In addition to ACP cost-share funds, the Elbert County Commissioners donated cost of outlet tubes as requested by the Colorado State Engineer to permit the detained storage to pass through in a specified number of hours to comply with downstream water right requirements. As I recall county funds were provided in the amount of about $2,000. Unfortunately, many farmers and ranchers do not have sufficient funds available to provide their share of costs in either the ACP or Great Plains Conservation Program, and are frequently those most needing help.

SEDIMENT DAMAGES—BIJOU CREEK

The 9 small floodwater retarding dams, either built or proposed on the upper reaches of East Bijou Creek and Middle Bijou, will control sediment from about 23 square miles lying above them. They will hold back about 150 acre-feet of sediment over a 25-year period. About 20 percent of this sediment will be derived from gully and stream-bank erosion; the remainder will be derived from sheet erosion. The average annual amount of sediment held behind these dams is estimated to be about 2 percent of the total sediment passing the lower end of the Bijou Creek drainage each year.

If the 7 floodwater-retarding structures proposed as a part of a Watershed Protection Project on the upper part of East Bijou Creek were built, they would reduce sediment passing the lower end of Bijou Creek by about 5 percent.

CONCLUSION

Preliminary Investigations for the East Bijou Creek Watershed made by the Watershed Planning Party indicates that the benefit to cost ratio for the PL-566 floodwater retarding dam sites EB-1, EB-2, EB-4, EB-5, EB-6, and EB-7 is 0.3 to 1.0 and that the program is not feasible. Hence, there is little likelihood of their being built.

The total drainage area of the 8 small floodwater retarding dams that have been constructed or are being constructed on the headwaters of Bijou Creek is 9.1 square miles. These dams are cost-shared under the Great Plains Conservation Program or the Special Projects Agricultural Conservation Program. The drainage area of the 6 dams presently proposed for construction under the Special Projects Agricultural Conservation Program is 17.5 square miles. Some of these may not be built because of site or financial limitations.

These small floodwater retarding dams are being justified on the basis of damages that would otherwise occur near the sites. It is obvious that their effect on flood flows, erosion damage and sediment damage in the lower portion of the Bijou Creek drainage is almost negligible because of the small percentage of drainage area with dams constructed or under construction to date—0.7%.

Structures currently planned would increase the total percentage with dams to 2.0% and this would still be insignificant. The drainage area of Bijou Creek at U.S. Highways 6 and 34 near Wiggins, Colorado is 1,314 square miles. The reported June 1965 flood flow was 466,000 cubic feet per second.

Many stockwater ponds and many miles of terraces and diversions have also been built in Elbert County under the 1967 and 1968 Special Projects ACP, together with similar practices on many farms and ranches as part of an overall needed conservation program carried out by 3–10 year Great Plains Conservation Program contracts. Their justification and effect is also largely local in nature. They would have little effect on downstream damage from a major storm.

Following the 1965 flood we encouraged interested local residents of Bijou Creek, through their soil conservation districts, to explore possibilities of assistance from the Corps of Engineer's district engineer at Omaha. The Corps compiled with subsequent requests and made a substantial study. As the USDA Small Watershed Program (PL 566) is limited to watersheds under 250,000 acres, and the potential volume of water (as 1965 proved) was so great even in the upper reaches of the Bijou three main tributaries, it was obvious to us, SCS or ACP assistance would be necessarily limited to small tributaries of the three main forks of the Bijou system.

Attached are copies of our initial contact with the Corps Omaha District on October 18, 1967, and the District Engineer's reply on October 30, 1967. We supplied the Corps with copies of our Preliminary Investigation in February 1968.

Mr. Stanley Miller, formerly a career employee of the Corps and for several years an engineer with the Colorado Water Conservation Board, provided excellent liaison between the Corps, SCS, and local interests. Mr. Miller and others of the Water Board provides SCS appreciable assistance on many PL 566 watershed projects.

When the Narrows Dam again became active, Mr. Miller followed closely the interrelated aspects of the Bureau of Reclamation and Corps of Engineers studies along with potentials of USDA activities in the small Bijou tributaries.

On February 27, 1969, the North Kiowa-Bijou Ground Water Management District held a local meeting concerning its interests in the Corps Bijou dam proposals. Mr. Stanley Miller took an active part together with my assistant who explained the limitations of aid on the Bijou through PL-566 and other USDA programs. Mr. John Velehradsky, represented the Omaha District of the Corps.

The Soil Conservation Service will continue to cooperate through its authorized programs with local people, with ASCS and others in aiding in the alleviation of local damages in the upper tributaries of the Bijou, but as previously indicated, feasible measures will have little effect on the major damage potential from floods and sediment of the Bijou.

If I can be of further assistance on this matter I shall be happy to comply.

Sincerely yours,

F. A. MARK,
State Conservationist.

Mr. ALLOTT. Mr. President, on December 10, 1969, the Corps of Engineers held public hearings in the towns of Wiggins and Deer Trail to explain a potential plan of improvements in the Bijou Creek basin. According to a letter I received from the district engineer, Col. B. P. Pendergrass, testimony was overwhelmingly in favor of the potential plan. Colonel Pendergrass advises that he is in receipt of resolutions supporting the potential plan from 16 organizations and political subdivisions of the State. He also advises:

Opposition appeared to be centered against specific reservoir sites in favor of alternative sites and upstream storage.

Mr. President, I ask unanimous consent that a letter from Col. B. P. Pender-

grass, dated December 16, 1969, be printed in the RECORD at this point

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

DECEMBER 16, 1969.

Hon. GORDON L. ALLOTT,
U.S. Senate, Washington, D.C.

DEAR SENATOR ALLOTT: On 10 December 1969, I held public hearings in Wiggins and Deer Trail concerning my studies in the Bijou Creek basin.

I opened the Wiggins hearing by describing the potential plan of improvements in the Bijou Creek basin. After my opening statement, the meeting was opened for statements. A total of about 120 persons were in attendance. Of those present, 14 persons made statements. The testimony was overwhelmingly in favor of the potential plan of improvement. One individual asked for further study of potential alternative reservoir sites on East and West Bijou Creeks. Resolutions supporting the potential plan of improvement were presented by the following organizations:

Lower South Platte Conservacy District.
Board of Commissioners, Logan County.
Logan Irrigation District.
Iliff Irrigation District.
North Sterling Irrigation District.
Sterling Chamber of Commerce.
Sterling Production Credit Association.
Dueul and Snyder Improvement Company.
City of Brush.
Brush Chamber of Commerce.
Julesburg Irrigation District.
Fort Morgan Chamber of Commerce.
Weldon Valley Ditch Company.
North Kiowa-Bijou Management District.
Weldon Valley Protective Association.
City Council, Fort Morgan.

About 133 persons attended the hearing in Deer Trail. Of those present, 13 made statements concerning the potential plan of improvement. Representatives of local soil conservation districts indicated that they favored upstream storage and land treatment measures. Speakers from the Byers area were in favor of the potential dam on West Bijou Creek. A petition, containing the names of 125 persons from the Byers and Deer Trail areas who support the potential plan of improvement, was presented at the hearing.

In general, the potential plan of improvement was supported at both hearings. Opposition appeared to be centered against specific reservoir sites in favor of alternative sites and upstreams storage. Suggestions made by local interests will be investigated. If they are found to be feasible, the plan of improvement will be altered to include them.

If I can be of any further assistance to you in this matter, please call on me.

Sincerely yours,

B. P. PENDERGRASS,
Colonel, Corps of Engineers, District Engineer.

Mr. ALLOTT. On January 14, 1970, the Colorado Water Conservation Board, at its regular meeting, adopted a resolution supporting the potential plan of the Corps of Engineers as presented during the public hearings held on December 10, 1969.

Mr. President, I ask unanimous consent that the January 14, 1970, resolution of the Colorado Water Conservation Board be printed in the RECORD at this point.

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

RESOLUTION

Whereas, in past years numerous floods have originated in the Bijou Creek Basin, Colorado, resulting in the loss of human lives and property damages in excess of $100 million; and

Whereas, in the year 1965 a major flood originated in the Bijou Creek Basin resulting in the loss of two human lives and the loss of real and personal property in excess of $45 million, including severe damage to the communities of Byers, Agate and Deer Trail, together with the loss of portions of Interstate Highways 70 and 80S; and

Whereas, the Corps of Engineers, United States Army, is now proposing a program of flood control in the Bijou Creek Basin which would virtually eliminate the destruction which might be caused by similar future floods in the Bijou Creek Basin; and

Whereas, it appears that the residents of the area affected by Bijou Creek floods are overwhelmingly in support of the project plan presented by the Corps of Engineers; and

Whereas, the Boards of County Commissioners of Morgan and Logan Counties, the Lower South Platte Water Conservancy District, the Logan Irrigation District, the Iliff Irrigation District, the North Sterling Irrigation District, the Sterling Chamber of Commerce, the Sterling Production Credit Association, the Dueul and Snyder Improvement Company, the City of Brush, the Brush Chamber of Commerce, the Julesburg Irrigation District, the Fort Morgan Chamber of Commerce, the Weldon Valley Ditch Association, the North Kiowa-Bijou Management District, the Weldon Valley Protective Association and the City of Fort Morgan have by resolution expressed their support of the flood control plan proposed by the Corps of Engineers;

Now, therefore, be it resolved by the Colorado Water Conservation Board in regular session assembled this 14th day of January, 1970, in Denver, Colorado, that it commends and supports the Bijou Creek Flood Control Plan prepared by the Corps of Engineers, United States Army; and

Be it further resolved that the State of Colorado through the Colorado Water Conservation Board shall lend its efforts to cooperate in every way to secure the authorization and subsequent construction and operation of the Bijou Creek Flood Control Project; and

Be it further resolved that the Congress of the United States be urged to authorize the construction of the Bijou Creek Flood Control Project at the earliest possible date; and

Be it further resolved that the Secretary of the Colorado Water Conservation Board is hereby directed to send certified copies of this resolution to each member of Colorado's congressional delegation; to the Governor of the State of Colorado; to the Chief of Engineers, United States Army, and to the District Engineer, United States Army Corps of Engineers, Omaha District.

CERTIFICATE

I certify that the foregoing is a true and correct copy of a resolution adopted by a majority vote of the members of the Colorado Water Conservation Board in regular session assembled at Denver, Colorado, on the 14th day of January, 1970.

FELIX L. SPARKS,
Secretary.

Mr. ALLOTT. From all of this, it would appear that the potential plan of the Corps of Engineers has both the support of the local people in the affected area and the support of the official organ of the State of Colorado responsible for such matters.

The only question remaining is whether the diversion channel into the Narrows Reservoir, in either its larger or smaller configuration, which would logically be a part of the Narrows project and should be authorized as such, is still included in the potential plan. It should be noted that three-fourths of the benefits attributable to the potential plan would result from the reduction of flood damage potentials along the South Platte River flood plain. This was pointed out in Colonel McKenzie's letter of February 6, 1969, which was inserted in the RECORD earlier. It should also be noted that according to the map included in the brochure prepared by the corps for the December 10, 1969, public hearings, the dams proposed for the Bijou Creek Basin are many miles above the confluence of the Bijou Creek with the South Platte River. The area below the proposed dams remains uncontrolled. I recall that during the same June 1965 flood, my own hometown of Lamar received severe flood damage despite the fact that it is only a few miles downstream from a major reservoir on the main stem of the Arkansas River. The damaging waters came from tributary creeks whose drainage area is only a small fraction of the drainage area of the Bijou Creek.

With this in mind, I inquired of the Corps of Engineers as to status of the diversion channel into the Narrows Reservoir. I was informed that while the diversion channel was feasible, it was not acceptable to local interests. Colonel Pendergrass stated that among the people in the Bijou Creek area, the South Platte below Bijou Creek, the Colorado Water Conservation Board and the Denver office of the U.S. Bureau of Reclamation, there are no proponents for the diversion channel.

Mr. President, I ask unanimous consent that my letter to Colonel Pendergrass, dated February 10, 1970, together with the reply, dated February 25, 1970, be printed in the RECORD at this point.

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

U.S. SENATE,
COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
Washington, D.C., February 10, 1970.

Col. B. P. PENDERGRASS,
District Engineer, Omaha District, Corps of Engineers, Omaha, Nebr.

DEAR COLONEL PENDERGRASS: The report on the Narrows Unit of the Missouri River Basin Project, Colorado, together with comments of the various State agencies and Federal agencies concerned, was printed as House Document 320, 90th Congress, 2nd Session. Quoting from the comments of the Colorado Water Conservation Board as found on page 145 of that Document, the following statement is made:

"The original plan of development for the Narrows Project proposed the channeling of Bijou Creek into the Narrows Reservoir for flood control purposes. The wisdom of this provision was demonstrated by the fact that in June of 1965 a flood of unprecedented magnitude originated on Bijou Creek. The floodwaters originating on this creek, along with waters discharged by other tributaries of the South Platte, caused the most damaging flood in the history of the State of Colorado, both in terms of the loss of human life and the widespread destruction of property. At the present time the U.S. Corps of Engineers is actively pursuing a course of study looking to the control of Bijou Creek. Since these studies are not yet completed it has not been determined at this time whether flood control structures on the Bijou Creek

itself or the channelization of the creek into the Narrows Reservoir would be the most feasible. As we view the proposed plans prepared by the Bureau of Reclamation, it is our understanding that Bijou Creek could be channeled into the Narrows Reservoir at some future time if such is found to be the most feasible plan."

I am also in receipt of a brochure prepared by the Omaha District Office of the Corps of Engineers entitled "Information on Potential Plan of Improvement for Bijou Creek Basin, Colorado". I have been informed that public hearings have been held at both Wiggins and Deer Trail, Colorado, on Wednesday, December 10, 1969 on this "Potential Plan of Improvement". From my review of the aforementioned "Potential Plan", I am unable to discover any mention of channelization of Bijou Creek into the Narrows Reservoir. For my information, I would appreciate being advised as to the status of the earlier channelization proposal with regard to present Corps of Engineers plans relating to the control of the Bijou Creek Basin.

Your early attention will be appreciated. Best regards.

Sincerely yours,

GORDON ALLOTT,
U.S. Senator.

FEBRUARY 25, 1970.

HON. GORDON ALLOTT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ALLOTT: This is in reply to your letter of 10 February 1970 concerning the relationship between the potential system dams in the Bijou Creek basin and the potential diversion Bijou Creek into the proposed Narrows Reservoir.

During my studies of the Bijou Creek basin, a diversion channel to carry Bijou Creek into the Narrows Reservoir was investigated and found to be feasible but not acceptable to local interests. We have had extensive contacts with the local people in the Bijou Creek area and along the South Platte below Bijou Creek, and with the Colorado Water Conservation Board and the Denver office of the U.S. Bureau of Reclamation. There are no proponents for the diversion channel.

In contrast the potential reservoir system for Bijou Creek, which is also feasible, has apparent unanimous support including the support of the Colorado Water Conservation Board and Region 7 of the U.S. Bureau of Reclamation.

There are several reasons why the reservoirs received support and the diversion did not. First, the potential Bijou Creek dams would provide flood protection for about 156,000 acres within the Bijou Creek basin, including the protection of the towns of Deer Trail and Byers, as well as furnishing protection for the South Platte River downstream from Bijou Creek. Second, the regulated outflow from the reservoirs would provide opportunities to recharge the groundwater aquifer through channel infiltration or through downstream infiltration ponds. Third, the high sediment yield from Bijou Creek would be held in the Bijou Creek reservoirs rather than being discharged into the Narrows Reservoir.

It is estimated that about 100,000 acre-feet of sediment would enter the Narrows Reservoir if the diversion channel were built, with about 75,000 acre-feet of the depletion occurring in the conservation storage zone of the reservoir, reducing the irrigation benefits. The resultant delta formation at the outlet of the diversion channel into Narrows Reservoir could produce adverse effects on the general recreation and fish and wildlife recreation benefits for the Narrows Reservoir and make it less attractive environmentally.

During the hearings on 10 December 1969, the potential diversion was referred to only once in the testimony. The reference was unfavorable to the diversion. Local intersts along the South Platte River and in the Bijou Creek basin expressed unanimous support for dams in the Bijou Creek basin at the public hearings. The Colorado Water Conservation Board staff indicated in informal discussions a preference for dams in the Bijou Creek basin. On 14 January 1970, the Colorado Water Conservation Board adopted a resolution supporting the potential dams in the Bijou Creek basin.

Based on the public hearings and the local contacts by my staff and me, I am convinced that the people in the basin overwhelmingly support dams instead of the diversion.

If I can be of any further assistance to you in this matter, please call on me.

Sincerely yours,

B. P. PENDERGRASS,
Colonel, Corps of Engineers, District Engineer.

Mr. ALLOTT. Inasmuch as there is no local nor State support for any diversion channel, and since the plan of the Corps of Engineers will require separate legislative authorization and will be considered by the Public Works Committee, there is no reason to delay action upon the authorization of the Narrows project. The option of incorporating some sort of channel diversion was maintained open to the planners and local people for a time sufficient for them to come to a decision. While the plan of the corps has not been reviewed and approved, and has not been released for detailed scrutiny by me or the public, the sentiment of the local people, the State, the Bureau of Reclamation, and the Corps of Engineers appears to be overwhelmingly against any thought of a diversion channel.

The Narrows project is a very good reclamation project. It has a high benefit-to-cost ratio, 1.89 to 1, will provide badly needed supplemental water to the central and lower South Platte River Basin. The project will provide additional water through river regulation. It is estimated that the reservoir will conserve up to an average of 240,000 acre-feet of water annually now being wasted.

As a multipurpose project, it will not only conserve water, but also will provide some flood protection. Fish and wildlife enhancement benefits are quite good, and the reservoir will provide recreational benefits in an area which is very limited in such opportunities.

Mr. President, the Narrows project has my wholehearted support, and I shall urge the scheduling of early hearings on this worthwhile project.

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

The bill (S. 3547) to authorize the Secretary of the Interior to construct, operate, and maintain the Narrows unit, Missouri River Basin project, Colorado, and for other purposes, introduced by Mr. ALLOTT (for himself and Mr. DOMINICK), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

Mr. DOMINICK. Mr. President, I join today with my colleague, the senior Senator from Colorado in introducing legislation to authorize the construction of the Narrows Reservoir project by the Bureau of Reclamation in Weld and Morgan Counties, Colo. This multipurpose project was first introduced in the 90th Congress. The feasibility studies reveal a high-cost benefit ratio. The potential benefits for irrigation, recreation, fish and wildlife development, and flood control far exceed the costs.

We have delayed reintroduction of this legislation pending determination of a proposal to construct a flood control diversion channel from Bijou Creek to the Narrows Reservoir. The confluence of Bijou Creek and the South Platte River is below the proposed damsite. In 1965, a disastrous flood occurred on Bijou Creek. The diversion channel was one means proposed to help control such flood waters. An alternate proposal was construction of several dams on the Bijou and its tributaries. This proposal is under study and a report is near completion by the Corps of Engineers. I do not know what that report will show but through public hearings in the local area and resolutions and statements from towns, local water districts and companies and the Colorado State Water Conservation Board, it is apparent none of the local people favor the diversion channel. The background of this development together with letters and resolutions clearly showing the preference of the local residents have been amply set out by my senior colleague from Colorado.

I quote the following statements contained in a letter from the Corps of Engineers to the senior Senator from Colorado, dated February 25, 1970:

During my studies of the Bijou Creek Basin, a diversion channel to carry Bijou Creek into the Narrows Reservoir was investigated and found to be feasible but not acceptable to local interests. We have had extensive contacts with the local people in the Bijou Creek area and along the South Platte below Bijou Creek, and with the Colorado Water Conservation Board and the Denver office of the U.S. Bureau of Reclamation. There are no proponents for the diversion channel.

In contrast the potential reservoir system for Bijou Creek, which is also feasible, has apparent unanimous support including the support of the Colorado Water Conservation Board and Region 7 of the U.S. Bureau of Reclamation.

It is now clear that there is no reason for any further delay on authorizing the Narrows Reservoir. A diversion channel is not desired as a solution to flooding on Bijou Creek. Separate solutions to that problem are being sought.

The need for the Narrows Reservoir in north central Colorado is great. The final reason for delay has been removed. I urge my colleagues to give this matter their favorable consideration.

SENATE JOINT RESOLUTION 179—INTRODUCTION OF A JOINT RESOLUTION RELATING TO CERTAIN DEMONSTRATION PROJECTS TO CONTROL INSECTS HARMFUL TO AGRICULTURAL CROPS

Mr. ANDERSON. Mr. President, I am today introducing legislation which addresses itself directly and specifically to one of the most crucial aspects of what has come to be known as the "environmental crisis" which faces our Nation.

The legislation I am introducing is fairly simple in nature, but it will allow

us to move quickly in resolving a very complex, tenacious problem. To summarize, the legislation authorizes the Secretary of Agriculture to carry out various demonstration projects, using nonchemical means to control insects harmful to agricultural production.

There is little need to recite the numerous problems—some of them with tragic results—which have resulted from the widespread use of poisonous chemical pesticides. The public press almost daily carries a new story of fish dying, of public water supplies endangered, of food products contaminated with deadly pesticides.

And with so many of the Nation's environmental problems, these harmful effects have occurred because of the relationship of everything with everything else in the biological web of life. A single, individual act is not possible. The initial act causes other things to occur, and still others—like concentric ripples on a pool except that the effects are much more permanent. We cannot, for instance, build a massive subdivision and leave it at that. By covering the porous ground with homes, streets, driveways, and parking lots, we have prevented the rains from soaking in. This causes floods. So we must build a network of flood control drainage channels. That causes further problems. And so on, and on.

The prolonged and widespread use of chemical insecticides, throughout our Nation's farmlands and in other areas as well, dramatically illustrate man's inability to do "just one thing." We once thought that chemical insecticides would serve the elementary and single purpose of protecting the country's agricultural crops from harmful insects, thus resulting in greater production of healthy food and fiber for the people. If insects were infesting our fields and orchards, we thought then, simply spray with the newest and most effective insecticide and production will increase. All will be well.

We were wrong. In some cases, tragically wrong. We see now that poisonous chemicals, year after year, were washed by rains and irrigation ditches into open streams and soaked into underground drinking supplies. Not only was the health of humans endangered, but fish and plantlife in streams and lakes. Sometimes, plants other than those being "protected" reacted adversely to the chemicals, and perished as a result. Sometimes—all too often—food products destined for our kitchen tables were contaminated with the deadly substances. We have all heard of these stories, and many more.

An awful aspect of the pesticides story is that, in too many cases, the chemicals have not accomplished even their own limited purpose. Insects, attacked with chemical sprays or powders, have developed an immunity to them and have become more tenacious and numerous than before. The reaction has been to develop even stronger insecticides—an escalation, as it were, in the insect war.

The problem has arisen, as I said, from attempting to look at only one aspect of a total problem. Or, rather, of attempting to solve a single problem with a massive solution without regard to the equally massive and lethal results. As Lord Ritchie-Calder, one of the world's most knowledgeable experts on the environmental crisis, has written:

> Science at best is not wisdom; it is knowledge, while wisdom is knowledge tempered with judgment.

What is needed now is a way to protect our productive fields and orchards—on which our life very dramatically and immediately depends—while at the same time preserving the intricate balance of nature.

My legislation, Mr. President, attempts to address itself to that need.

Specifically, it authorizes the Agriculture Department to conduct demonstration studies of various types of light traps, pherimones—sex attractants—and other nonchemical devices for the purpose of controlling insects harmful to agricultural crops. I believe there is a strong possibility that these nonchemical devices can accomplish the vital purpose of protecting agricultural crops without endangering other plants, wildlife, water supplies, and human life itself.

Of course, there is no way of knowing this for certain. Where these devices have been used, they have accomplished some substantial good. But the only way we can determine if they will be sufficient on a large scale, national basis is to engage in a carefully monitored scientific study. If we learn that these devices are unsatisfactory or have harmful effects that we do not yet know about, we can give up the idea and move on to other possible solutions. But we need to know the facts, Mr. President, and that is the purpose of my legislation.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 179) to authorize the Secretary of Agriculture to carry out demonstration projects, using heat and light traps and other nonchemical means, to control insects harmful to agricultural crops, introduced by Mr. ANDERSON, was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

ADDITIONAL COSPONSORS OF BILLS AND A JOINT RESOLUTION

S. 3068

Mr. SPONG. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Indiana (Mr. BAYH) be added as a cosponsor of S. 3068, to improve farm income and insure adequate supplies of agricultural commodities by extending and improving certain commodity programs.

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

S. 3356

Mr. SPONG. Mr. President, on behalf of the Senator from Minnesota (Mr. MONDALE), I ask unanimous consent that, at the next printing, the name of the Senator from New Mexico (Mr. MONTOYA) be added as a cosponsor of S. 3356, to require the Secretary of Agriculture to make advance payments to producers under the feed grain program.

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

S. 3410

Mr. HART. Mr. President, on behalf of the Senator from Maine (Mr. MUSKIE), I ask unanimous consent that, at the next printing, the name of the Senator from Iowa (Mr. HUGHES) be added as a cosponsor of S. 3410, the National Environmental Laboratories Act.

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

S. 3526

Mr. GRIFFIN. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Idaho (Mr. JORDAN) be added as a cosponsor of S. 3526, to provide more effective means for protecting the public interest in national emergency disputes involving the transportation industry, and for other purposes.

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

S. 3528

Mr. SPONG. Mr. President, on behalf of the Senator from New Hampshire (Mr. MCINTYRE) I ask unanimous consent that, at the next printing, the names of the Senator from West Virginia (Mr. RANDOLPH), the Senator from Utah (Mr. MOSS), the Senator from Rhode Island (Mr. PELL), the Senator from Oklahoma (Mr. HARRIS), the Senator from California (Mr. CRANSTON), and the Senator from Alaska (Mr. GRAVEL) be added as cosponsors of S. 3528, to amend the Small Business Act to encourage the development and utilization of new and improved methods of waste disposal and pollution control; to assist small business concerns to effect conversions required to meet Federal or State pollution control standards; and for other purposes.

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

SENATE JOINT RESOLUTION 178

Mr. GRIFFIN. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Idaho (Mr. JORDAN) be added as a cosponsor of Senate Joint Resolution 178, a joint resolution to provide for the settlement of the labor dispute between certain carriers by railroad and certain of their employees.

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

SENATE CONCURRENT RESOLUTION 55—CONCURRENT RESOLUTION REPORTED AUTHORIZING PRINTING OF ADDITIONAL COPIES OF SENATE REPORT ENTITLED "ORGANIZED CRIME CONTROL ACT OF 1969" (S. REPT. NO. 91-716)

Mr. JORDAN of North Carolina reported an original concurrent resolution (S. Con. Res. 55); and submitted a report thereon, which report was ordered to be printed and the concurrent resolution was placed on the calendar, as follows:

S. CON. RES. 55

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Senate Committee on the Judiciary one thousand two hundred additional copies of its report of the current Congress entitled "Organized Crime Control Act of 1969" (Senate Report 91–617).

SENATE CONCURRENT RESOLUTION 56—CONCURRENT RESOLUTION SUBMITTED TO REQUEST THE PRESIDENT TO CALL A CONFERENCE ON THE INTERNATIONAL EXPLORATION OF SPACE

Mr. PERCY (for himself, Mr. SCOTT, Mr. MONDALE, and Mr. MANSFIELD) submitted a concurrent resolution (S. Con. Res. 56) to request the President to call a Conference on the International Exploration of Space, which was referred to the Committee on Foreign Relations.

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

SENATE RESOLUTION 363—RESOLUTION SUBMITTED AND AGREED TO ELECTING THE MINORITY PARTY'S MEMBERSHIP ON THE SELECT COMMITTEE ON EQUAL EDUCATIONAL OPPORTUNITY FOR THE 91ST CONGRESS

Mr. SCOTT submitted a resolution (S. Res. 363) electing the minority 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. SCOTT when he submitted the resolution appear earlier in the RECORD under the appropriate heading.)

VOTING RIGHTS ACT AMENDMENTS OF 1969—AMENDMENTS

AMENDMENT NO. 545

Mr. MANSFIELD (for himself, Mr. MAGNUSON, Mr. KENNEDY, Mr. BAYH, Mr. BIBLE, Mr. JAVITS, Mr. PELL, Mr. STEVENS, Mr. INOUYE, Mr. RANDOLPH, and Mr. TYDINGS) submitted amendments, intended to be proposed by them, jointly, to the amendment (No. 544) proposed by Mr. SCOTT (for himself and other Senators), 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 ordered to lie on the table and to be printed.

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

ENROLLED BILL SIGNED

The PRESIDING OFFICER announced that on today, March 4, 1970, the Acting President pro tempore signed the enrolled bill (S. 2701) to establish a Commission on Population Growth and the American Future, which had previously been signed by the Speaker of the House of Representatives.

NOTICE OF HEARINGS ON S. 2203, THE CONSUMER AGRICULTURAL FOOD PROTECTION ACT

Mr. JORDAN of North Carolina. Mr. President, I wish to announce that the Subcommittee on Agricultural Research and General Legislation of the Committee on Agriculture and Forestry will resume hearings Monday and Tuesday, March 16 and 17, on S. 2203, the Consumer Agricultural Food Protection Act. While we have a number of witnesses scheduled to testify, I am making this announcement at this time for the information of the Senate and those interested in this legislation. Also, anyone wishing to testify should contact the committee staff as soon as possible.

ADDITIONAL STATEMENTS OF SENATORS

TESTIMONY OF SENATOR CRANSTON BEFORE COMMITTEE ON ARMED SERVICES

Mr. CRANSTON. Mr. President, on Monday, March 2, I was privileged to testify before an Armed Services subcommittee, presided over by the Senator from New Hampshire (Mr. MCINTYRE), which is studying the question of independent research and development in the defense contracting industry. I ask unanimous consent that my testimony before this committe be printed in the RECORD.

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

TESTIMONY BY SENATOR ALAN CRANSTON BEFORE THE SENATE ARMED SERVICES COMMITTEE, MARCH 2, 1970

I want to thank Senator McIntyre and the committee for giving me this opportunity to testify about the very important matter of defense expenditures—specifically about expenditures for independent research and development.

My experience as controller of the State of California gave me particular insight into the importance and intricacies of the task of controlling public expenditures for the greatest possible benefit and least waste.

My interest in making optimum use of public funds is one of the reasons—but not the only reason—that has led me to take a careful look at the independent research and development program of the Department of Defense.

I have concluded that in an era of rapid technological innovation, the independent research and development program is the most economical long-run program for guaranteeing the security of the United States.

There are, however, substantial improvements that could be made.

Independent research and development is one component of "independent technical effort."

Independent technical effort consists of:

1. Independent research and development; commonly called IRAD;
2. Bid and proposal costs; and
3. Other technical effort.

Both critics and supporters of independent technical effort agree that it is difficult, and sometimes impossible, to distinguish the various component costs from one another.

But this lack of definition does not make independent technical effort any less essential; it means only that some legitimate expenses are difficult to categorize.

Anyone who has heard accountants argue about where and how to account for certain legitimate business expenses will sympathize with this problem.

I would like to take a few minutes to define each of the component costs as best as I can.

IRAD is defined by the Armed Services procurement regulation as "that research and development which is not sponsored by a contract, grant, or other arrangement."

The regulation certainly perfects the technique of circular definition, but it provides little clarification.

IRAD, it appears, consists of research and development undertaken by a contractor to increase his technical knowledge and capability to develop new products.

Unlike conventional research and development projects, which are initiated and supervised by a buyer, IRAD is initiated and primarily controlled by a contractor.

IRAD maximizes the number of technological ideas pursued because no prior governmental approval is necessary before a specific research project is undertaken.

The presumption is that technical progress will be fastest and most efficient when competitors are free to develop efficient and productive IRAD programs.

"Bid and proposal expenses" cover the cost of submitting contract bids and contract proposals to the Government.

These expenses are recoverable when contracts are not awarded, or when proposals are not accepted.

It is important that they be allowed to encourage competition.

Companies will be deterred from submitting bids or proposals unless they are compensated for their efforts.

"Other technical effort" is the most nebulous component of all.

It is similar to IRAD, but it deals with technology that is more well defined.

The component costs of independent technical effort should be viewed as part of a single process, that of meeting defense needs in an era of rapidly developing technology.

I agree with the suggestion of the Comptroller General that no attempt should be made to discriminate among the component costs in determining which of these costs the Government should allow.

Such discrimination leads only to confusion and needless administrative burdens.

Currently each component cost is treated differently.

IRAD, singled out for the most supervision, requires advance brochures; technical evaluation of planned programs; advance agreements on the amount of Government reimbursement; and cost-sharing between the Government and the contractor.

Since many IRAD costs legitimately can be considered as other components of independent technical effort, contractors often avoid listing these costs under IRAD to escape these restrictions and redtape.

Similarly, if an expense is disallowed as IRAD, there is a temptation to claim it as "bid and proposal" or "other technical effort."

Much of the criticism of IRAD arises from such practices, but current regulations encourage those practices.

The Comptroller General's suggestion that independent technical effort be considered a single entity appears to solve the problem.

Contractors would be compensated for legitimate independent technical effort under a single set of policies and procedures.

The contractor would be spared the burden of conforming to different standards, and the Government would be spared needless and unproductive administrative complexity.

It is often alleged that the Government does not exert sufficient control over independent technical effort. But this allega-

tion does not stand up to serious examination.

During the last session of Congress, the Senate demonstrated its control over IRAD.

After considerable discussion of Senator Proxmire's amendment to the military appropriations Act, we voted to reduce the Government's expenditure for IRAD by 7 percent.

The Comptroller General has suggested that the Department of Defense make IRAD a line-item in its budget so Congress would be better able to limit government participation.

Though I am an advocate of the most careful congressional monitoring of defense spending, I seriously question whether this proposal is either feasible or desirable.

How can overhead be made a line item?

It would be extremely difficult, if not impossible, for the DOD to arrive at an exact figure for such costs in advance.

Moreover, how can DOD make a yearly line item out of expenses that have such a long gestation period?

We all want better control over independent research and development expenditures.

But those expenditures should not be subject to short-term political and budgetary contraints which may impair our technological superiority in the defense field.

Next is the question of control over independent technical effort after the Congress has passed a defense budget.

It is not correct to assume that further controls are not exerted.

First, even with negotiated contracts, independent technical effort is controlled by competition.

The payoff for a corporation engaged in defense contracting is the award of research and development and production contracts.

Independent technical effort is only a means to that end.

The company with the most efficient and productive independent technical effort program will normally get the most lucrative R and D and production contracts.

Second, the government has various means of exerting direct control over independent technical effort.

Advance agreements, cost-sharing, brochures, and technical evaluations are elaborate efforts to monitor IRAD expenditures.

These controls have recently been critized, and the criticism highlights an important question:

If Government controls are deficient or ineffective, should they be revised, or abandoned altogether, in favor of giving more control to competitive forces?

I suspect that some controls should be improved, and others abandoned.

For example, advance agreements, if they are truly agreed upon in advance, benefit both the government and the contractor.

They benefit the contractor by enabling him to plan his programs more efficiently; they benefit the Government by allowing it to plan its expenditures and to conform to budgetary constraints.

On the other hand, the brochures which corporations presently must submit describing their independent technical effort program, do little but collect dust on Pentagon shelves.

But obviously the only way finally to determine whether to keep these and other direct controls is to make a detailed study.

It should be borne in mind that direct Government control means spending money, and we must always make sure the benefits of such control exceed the cost to taxpayers.

Other ways of controlling independent technical effort expenditures have been suggested.

Senator Proxmire's bill, S. 3003, would not allow expenditures for IRAD which does not "provide a direct or indirect benefit to the work being performed under the contract."

The Comptroller General suggests that Congress should consider whether conventional research and development contracts should replace all IRAD.

Both these approaches stem from the belief that it is inequitable for Government to give research money to private industry unless that research is directly supervised by the Government.

I believe this to be erroneous for at least two reasons:

1. The Government pays for unsupervised research and development whether it buys a product in the open market or purchases it through a competitive contract.

For example, the price you and I pay for a new car includes company costs of research on ways to reduce exhaust pollution and increase safety on cars in the future—even though neither directly improves the automobile we get for our money today.

It's the same when the Government buys an automobile.

It, too, pays for such research even though the benefits of the research are not yet reflected in the automobile it receives.

Such research is, nonetheless, a legitimate cost of doing business: it leads to an improved product and a better competitive position.

A corporation must anticipate future market needs if it is to remain in business.

Unsupervised research and development, or independent technical effort, is essential if companies are to be in a position to anticipate and meet those needs.

We must encourage companies in our defense industry to improve weapons technology.

This is fundamental to national survival.

Thus, there is a positive reason for allowing such research under negotiated contracts: National Security.

There is therefore no sound reason for distinguishing between the costs of unsupervised research and development in a competitive market and the costs incurred under a negotiated contract.

2. Independent technical effort under complete Government control cannot meet unanticipated defense needs.

Freedom from pervasive Government control enables private industry to explore promising ideas quickly and efficiently and to curtail unpromising research.

Innovation would end if scientists had to fill out forms X, Y, and Z in triplicate before pursuing a new idea, and then had to wait 6 months to get final approval or disapproval.

If every research project had to get bureaucratic clearance, we might still not have a polio vaccine today.

Dr. Jonas Salk was refused a Federal grant for research on his vaccine:

The Government thought he was going off in the wrong direction!

Luckily for all of us, and for our children, a private foundation advanced the funds he needed.

It simply is not feasible for the Government to approve all independent technical effort projects.

Government has neither the time nor the scientific expertise.

Nor could it administer such a massive effort.

The Government currently is having trouble evaluating a limited number of IRAD programs—not individual projects, mind you, but programs comprised of many projects.

The cost of supervising every single project would be astronomical.

Though I disagree with proposed revisions that would increase the Government's administrative burden, I approve of efforts to disseminate more efficiently information on various independent technical effort programs within the defense establishment.

I urge exploration of the practicality of the Comptroller General's suggestion that the Defense Supply Agency's computer data bank be expanded to include IRAD.

For those who wonder why the Department of Defense cannot follow the same independent technical effort policy as the Atomic Energy Commission—a suggestion urged upon you this morning by Senator Proxmire—the Comptroller General's report points out some essential differences:

Eighty percent of AEC contract work is with contractors who operate AEC-owned plants and laboratories on a cost-plus-a-fixed-fee basis.

The report states:

"AEC not only owns the facilities but also provides the materials and advances the funds.

"The generation of new ideas through R and D is an integral part of the program which is completely financed by AEC.

"There is therefore no independent research and development performed by the contractor under an AEC operating contract, but the equivalent is performed and fully funded as a part of the AEC program."

Thus, it is misleading to apply to DOD an AEC policy which AEC applies to a mere 20 percent of its contracts.

DOD depends upon independent technical effort to generate technological innovation: AEC does it through direct Government research in Government plants.

Therefore, I disagree with Senator Proxmire and the Comptroller General that DOD should adopt AEC procedures on independent technical effort.

Such rigid standardization is warranted neither by similarity in function nor in responsibility.

However, I support the Comptroller General's suggestion that we standardize policies when there is no functional justification for dissimilarity.

The Army, Navy, and Air Force have the same independent technical effort needs, yet each of their policies and procedures differ.

The result is unnecessary complexity and costly administration.

Therefore, we should standardize the policies of the armed services as suggested by the Comptroller General.

I am concerned about independent technical effort because of my interest in fiscal responsibility.

But I also view it as an insurance policy for national security because it is the source of up-to-date technological knowledge should we need to produce new weapons.

Ideally we should encourage innovative thinking, and then allow policymakers to decide whether further research and perhaps production is needed.

Independent technical effort enables us to refrain from needlessly producing expensive weapon systems because it cuts the leadtime in deployment of such systems.

We would not be forced to deploy weapons out of speculative fear because we would have the capacity to produce weapons on short notice if actual need were to arise.

This ability to refrain from producing needless weapon systems is especially important now that the United States and the Soviet Union have embarked upon the tortuous path toward some form of arms limitation agreement.

Production of weapons is provocative, and if such production can be halted, where not essential to our national security, the prospect for success in the SALT talks will be improved.

The premium for independent technical effort insurance protection is modest compared with the $6.74 billion spent on aircraft procurement, and the $3.6 billion spent on missile procurement.

Independent technical effort cost the Government $685 million in 1968.

We actually received $1.39 billion worth of research in return.

Thus, the taxpayer got two dollars worth of research in return for every dollar invested.

Besides its low cost, the independent technical effort program has been a remarkable success.

It speeded, by at least five years, development of integrated circuitry, the nerves of intercontinental ballistic missiles.

It cut in half the development time of the flying crane, the world's largest helicopter.

It helped land a man on the moon less than a decade after that goal was announced by President Kennedy.

Knowing that we have independent technical effort as insurance would also free us from deploying weapon systems which are already obsolete.

The administration spent 891.5 million dollars in FY 1970 on producing and deploying the ABM. Now they want to increase this expenditure.

Eventually the ABM will cost billions of dollars.

Ironically, our IRAD made the ABM obsolete even before it went into production.

The waste of money on the ABM is not a technological failure. It is a political failure.

Many Americans, including myself, question current spending priorities and urge that we spend less on weapons and more on human needs and preserving the environment.

Independent technical effort can be used to meet many of our pressing domestic technological needs. It can help us shift our priorities without adverse economic consequences.

In California, almost a million jobs—15 per cent of the State's industrial jobs—are in defense and areospace industries.

Another million jobs are generated by the spending of these aerospace and defense workers. As we shift priorities we should utilize the energy and expertise of the defense and aerospace industries.

I believe that these companies should be encouraged and helped—now—to diversify into non-defense lines.

That would be healthier for them and for our entire economy.

And it would also lessen, perhaps, the pressure to maintain needlessly high levels of arms production.

To be able to diversify, defense and aerospace firms must be allowed to use independent technical effort.

A firm normally finances diversification out of profit. But since profits are controlled in negotiated contracts, a firm must finance its diversification out of its independent technical effort funds, or die.

There is no sound economic or moral reason to require defense and aerospace industries to produce themselves into extinction as demand for their products decreases.

Some companies are making successful moves toward diversification—others are finding the task exceedingly difficult.

An example of the constructive use of independent technical effort is provided by the Aerojet General Corp.

It has already used some independent technical effort funds to get into the field of water pollution control. It has been awarded contracts by the Department of the Interior for further research.

This is the type of constructive diversification that the government should emphasize. Other prime examples where IRAD could be done with great public benefits lie in the fields of rapid transit, or for transportation safety, communications equipment for law enforcement, and oceanography.

The real test of whether to allow recovery of expenditure for independent technical effort should be how it benefits the work that any government agency is now performing.

It should not be limited only to how it benefits a particular contract of the Department of Defense.

Defense and aerospace firms expanded in response to the government's call for work on certain national priorities.

The government is now in the process of shifting priorities, and it has a responsibility to enable such firms to meet the new priorities that meet the demands and needs of our people.

We would waste a valuable national asset if we now abandoned the firms which have met the demands placed upon them by government. I am convinced that we will be able to do far better in achieving our new national goals on an earlier schedule—if we enlist the efforts and expertise of these firms in this national effort.

AMENDMENT OF THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

Mr. SCOTT. Mr. President, as a member of the Senate Judiciary Subcommittee on Criminal Laws and Procedures, and one who helped to draft the Omnibus Crime Control and Safe Streets Act, I have closely followed the progress that has been made in the all-important battle against crime. However, Congress must do more to assist our States, cities, and counties which carry the primary responsibility in this area. To meet this need, I have joined in introducing amendments to the Omnibus Crime Control and Safe Streets Act that will strengthen and improve our law enforcement and criminal justice system in several important areas. The Nixon administration is to be commended for presenting these measures.

LAW ENFORCEMENT PERSONNEL

There is a pressing need for more and better trained law enforcement personnel. Therefore, this legislation will encourage the development of regional and national training programs, workshops, and seminars for local law enforcement personnel, and would expand the present academic courses now available in the area of law enforcement. These amendments will also make available more Federal assistance for those people preparing for careers in the field of law enforcement. This is a most important step.

CORRECTIONS PROGRAMS AND FACILITIES

One of the most important aspects of our law enforcement and criminal justice system is our corrections program. It is apparent from the high rate of recidivism that our current corrections and prison facilities are not doing an adequate job. These amendments recognize this problem and meet it by greatly increasing the Federal assistance available for construction and improvement of correctional facilities. This measure also provides Federal assistance for the improvement of correctional programs and practices and is designed to assure that corrections programs will incorporate advanced correctional techniques and standards.

ALLOCATION OF FUNDS

These amendments would also permit some States to alter their method of allocating crime fighting funds between the State law enforcement apparatus and the law enforcement apparatus of local governmental units. This provision would be utilized where the overwhelming number of law enforcement personnel are under the direct supervision of the State rather than various units of local government. In those States having such a division of law enforcement responsibilities, it is believed that crime fighting funds could be more efficiently utilized directly at the State level.

This particular provision does not apply to Pennsylvania because of the Commonwealth's governmental structure and will not in any way affect the smooth operation of the Omnibus Crime Control and Safe Streets Act in Pennsylvania. On this point, I am pleased to note that over $14 million has already been allocated to Pennsylvania for crime fighting purposes under this act. In administering these funds, the Pennsylvania Crime Commission, under the able chairmanship of Attorney Gen. William Sennett, has channeled substantial funds to the major urban areas with the most pressing crime problems, while also assuring a fair and equitable distribution to other Pennsylvania communities. In Pennsylvania, crime fighting funds will continue to be distributed to those cities and counties with the most pressing need.

The States and local communities of this Nation need all the help we in Congress can supply them. We must win this battle for a safer society for our citizens.

I urge Congress to move swiftly to increase this assistance by enacting this legislation.

CRISIS FOR THE OLDER WORKER

Mr. RANDOLPH. Mr. President, the Subcommittee on Employment and Retirement Incomes of the Senate Special Committee on Aging conducted hearings last December on the "Employment Aspects of the Economics of Aging."

The subcommittee, which I have the privilege and responsibility to chair, heard testimony on a wide variety of employment problems encountered by middle-aged and older Americans—including age discrimination in employment; underemployment; involuntary retirement; the retirement test under social security; lack of employment opportunities; and inadequate training, counseling, and special supportive services.

A working paper was prepared by a distinguished task force to assist the subcommittee with additional background information. In this study it was pointed out emphatically that the United States still does not have a clearcut effective policy for maximum utilization of persons regarded as older workers. In their conclusion, the authors forcefully stated:

> The price the Nation pays for failure to maximize employment opportunities for older workers is increased dependency. We do not see an increase in dependency as a good tool with which to fight inflation. We all have much more to gain through a national effort to raise our productive capacity and simultaneously provide meaningful job opportunities for older people.

Because of the importance of this subject, I bring to the attention of Senators and the readers of the RECORD a recent editorial and also a newspaper article on this matter.

Mr. President, I ask unanimous consent that the material from the San Francisco Chronicle and the United Press International wire service be printed in the RECORD.

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

[From the San Francisco Chronicle, Jan. 11, 1970]

THE OLDER WORKERS

The United States Senate has a Committee on Aging which is performing a most useful function not, as might be thought, in the interest of the Senators themselves, most of whom are on the shadowy side of life's slope, but in the interest of all the American public in the upper age bracket.

The committee is about to consider legislation to deal with the rapidly growing body of involuntarily retired Americans. Its contemplated measures would provide special job training, placement services and extended unemployment benefits for older workers.

This inquiry of course raises the fundamental question: Is this technological society prematurely forcing older people out of the job they have done all their lives, and so bringing on the need to create programs to retrain them?

Evidently society is doing just that, shortsightedly forcing older people into retirement while they are still both willing and able to work. A study conducted for the Committee on Aging by the National Institute of Industrial Gerontology finds there lately has been a rapid decline in the gainful employment of men over 60. Only three out of four men betwen 60 and 65 have jobs today. Between 65 and 70, only about one out of three has a job.

This is due, in many cases, the Gerontology Institute reported, to involuntary retirement, the kind forced upon older workers either by inflexible company retirement policies or by their inability, once laid off, to find another job.

The decline in older workers' employment has been quite rapid over the past 15 years. For example, in 1954, 84 per cent of the 60–65 group and 58 per cent of the 65–70 group had jobs.

Whatever may be said for early retirement as a pusher-up of younger men into management positions, it has a bad effect on the man sent down the skids into idleness, the Gerontology Institute finds. His income may be considerably less than half of what it was, often less than a fourth.

Furthermore, it has a bad effect on society. The more people who retire early, the greater becomes the dependency ratio. That is the ratio between nonproductive people, young and old, and the employed portion of the population. Today the dependency ratio is 93, which means that for almost every employed person there is an unproductive person. That kind of ratio has an inflationary effect; it tends to enlarge Social Security outlays and to increase resistance to social programs by the employed, who must pay for them.

Everybody would be better off if the old could have the option of staying on the job past 65, if they chose, says the National Institute of Industrial Gerontology. It will be interesting to see what over-65 Senators think about the proposition.

[From the United Press International, Jan. 12, 1970]

FORCED RETIREMENT AT 65 IS DISCOVERED TO BE A STRAIN ON THE MAN AND SOCIETY

(By Louis Cassels)

WASHINGTON.—Forcing older people into retirement while they are still willing and able to work is a shortsighted policy that is having very serious social and economic effects.

That is the conclusion of a study conducted by the National Institute of Industrial Gerontology for the Senate Committee on Aging.

The institute reported there has been a sharp drop during recent years in the percentage of men who remain gainfully employed after the age of 60.

The report did not go into the ability of the U.S. economy to provide jobs for older workers without displacement of others now employed. Nor did it touch on other arguments for early retirement, such as the desirability of bringing younger men into management and supervisory positions.

It said early retirement has a bad effect both on the individuals hastened into idleness and on U.S. society as a whole. To the individual, it means a precipitate drop in income. Even though he may be qualified for Social Security and a company pension, his retirement income probably will amount to considerably less than half what he was earning as an employed worker. In many cases, it will be less than one fourth his pre-retirement income.

To society, early retirement means a rise in the dependency ratio.

The dependency ratio shows how many nonproductive people, young and old, are being supported by the employed portion of the population.

In 1950, the dependency ratio was 73—which means that for every 100 persons of working age, there were 73 who were too young or too old to work. Today the dependency ratio is 93. If present early retirement trends continue, the report calculated, it will reach 110 by the end of the 1970s.

A rising dependency ratio has a substantial inflationary effect on the economy. It also breeds restlessness among employed people, and this is likely to find expression in growing resistance to social welfare programs.

Thus, the institute argued, everybody would be better off if older people could have the option of remaining at work, if they choose, past the age of 65.

THE TRUTH-IN-BUDGETING TASK FORCE

Mr. INOUYE. Mr. President, last week the Democratic Policy Council's Committee on National Priorities held 2 days of hearings receiving testimony and comments on the priorities of this administration with suggestions from Democratic colleagues on a more proper allocation of our limited resources. Among the reports submitted to this committee was one by the truth-in-budgeting task force. The members of this task force are Senator WALTER MONDALE of Minnesota, Merton J. Peck, and Paul C. Warnke.

Because of the excellence of this report and the fact that it provides much needed insight into the Nixon budget, I wish to bring it to the attention of my Colleagues.

Mr. President, I ask unanimous consent that this report be printed in the RECORD.

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

REPORT OF THE TRUTH-IN-BUDGETING TASK FORCE

FEBRUARY 23, 1970.

To the Democratic Policy Council's Committee on National Priorities: Your Cochairmen, Mr. Joseph A. Califano, Jr., and Dr. Morris A. Abram, asked us to serve as a committee to review President Nixon's Fiscal 1971 Budget and to comment on the broad national priorities reflected in that budget.

The Budget message speaks of priorities and hard choices. Yet, in a budget, numbers speak louder than words. And, looking at the numbers, we find that:

The budget *surplus*, as measured on the National Economic Accounts Basis that reflects its true economic impact, *is declining sharply*.

Defense spending is somewhat reduced—and with much fanfare—but not nearly as much as other and urgent national needs require. Further there are *expensive new weapons programs* of only marginal value which will escalate the arms race and lay the basis for far higher defense spending in future years.

Programs to improve the quality of the environment *are timid*; the expenditures match neither the bold statements nor actual needs.

The *crises* in education and our urban centers are largely *ignored*. The proposed spending here reflects a stand-pat stance in the face of increasingly critical needs. Expenditures for crime and drug control are woefully inadequate.

[These findings derive from our examination of the following four areas.]

THE BUDGET IS NOT ANTI-INFLATIONARY

The Administration has tried to pin the onus of the current accelerating inflation upon past Democratic fiscal policy and to present its budgets as more and more "fiscally responsible." It has talked proudly of the surplus which is claimed for the new budget.

However, experts agree that the best measure of the net economic impact of the Federal Budget is the surplus of deficit on the National Income Account. This figure reflects the difference between what the Federal Government takes out of the current income stream through taxes and what it puts back through spending.

But rather than increasing, the National Income Accounts *surplus continues to get smaller*, going from $6.0 billion in 1969, to $3.6 in 1970, and down to a razor thin $1.6 billion in 1971,[1] which President Nixon proudly claims as the first budget under his Administration. Such a numerical trend hardly matches the anti-inflationary rhetoric or the injunction of the Budget Message that "we must maintain a policy of fiscal restraints in the current fiscal year and continue it in 1971."[2]

Furthermore, the shrinking surplus becomes particularly critical when its tenuous basis is examined. Here are some illustrations:

The Federal civilian and military pay increase is slipped back six months from July 1970 to January 1971 to save about $1.4 billion.[3] Contrary to statutory policy, it is proposed that not until *January 1971* will Federal pay become comparable *to 1969* private enterprise rates.[4]

Thus, even the small surplus programmed by the Administration rests almost wholly on the requirement that Federal workers, including our servicemen overseas, wait for a pay increase which is already overdue. We doubt that Congress will accept this token gesture toward fighting inflation.

The scheduled surplus also assumes about an additional $1.2 billion in revenues from the Post Office. This would be attained through a "proposed rate increase and other actions,"[5] with $700 million coming from higher rates, including seven cents for first class mail beginning on *April 1* of this year.[6]

The date is clearly unrealistic and the need for improved service will claim much of any revenue increase. To rest three quarters of the total surplus on the money-making potential of the Post Office is at best a risky matter.

The surplus also depends on the enactment of user charges that will add $653 million to budget receipts—yet these same proposals were not accepted last year and it is clear that Congress will, at the very least, reduce them sharply.[7]

The surplus depends on $2.1 billion in savings from program "reforms" and terminations.[8] Many of these proposals have been repeatedly rejected by the Congress.

Since the surplus in the National Income Account declines sharply under the proposed

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budget and since even the small proposed *surplus will likely vanish* as one or more speculative assumptions is unrealized, we believe this is not, in fact, an anti-inflationary budget.

For the fight against inflation, three principal weapons are available:

(1) An active policy of encouraging *voluntary wage and price restraint*. This weapon was discarded in the opening days of the new Administration with the result that the Industrial Wholesale Price Index for the concentrated industries, which had been kept under control by policies of the Democratic Administration rose 6% last year.

(2) A more *restrictive fiscal policy* which significantly increases the National Income Accounts surplus. This weapon has been discarded by the Administration's budget.

(3) A policy of *tight money* and high interest rates.

Having discarded the first two weapons, the Administration is resting all its hopes on tight money. And we already can see its effects—record *high interest* rates, declines in home building, and *cutbacks* in vitally needed State and local *construction* program.

Tight money alone is a potentially dangerous anti-inflationary weapon—the lags in its operation can result in *both* rising unemployment and rising prices, to produce the economic paradox of an *inflationary recession*. Ominous clouds on the economic horizon suggest that this outcome is a real and present danger. Indeed, the Administration is projecting an *increased unemployment* rate and its budget contemplates further inflation.

Given the inflationary situation which the Administration is dealing with so tentatively, it is understandable that the budget assumes a mere $2.9 billion growth in outlays. This would be *one of the smallest* in recent years.

There are two clear choices which would make possible substantial increases in urgent domestic programs *and a genuine* anti-inflationary budget:

Decrease defense outlays by as much as $4 to $5 billion more;

Increase revenues by $3 to $4 billion through *further tax reform*.

Possibilities for defense cuts are discussed below. As to tax reform, the Congress has promised to complete a review *this year* of additional tax reform measures. One of these alone—taxation of appreciated assets at death—would yield $2.5 billion in additional revenues. We would have been gratified if the Administration had lent its support to this and other needed tax reforms, such as increased revenues from the oil and gas industry.

SIGNIFICANT SAVINGS CAN BE REALIZED IN DEFENSE EXPENDITURES

The Administration's budget proposes a reduction in defense spending of $5.8 billion.[9] We commend any effort to free further funds for the urgent domestic needs of our society. We are dismayed, however, that estimated defense outlays would continue at the high level of *$73.6 billion*. Further, the $5.8 billion figure does not reflect the cost of pay increases which will almost certainly be adopted by the Congress.

A reduction of *an additional $5 billion* in this huge defense budget would produce a fund which could substantially contribute to meeting our existing commitments in education, housing, crime control and environmental improvements.

Moreover, all of the estimated reduction, and more, *can be attributed to the announced cutback* in our troop strength and military actions in Vietnam. (The deliberate omission of the traditional analysis of Vietnam costs precludes our discovering the projected savings in our Vietnam costs.) And, under President Nixon's criteria for withdrawal—the level of North Vietnamese military activity and the performance of the South Vietnamese forces—realization of these anticipated savings is *left within the control of Hanoi and Saigon*. We prefer that complete control over the defense budget, as well as over our foreign policy, be lodged in Washington.

The Administration asserts that much of the reduction in defense spending will come about from the phasing-out of certain expensive-to-maintain older systems. Such retirement of obsolete systems largely accords with plans made in prior years. We propose that much more significant savings could be realized if the Administration would cease approving the endlessly multiplying series of major new, overlapping and unproven weapons systems. Among those new programs for which funds are allocated in the Administration's budget and which we believe deserve particularly careful scrutiny by Congress are sea-based anti-submarine aircraft, a third nuclear powered Nimitz-class attack carrier, a strategic manned bomber, a costly new fighter for the Air Force and a fleet defense aircraft for the Navy, as well as an array of new missiles for land and air forces.[10]

Some of these new systems are already functionally obsolete. Beyond that, our major concern is that the Administration budget bears the seeds of continued vast and ever-increasing military spending. As of June 30, 1969, the General Accounting Office has revealed that a total of 131 major programs were in the process of acquisition, with the total costs of completing these programs aggregating over $140 billion. The decisions embodied in the proposed defense budget will substantially increase this staggering figure, even without the inevitable cost over-runs. This, of course, will severely limit our choice of priorities in the years ahead.

Moreover, the Administration's plans for expanded development and deployment of antiballistic missile defenses (ABM) and multiple warhead missiles (MIRV) involve heavy expenditures which ultimately may seriously handicap the successful fruition of SALT discussions with the Soviet Union.[11] Precipitous approval of such new weapons systems signifies an uncritical response to pressures from the military services and an unwillingness to take even the minimal risks which are necessary to enhance the chances of halting the arms race. It reflects also a continued over-reliance on sheer military might to achieve national objectives.

Further, we propose basic procedural changes in the military procurement system to avoid the cost over-runs and performance shortfalls that for the past two decades have plagued us. We believe that the costs of the perhaps unnecessary new weapons systems have been significantly underestimated and their performance significantly exaggerated. The General Accounting Office has noted that "one of the most important causes for cost growth is starting the acquisition of a weapons system before it has been adequately demonstrated that there is reasonable expectation of reasonable development."

Another major cause cited by the GAO is inadequacy in the initial definition of system mission requirements and technical performance specifications.[11a] These underlying flaws, with their serious budgetary consequences, should not be allowed to continue. We need leadership to eliminate these now; we do not need merely another "Blue Ribbon" study panel.

THE RHETORIC OF IMPROVING THE ENVIRONMENT MUST BE MATCHED WITH FUNDS

We agree with the President's rhetoric concerning the urgent need for improving the quality of our environment. These words must be met with the funds to do the job; and this simply is not done in the proposed budget.

For example, in the area of water pollution control, the President proposes *to spend in 1971 only half as much as Congress appropriated* for this problem *in 1970*. For 1970, Congress appropriated $800 million while the President requested only $214 million. In 1971, the President proposes to spend only about $360 million. Under the President's so-called "10-billion" dollar program, he would not reach an $800 million annual spending figure *until 1975*, although Congress already appropriated that sum for 1970.

Further, this "5-year-$10 billion" water pollution program would, in fact, be spread over nine years, and more than half of the cost must be borne by the hard-pressed States and localities.[12] State and local governments would be allowed to borrow their share through a new Federal environmental financing authority. According to the Budget, "the purpose of this authority is to encourage State and local participation in projects of this type without placing additional burdens on congested municipal bond markets."[13] But such markets have become "congested" largely through the Administration's tight money policy. Instead of a "new initiative" this step thus might be more accurately labeled as an *effort to moderate the impact* of other Administration policies.

In air and water pollution control combined, there is a modest increase of $230 million over outlays made last year. Weighed against the need, the increase is grossly and patently inadequate. Authorization in legislation passed in the preceding Administration envisioned the expenditure of about *$500 million more annually* than was spent in 1969;[14] the proposed increases thus do no more than half-way fill the gap between actual and authorized spending.

It should also be noted that a further cut in the Defense Budget of only $300 million—less than *one-half of one percent*—would make it possible to raise the proposed increase by *one hundred percent* and at least meet commitments already made by Congress. We regard it as questionable to call these increases "new initiatives" when they are really just halfway steps—however desirable—toward meeting old obligations. We believe that conditions require and the American people desire that really significant budgetary initiatives be taken promptly in this area.

THE URBAN AND EDUCATIONAL CRISES MUST NOT BE IGNORED

The Budget Message reflects *too little concern* with the urban and educational crises. We are pleased that it contains the beginnings of a promising family assistance program and a small start on revenue sharing. (Both programs are borrowed, in part, from Democratic proposals.) But for next year the critical problems of the city and education are allocated *few additional resources*.

Revenue sharing appears to be the Administration's only "solution" to the two crises. For this year, however, only $275 million would be provided. Applying the formula in the Administration's bill, this would yield *less than one dollar per person* for a city like New York. States would fare little better. For hard-pressed Mayors and Governors, this can hardly be regarded as much help.

At the same time, the budget's *sacrifice of further support* for education can be illustrated by considering two levels of education. The program for education of children from low income families (Title I of the Elementary and Secondary Education Act) is allocated $1.3 billion—a $74 million increase over 1970. This will probably not even offset the effects of inflation and needed increases in teachers' salaries. The number of children served would be level at 7.9 million.[15] And for *higher education* there are *drastic cuts*. The programs to aid construction of facilities would fall from $580 million to $100 million, despite increasing enrollments and rising costs.[16]

The Administration proposes badly-needed

Footnotes at end of article.

increases in manpower programs. It would provide for enrolling 200,000 additional persons in these programs. At the same time, it is projecting *unemployment increases of as much as 700,000*, or more. But, there are practically no new jobs to be created under the budget.

The *stand-pat posture* towards the cities is illustrated by the fate of the urban renewal program. According to the Budget, this program "remains the primary tool for helping cities and towns convert slums into attractive productive areas." [17] So vital a task ought to be given a high priority—and deserving *substantially greater resources*. Yet the Budget announces that "the 1971 request for $1 billion of budget authority will continue the program at the 1970 level." [18] The majority of Americans, silent and otherwise, live in urban areas. They know only too well how critical the need has become to do more and to do it more urgently.

The budget proposes a mere $33 million for programs of the Bureau of Narcotics and Dangerous Drugs.[19] The much-heralded increase to $480 million for the Law Enforcement Assistance Administration brings appropriations to *less than half the level authorized* for 1971 by the previous Administration. Expenditures would lag even further behind—at $368 million.[20]

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We believe the time has come to do more than talk about re-ordering our priorities. The Congress made a good start last year. Let us now *really bring America's priorities into line with her needs*. To achieve this end we urge:

A careful pruning of the defense budget to find where spending should be *substantially reduced*. This will free money now for compelling domestic problems; reduce inflationary pressure; make sure we do not escalate the arms race; and avoid laying the basis for ever-greater and more wasteful defense budgets.

Significant, *new tax reform measures*.

The use of part of these savings to generate a more *realistic and responsible budget surplus*.

The use of the balance of such savings to:

Attack air and water pollution;

Meet the crises in education and in the cities;

Create more jobs;

Fight crime and drugs;

We know that Congress will examine this budget in great detail. But we ask that our fellow Democrats, and indeed all Americans, also look at it with care and with concern for the priorities it reflects. It charts the course for our country for the years to come. Passive acceptance of the Administration course can lead only to a *dead-end and national decay*. Instead, we must work together to chart a different course to a different vision where people—their pocketbooks, their schools, their cities, their air and water, their hopes and aspirations for a better life—take priority over an obsessive concern about unlikely military threats.

Respectfully submitted,

MERTON J. PECK,
Senator WALTER F. MONDALE,
PAUL C. WARNKE.

FOOTNOTES

[1] *The Budget of United States Government*, p. 592. Henceforth cited as *Budget*.
[2] *Budget*, p. 11.
[3] *Special Analyses of the Budget of the United States*, Fiscal Year 1971, p. 103. Henceforth cited as *Special Analyses*.
[4] *Ibid.*
[5] *Budget*, p. 122.
[6] *Budget*, p. 121.
[7] *Budget*, p. 70.
[8] *Budget*, p. 50.
[9] *Budget*, p. 17.
[10] *Budget*, p. 86.
[11] *Budget*, p. 85.
[11a] Report to the Congress by the Comptroller General of the United States on "Status of the Acquisition of Selected Major Weapons System." February 6, 1970.
[12] *Budget*, p. 108.
[13] *Ibid.*
[14] CEA, *Annual Report*, 1969, p. 202.
[15] *Budget*, p. 141.
[16] *Budget*, p. 138.
[17] *Budget*, p. 133.
[18] *Ibid.*
[19] *Budget*, p. 379.
[20] *Ibid.*

SHULTZ EXPOSES OIL MYTHS

Mr. PROXMIRE. Mr. President, Secretary of Labor Shultz who chaired the Cabinet Task Force on Oil Import Control and who was the only professional economist member of the group testified yesterday before Senator HART's Subcommittee on Antitrust and Monopoly.

Secretary Shultz exposed the oil industry's arguments for what they were—myths perpetrated to protect a subsidy.

He pointed out that under the most extreme case that can rationally be postulated—no Middle Eastern or Western Hemisphere oil for a whole year—we could let oil prices sink to $2.50 a barrel and still supply ourselves with 92 percent of our total needs without rationing. If we instituted relatively mild rationing, we could supply more than we need by ourselves.

Despite this finding by President Nixon's own panel of experts, the President chose to postpone a decision on changing the present oil import program until after the election. Why? The reason is, I think, clear: The only justification for limiting the amount of oil that can be imported is national security and there is no national security justification for the present program. Rather than offend his most generous campaign contributors, President Nixon took the political way out by postponing a decision until after the election even though the program is costing the American consumers about $5 billion a year and is clearly fueling the fires of inflation.

However, rather than go into detail about Secretary Shultz's brilliant presentation, I ask unanimous consent that Spencer Rich's article in the Washington Post, which ably summarizes the Secretary's testimony and the Secretary's prepared statement, be printed in the RECORD.

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

SHULTZ CALLS OIL QUOTA NEEDLESS

(By Spencer Rich)

Secretary of Labor George P. Shultz said yesterday the oil import quota system "does not reflect national security needs, present or future, and is no longer acceptable.

"Besides costing consumers an estimated $5 billion each year ($8.4 billion per year in 1980), the quotas have caused inefficiencies in the marketplace, have led to undue government intervention and are riddled with exceptions unrelated to national security," Shultz told the Senate Antitrust Subcommittee.

A Cabinet committee headed by Shultz recently recommended scrapping the import quota system in favor of a tariff mechanism that would allow more oil to enter and let U.S. prices drop 30 cents a 42-gallon barrel. But President Nixon has taken no action and has not indicated when or whether he will do so.

Shultz said yesterday, "It should be understood that I do not and cannot speak for the President, who has reserved decision for the present on the recommendations of the report."

The oil import quota system was set up by President Eisenhower in 1959 to limit low-cost foreign oil imports, on the theory that U.S. national security dictated that the nation should not become excessively dependent on foreign oil.

Yesterday, Shultz, summarizing the findings of the 9-month Cabinet study, regarded as the most comprehensive ever made on the subject, offered a refutation of every major oil industry justification for the current system.

Under the tariff system recommended by the five-member majority of the Cabinet group, imports from the troubled Mideast would be limited to 10 per cent of U.S. demand annually, and tariffs would be fixed so that the wellhead cost of U.S. oil would drop from $3.30 a barrel to $3—a change that would drop the price of gasoline at the refinery by about four-fifths of a cent a gallon, according to Dr. John Blair, economist for the Antitrust Subcommittee.

Shultz himself favors fixing the tariffs so that the wellhead price would go down another 50 cents a barrel to $2.50, which would push the gasoline price down another 1.36 cents.

The oil industry has always argued that low domestic prices would mean a dangerous fall in domestic supplies, but Shultz indicated that Cabinet committee studies did not bear this out.

If the $2.50 system were adopted, he said, then by 1980, even if all Latin American and Mideastern supplies were cut off for one full year, "the U.S. and Canada together would be able to satisfy 92 per cent of their demand without rationing and more than 100 per cent with rationing."

Shultz also said:

The oil industry would not find it impossible to finance discovery of new oil reserves if a tariff system were installed and lower prices resulted. Money now spent on exploring and developing wasteful marginal oil properties would be diverted to higher-return activities. Excessive bonuses paid to landowners for the right to drill also would come down. Per unit costs would be reduced by removing artificial production limitations in Texas and Louisiana designed to keep prices up.

Lower oil prices will not cause a shortage of natural gas, which is often found in conjunction with oil, by reducing new discoveries, as claimed by Interior Secretary Walter J. Hickel and Commerce Secretary Maurice H. Stans in their two-page minority report to the lengthy Cabinet study. Large new supplies of natural gas should soon be available from Alaska, Shultz said, and in addition, increases in natural gas prices would stimulate new exploration for gas alone without the need to raise oil prices.

The national economy as a whole would not be hurt; in fact, high oil prices helping feed inflation would be reduced. Consumers would save $1.6 billion a year by 1975 under the Cabinet group recommendations, and the tariffs would generate $500 million a year for the government.

HAWAII'S FIGHT AGAINST RUBELLA

Mr. FONG. Mr. President, in view of the nationwide and worldwide concern about rubella, sometimes called German measles, I thought my colleagues would be interested in Hawaii's antirubella

program. The State's massive effort to eradicate rubella has been spearheaded by Dr. Scott B. Halstead, an internationally known virologist who is in charge of the University of Hawaii School of Medicine's Department of Tropical Medicine and Medical Microbiology.

Dr. Halstead, while at Yale University, had heard rumors that Hawaii had the highest rubella susceptibility rate of any major populated area in the world. Upon his arrival in Hawaii, in 1968, the existence of a "disastrously dangerous situation" was confirmed.

The saying that "so few have done so much in so short a time" is most apropos as it concerns Dr. Scott B. Halstead, his research staff, Dr. Sharon Bintliff of Kauikeolani Children's Hospital, and concerned community leaders and organizations. Since 1968, they have succeeded in inoculating one-half of Hawaii's children, all military personnel and dependents and are now working on a program to inoculate all children in the State of Hawaii.

At one time, rubella was considered to be an innocuous disease causing little concern. Scientific research has since proven rubella to be especially dangerous to pregnant women and to women who are planning to have children and who are susceptible to this disease.

The last major rubella epidemic in the United States—1964 and 1965—afflicted an estimated 30,000 would-be mothers. Abnormal pregnancies and the birth of children—"rubella babies"—with serious congenital defects such as blindness, deafness and serious heart ailments were the tragic consequence of this epidemic.

Since then, a vaccine was developed that produces immunity without causing the disease. With U.S.-licensed vaccine now available, a nationwide effort is being made to forestall repetition of such tragic consequences from the next rubella epidemic which is expected to strike this year and next year. Mass inoculation programs are underway to immunize children and other susceptible persons against rubella. It is expected that the epidemic will be substantially ameliorated and that most pregnant women will be protected from this disease which can inflict such serious and permanent damage on an unborn child.

Hawaii's well-advanced programs are described in an article entitled, "Isle Researchers Winning Fight Against Rubella." This article was written by William Helton, science writer, for one of Hawaii's fine newspapers, the Honolulu Advertiser and published on February 24, 1970. I ask unanimous consent that the entire article be printed in the CONGRESSIONAL RECORD at this time.

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

ISLE RESEARCHERS WINNING FIGHT AGAINST RUBELLA

(By William Helton)

The State's massive effort to wipe out rubella, or German measles, is a perfect example of what a medical microbiological research group—and a school of medicine—can do for a community.

This is the view of Dr. Scott B. Halstead, head of the University of Hawaii School of Medicine's department of tropical medicine and medical microbiology.

Sitting in his developing laboratory facilities at Leahi Hospital, where he had been overseeing the installation of an air conditioning unit, Halstead described the effort to rid the State of rubella and his role in it.

It began when Halstead, an internationally respected virologist, was at Yale. There, he heard rumors that Hawaii had the highest susceptibility rate of any major populated area in the world.

Halstead arranged to obtain some serum samples from Hawaii soldiers undergoing training in California. Initial results indicated there indeed was a "curious situation" in Hawaii.

Arriving here in September, 1968, Halstead soon confirmed the existence of a "disastrously dangerous situation," particularly among women of Japanese ancestry who were most susceptible.

Indeed, Halstead found that about 75 per cent of all women of Japanese ancestry were susceptible to the disease. If not destroyed, rubella could have been responsible for untold numbers of birth defects—ranging from deafness and blindness to serious heart ailments.

In March, 1969, Halstead in cooperation with the State Department of Health, decided to do something about it. Armed with his research, he set off for New York and the national headquarters of the National Foundation of the March of Dimes.

His goal was to get Hawaii designated as an area for an attack on rubella, using a vaccine newly licensed by the U.S. government.

He struck out in New York, but on the same trip he went to the National Communicable Disease Center in Atlanta. The result of that visit was a shipment of 15,000 free doses of vaccine here.

Initially, the vaccine was to be administered to school children on Maui, Kauai and the Hilo district of the Big Island, to test the long-range ability of the drug to ward off the disease.

In May, 1969, Halstead, along with Dr. Sharon Bintliff, of Kauikeolani Children's hospital, organized a cooperative Committee to Eradicate Rubella in Hawaii. They are now co-chairmen of that committee.

The committee's work has led to more vaccine for the State. The military has received free vaccine for all dependents, and, finally, all children, from 1-year-old to puberty, were to be vaccinated at no cost.

All told, Hawaii has received three times more vaccine than any other state. Almost half of Hawaii's 185,000 children have been vaccinated. Plans are to inoculate all of them to protect their mothers.

Moreover, Halstead is pushing for expansion of the program to include everybody. He says that 70 to 80 per cent of the post-pubertal group also is susceptible to the disease.

Related to this, Halstead hopes, if funds are available, to begin a program aimed at serum testing all Island women.

"It would let a woman know if she were immune or susceptible to rubella. If she is susceptible, she could take the option of getting vaccinated before she begins her family, Halstead said.

Another aspect of the rubella program Halstead is involved in—in addition to testing various vaccines the government is considering for licensing—is the analysis of babies who are suspected to be "rubella babies."

Six babies were born recently with birth defects—primarily cataracts—believed to have been caused by rubella. There may be more, Halstead says, because some defects become noticeable only two years or so after birth.

"For these babies, the doses came too late," he said.

Halstead said his laboratory is the only "competent one" in the State for doing this and other analyses of infectious diseases. It is the only source of virologists trained on the graduate level. Even the Department of Health has none.

The two medical doctors and six PhDs in the department have done all this work using virtually no State funds. Only Halstead receives a portion of his salary—some $7,000—from the State.

All the teaching, the research and most of the equipment, were bought with Federal money, Halstead said.

"We are operating completely on money we generated ourselves," is the way he puts it.

The department is doing more than research on rubella with that money. Here are some of the examples of the other projects undertaken by the department:

Curiously, infectious mononucleosis, a disease purported to be spread by kissing, is virtually absent here. In cooperation with Dr. Donald Char, of the University student health service, the department is trying to find out why—whether it is due to cultural or genetic reasons, for example.

Dr. Robert Desowitz is working on malaria, still the most prevalent disease in the underdeveloped world. Using animals, he is trying to discover the mechanics of the disease—"what it does to make you sick."

Eventually, of course, the hope is to apply this knowledge to development of better ways of treating the disease and better vaccines for wiping it out.

Desowitz also is engaged in research on a deadly disease called hemorrhagic fever, a virulent malady that takes a heavy toll of deaths in Southeast Asia each year. About 6,000 infants died of it in Thailand in 1969.

The disease is spread by a mosquito called aedes egyptis. Its symptoms of skin hemorrhages, nose bleeds and bloody vomiting lead to death in half the victims it strikes.

Thus far, there is no vaccine against the disease. Desowitz is involved in basic research that could lead to one.

In addition, the department has been designated as a counterpart to a similar department in the developing medical school at the University of Saigon. This involves an exchange of ideas and faculty members.

The idea is to help the Saigon medical school get on its feet.

According to Halstead, Vietnamese medicine is where French medicine was 25 or 30 years ago. One of the good things that might come out of the Vietnam war is the upgrading of medical care there, he said.

This, Halstead believes, can be accomplished by instilling into the Vietnamese the open-mindedness of American medicine.

"Diseases have causations and you can correct this specifically by the intelligent use of laboratories and drugs. But you have to have an open mind. You have to judge each case individually.

"You just can't administer medicine according to rules you have been taught. They are killing patients left to right by the overuse of medication."

Halstead believes his department may be able to help change this.

CLAIMS OF NATIVE ALASKANS

Mr. HARRIS. Mr. President, the Committee on Interior and Insular Affairs is now considering legislation to settle the claims of the native people of Alaska. The committee and its leadership are to be commended for their recognition of the necessity that Congress act now to provide settlement delayed for 102 years.

All of us are aware that this legislation is of critical importance to the native people and to all Alaskans. But its significance extends far beyond Alaska's borders.

Each day our deliberations here reflect and focus an agonizing process in which all Americans are engaged—that of re-

examining, redefining and rediscovering the moral standards on which our national policies and priorities at home and abroad are based. This process of self-examination is the fundamental fact of national social and political life.

It is in this context that the broad significance of Alaska native claims legislation becomes apparent.

In the rush toward manifest destiny in the lower 48 States, by treaties and statutes—and, indeed, by force of arms—we took Indian lands. We extinguished their native titles to land and confined Indians in ways which were designed to destroy their cultures and patterns of life. In return, we paid them a bit of money and encumbered their lives and spirits with the white man's paternalism and control.

I am sure all Members of the Senate share with me a feeling of shame for this history and a deep sense of frustration that our more recent attempts to alter the results of that history have met with little or no success.

The native people of Alaska, on their own initiative and after counseling and agreeing among themselves, now present this Congress with the unique opportunity to apply high standards of national policy, avoiding the errors of that sad history. They offer us the means to enact sound precedents for the future and to do justice.

As a matter of law the native peoples own outstanding, unextinguished aboriginal title to approximately 93 percent of Alaska. Their claim, therefore, rests not only on moral ground but also on firm legal ground. There can no longer be any reasonable doubt as to that firm legal ground. Most recently, on December 19, 1969, the U.S. Court of Appeals for the Ninth Circuit, in Alaska against Udall and Alaska against Native Village of Nenana, affirmed the natives' position: That their aboriginal rights were preserved in the Alaska Statehood Act; that the power of Congress to confirm to the natives interests in those lands was preserved in the Statehood Act. The opinion also casts substantial doubt on the authority of the Secretary of the Interior to have issued any patents to the State on native lands without first having conducted hearings to determine validity of native claims.

In the bill the natives framed, which is now being considered by the committee, they say to us: Here is the legality and morality of our claim. They propose now for the benefit of all Alaskans, and in order to enhance the development of the vast potential of that State, to settle their legal claims by the passage of this bill. They ask in return, not for charity, but for compensation for what is theirs.

When we consider the value of the State of Alaska in 1970, what the native people ask in compensation seems modest indeed. They ask us to pay them $500 million in cash over a period of 8 years with interest on the unpaid balances. They ask us to confirm for the native villages fee simple title to 40 million acres of land from the public domain to which they now have aboriginal title. They ask us to provide that from the proceeds of sale of resources from the remainder of the public domain, to which they also have aboriginal title, they be given a royalty of 2 percent.

We see the modesty of their asking price when we recall the generosity of Congress to the State of Alaska when Congress passed the Alaska Statehood Act in 1958. From the public domain of 365 million acres we gave the State the right to select 103 million acres. From the remainder of the public domain, we gave the State 90 percent of the revenues from minerals and liberal portions of receipts from other important resources. In only one sale of oil and gas leases on the North Slope the State of Alaska received $900 million in lease bonus payments. All agree that we have seen only the beginning discoveries of Alaska's vast mineral resources.

The settlement bill proposed by the natives also provides for machinery to insure that the assets secured to the natives as compensation will be preserved and managed by the native people and for their benefit now and in the future. They propose a system of economic development business corporations with affiliated nonprofit corporations. The directors of these corporations would be elected by the natives who would be the corporate shareholders. These directors would then hire expert management and would be required to look to the native villages and tribal groups for diagnosis of local problems and for local solutions. The crucial point here is native control of their own assets and of their own destiny.

In the past few years, we have heard several sound pronouncements of national policy with respect to the future relationship between the Federal Government and its Indian and native citizens. Much of this rhetoric has dealt with Indian self-determination. On March 6, 1968, in history's first special Presidential Message to Congress on Indian affairs, President Johnson spoke sensitively of the need to preserve for the Indian people the option of pursuing forms of traditional life or of changing their lives; of being permitted to manage their own affairs and of being allowed in the course of that management, the opportunity to make their options realistic by building viable Indian economies.

The natives of Alaska have proposed a sound system by which Congress, while settling their claim, would erect machinery by which the native peoples would control their own property and destiny and have the opportunity to build viable Indian economies.

We hear it asked: Are they ready? This question has been asked about Indian people throughout our history. The answer is clear: They are ready. Not every small non-Indian community in the United States has among its citizens people who are experienced at administering the school system or managing public funds or planning public services. But who would deny the right of the voters in those white communities to elect school boards and city councils and boards of county commissioners who are then charged with hiring school superintendents and city managers and county executives, who do have the necessary expertise. This same right is now demanded by the natives of Alaska. In this way, the Alaska natives propose to the Congress a system which may serve as a valuable precedent for reordering the relationship between the Federal Government and all American Indians—for implementing the principle of Indian self-determination.

No one seriously questions either the legality or morality of the claim the Alaska natives present. The price they ask for their claim is reasonable. At this late moment in the history of our dealings with the Indians, it cannot be questioned that they have the right to determine the direction of their own affairs and destiny.

When the National Council on Indian Opportunity met on January 26, 1970, the Indian members of the Council prepared a statement of recommendations. The justice of the claim of the Alaska natives is recognized in the statement wherein it is declared:

> Justice requires that the settlement embrace the proposals set forth by the Alaska Federation of Natives which contemplates:
>
> 1. That fee simple title be confirmed in the Alaska Natives to a fair part of their ancestral lands.
>
> 2. That just compensation for the lands taken from the Natives include not only cash but also a continuing royalty share in the revenues derived from the resources of such lands.

I agree with this recommendation, and I commend to the serious attention of all Senators the settlement proposal framed and advanced by the native peoples of Alaska.

Today, I have written the distinguished Senator from Washington, the chairman of the Interior and Insular Affairs Committee (Mr. JACKSON), commending the committee for its work and urging that prompt action be taken on this matter. I ask unanimous consent that the letter be printed in the RECORD.

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

U. S. SENATE,
March 4, 1970.

HON. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs, Washington, D.C.

DEAR MR. CHAIRMAN: I wish to express to you and all members of the Interior and Insular Affairs Committee my appreciation for your recognition of the importance of the Alaska Native Claims legislation now being considered by the Committee.

I also appreciate your understanding of the urgency that the Congress act on this legislation as early as possible during this Session. We all know that the matter has been postponed for 102 years and, more immediately, that the "freeze" on State selections of land imposed by Secretary Udall and continued in effect by Secretary Hickel pointed up the need for urgency to the Congress. Now the United States Court of Appeals for the Ninth Circuit has recently added to the reasons why this Congress must give priority to legislative settlement of the Native claims.

I am certain you share with me the view that the Court's opinion on December 19, 1969, in *Alaska* v. *Udall* and *Alaska* v. *Native Village of Nenana* makes even more clear that development of the State of Alaska and the interest of the Native people require fast action. The opinion also supports the legal basis of the Natives' position that their aboriginal rights were preserved in the Alaska

Statehood Act and; that the power of the Congress to confirm to the Natives' interests in their aboriginal lands was also preserved in the Statehood Act. There can no longer be any reasonable doubt that the Congress can confirm to the Natives' revenue sharing interests even in selected or tentatively approved lands.

On January 26, 1970, the National Council on Indian Opportunity met and the Indian members of the Council made a presentation at the meeting which related to numerous items including the Alaska Native Claims. In this regard it was stated:

Justice requires that the settlement embrace the proposals set forth by the Alaska Federation of Natives which contemplates:

1. That fee simple title be confirmed in the Alaska Natives to a fair part of their ancestral lands.

2. That just compensation for the lands taken from the Natives include not only cash but also a continuing royalty share in the revenues derived from the resources of such lands.

I agree with this recommendation, and nation-wide interest and concern are growing over the necessity for a quick settlement by legislation which will fully compensate the Native people. I urge the Committee to take favorable action on this vital matter as soon as possible.

Sincerely yours,

FRED R. HARRIS,
U.S. Senate.

OUR RAVAGED NATURAL ENVIRONMENT

Mr. MUSKIE. Mr. President, the people of the United States today are becoming increasingly aware of the extent to which we have ravaged our natural environment and of the urgency of taking steps to correct a situation which threatens our very survival. This environmental conscience holds great potential for our land, our air, our water, and our own future together.

But awareness of the problem is not enough. It is the immediate responsibility of the lawmakers of our country to mold the voices of this conscience into a strong and workable national program.

Equally essential as action by the Federal Government is initiative on the State level. We cannot overemphasize the role which the States must play in cleaning up our environment.

On February 13, Gov. Marvin Mandel delivered an environmental message to the Maryland General Assembly worthy of note by leaders of all States. The program outlined by Governor Mandel in this address reflects a keen sensitivity to all aspects of this problem—fiscal, logistical, and political—as well as a determination to clean up the State of Maryland whatever the cost.

In offering a broad program of legislative proposals, Governor Mandel has set an example of which we should all be aware. I therefore ask unanimous consent that the text of this address be printed in the RECORD.

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

REMARKS OF GOV. MARVIN MANDEL

Mr. President, Mr. Speaker, Ladies and Gentlemen of the General Assembly, My Fellow Marylanders:

It is a rare intrusion when a Governor feels compelled to come before the General Assembly—and the people of Maryland—twice during the first month of a Legislative session.

I felt this extraordinary step was necessary, because we have an extraordinary opportunity.

Our citizens are convinced that the course of society is moving us relentlessly toward an environmental catastrophe.

The most frightened among them are being persuaded that man as a species will vanish in a cloud of industrial haze, or in a flood of polluted water.

I come before you today, not as a prophet of doom—nor as a fiery evangelist of the latest social crusade.

I am here to talk common sense.

At the outset, let me say that I come before you with pride in what Maryland already has accomplished, and with confidence in Maryland's future actions in the field of environment protection.

Let me ask a question.

How often have we heard Maryland cited as a horrible example of what pollution has done to a state?

The Chesapeake Bay is not Lake Erie. It is alive and productive.

Unlike the Delaware Estuary, the Bay's oxygen supply has not been choked off. Rockfish are flourishing.

And unlike the Raritan Bay, there has never been a case of disease traced to shellfish from Maryland waters in modern times.

The reason for this is that Maryland began planning while much of the nation remained indifferent. Maryland began acting while the Federal Government talked.

For more than half a century, the renowned Abel Wolman has been devoting his wisdom and his energies to the conservation and improvement of Maryland's environment.

In the early part of this century, Baltimore City tore up its streets to separate its storm and sanitary sewers, and to build a sewage treatment plant that at that time was the most modern in the world.

Easton showed the State how oxidation ponds could be used to purify sewage, and at the same time pioneered the use of modern sanitary landfill.

St. Michaels built a modern sewage treatment plant to protect its harbor and its shellfish industry long before Federal and State grants became available.

Charles County Community College is the nation's foremost institution for training environmental workers. Ironically, only a few years ago, one of its applications for Federal assistance was rejected with the explanation that training in environmental skills was a local problem of no national significance.

Allegany County was able to install sewer systems through its mountain ranges, while many areas of the nation still have not run pipelines across their flatlands.

Frostburg has shown the world how trash can be used to restore land by using abandoned strip mines to dispose of solid refuse.

That City's scientific approach to the problem has been studied by experts from around the world.

Does this appear as though we have been neglecting our environment?

If this were the case, then I could join the chorus of doomsayers, and tell you that by the end of the decade man will evaporate in an overabundance of his own waste.

This is but a small example of what Maryland's towns, its communities, and its cities have done to solve their own environmental problems. In many of these efforts, they received financial support and technical guidance through various State programs.

But I said I am here to talk common sense.

I will not stand before you and say that mistakes have not been made—that we have not abused our air, our water, our land.

We are living on the ugly side of abundance.

In contrast to the Bay, we have turned our rivers and harbors into open sewers.

We have left trash heaps smoldering on the outskirts of our residential areas.

We have filled the air with noxious gases and smoke.

We have uprooted trees, and scraped the crust off the earth.

We have gouged our mountains for coal, and left poisonous acids bleeding into our streams.

But we recognized the foolishness of these errors, and we moved with forceful legislation to correct them.

So that there be no misunderstanding, I do not pretend that pollution does not exist.

What I am saying is that through the bold and visionary actions taken by this General Assembly, Maryland has begun to check the spread of pollution and, in many cases, to reduce the accumulated neglect of 300 years.

While present laws are adequate to correct the errors of the past, they will not serve to prevent the problems of the future.

The legislative program I will outline for you today may require Maryland to solve its problems without the benefits of the promised Federal partnership.

Like many of you, I paid careful attention to the President's message on the environment earlier this week.

While I was encouraged that he recognized our problems, I was shocked to learn that he proposes reducing by 20 percent—or one-quarter billion dollars—the annual Federal contribution to water pollution abatement programs.

In addition to the reduction in dollars, the President also intends to reduce the level of Federal support from 55 to 40 percent.

However, there was some small consolation in the President's message. It was gratifying to learn that he proposes to dispose of junk cars through a bounty plan, which my Administration sponsored—and this General Assembly enacted—last year.

Perhaps the Federal Administration's awareness of environmental problems was best summed up by one of its officials who was quoted in yesterday's Washington Star:

"The states gambled that the government would appropriate funds. They lost."

How can we have confidence that future joint ventures with the Federal Government will be more reliable when they refuse to honor past commitments?

It is clear that we must plan—and act—with a commitment to our citizens, and to our future, rather than to a batch of unredeemed IOU's.

The legislation I am proposing to you today is a commitment to that future. It will:

Revamp our methods of managing liquid and solid wastes.

Extend soil conservation practices to all land uses throughout the State.

Provide an effective method of financing shore erosion control projects.

Attack the problem of acid drainage from abandoned mines.

Continue the State's generous participation in the construction of sewage treatment plants.

And strengthen our air and water pollution control laws.

In addition to these new measures, I urge you to adopt a Wetlands Bill along the lines recommended by the Legislative Council.

It is also essential that a multi-state approach be taken to protect the Potomac and Susquehanna Rivers.

The Compact among Maryland, New York and Pennsylvania, which we ratified years ago, is languishing in Congress.

I have been actively prodding Federal officials to help get the necessary Congressional endorsement of this agreement.

The Potomac Compact, a crucial step in our quest to upgrade this waterway, is now before the General Assembly. I urge you to act favorably on this measure.

Along with recommending these legislative

proposals, I am exercising executive prerogatives to make our existing laws more effective, and to give Maryland a unified approach to conservation and environmental control.

I am preparing an executive order creating the Council on Maryland's Environment and specifying its duties.

I also have instructed the Secretary of Health and Mental Hygiene to participate as a party in all cases involving Maryland's interests before the Atomic Energy Commission.

In addition, I am requesting the Attorney General to join in defense of Minnesota's efforts to draft stricter radiation standards than the Federal Government requires.

If this power can be established by the states, Maryland will exercise it.

The Secretary of Natural Resources will prepare a complete and coordinated plan for research and monitoring of atomic power plants on the Chesapeake Bay.

I have asked the Secretary of Planning to move as rapidly as possible to enable the Chesapeake Bay Inter-Agency Planning Committee to produce a comprehensive plan for the use and protection of the Bay.

The Open Space Program, which was enacted by the General Assembly last year, will be implemented as rapidly as funds are received to purchase available recreation lands before they are converted to other uses.

It is essential that public facilities set a good example for compliance with pollution control laws.

Accordingly, I am directing the heads of all State agencies to review practices at every installation, and to file plans for compliance with the appropriate regulatory agency.

I have instructed the Secretary of Planning and the Director of Public Improvements to give the highest priority to the funding of needed pollution control facilities—and I am asking the Board of Public Works to endorse that policy.

Until recently, pollution of the air was increasing dangerously.

1969 marked a significant turning point. Action was taken not only to halt the further fouling of the air, but to reduce current levels and to prevent serious build-ups in the future.

Methodically, all open burning dumps in the State are being eliminated.

A ban on open burning, a tax on automobile hulks in junk yards, and a cash incentive for turning junked cars over to scrap processors have begun to bring the problem of the abandoned automobile under control.

In conjunction with the National Air Pollution Control Administration, we have taken the first step to restore clean air to the Washington and the Baltimore metropolitan areas.

Strict limitations have been placed on the sulphur content of all fuel oil. The sulphur content of coal is regulated where it is used in large industrial burners.

Discharge of smoke and soot has been outlawed so that emissions from power plant stacks in the future will be invisible.

In the case of older plants, improvements have been scheduled over a period of time so that the clean-up can be accomplished smoothly and quickly, without interrupting the supply of power.

During 1969, activities more than doubled under the State's air quality program, and further upgrading and expansion is scheduled for this year.

Local air pollution control programs also are being strengthened and coordinated with State programs.

During the past year, information was obtained on more than 1,600 actual or potential, sources of air pollution. One hundred of the largest sources were screened for detailed evaluation and enforcement procedures.

As a result of this effort, 20 compliance plans have been submitted to the Department of Health and Mental Hygiene. Five of these compliance plans—including the Baltimore Gas and Electric Company and the Potomac Electric Power Company—have been approved.

Modification of these facilities to greatly reduce pollution is now underway.

The Bethlehem Steel Company's plan is near final review, and approval is expected within a few days.

It is worth noting that these three firms alone are legally committed to invest about $72 million to fight pollution over the next several years.

This is not a penalty. This is progress.

And to assure continued monitoring for possible infractions of the Air Quality Control Law, I am asking you to enact legislation that will simplify enforcement procedures of the existing safeguards.

At this point, Federal law prevents the states from pre-empting standards to control pollution emissions from automotive exhausts.

No state in the nation has a water pollution control program that is more effective than Maryland's.

In 1966, for example, Maryland enacted legislation which requires that each of the 24 major subdivisions develop comprehensive 10 year water supply and sewerage plans by January 1, 1970.

Today I am recommending that the water and sewerage planning act be amended to require parallel planning for solid wastes disposal.

The legislation that I am proposing to you is a bold, new approach.

The environmental Services Act of 1970 will create a public utility-type agency to provide waste treatment services on a wholesale basis.

It could be described as a statewide sanitary district that is required to provide solid waste disposal and sewage treatment plants for our communities and industries.

The proposal protects the existing authority and control that local governments exercise over land uses and other social and economic objectives.

But the new service would be required to provide the facilities to treat liquid wastes and to dispose of solid wastes when, and where, those services are needed.

One of the most valuable features of the water and sewerage planning act was authorization for the State to share in the financing of the planning costs.

I am recommending that this same cost-sharing plan be adopted for the solid wastes program.

The Water Quality Loan Act of 1968 was passed as part of a comprehensive water pollution control program.

That program has been highly successful with one exception—the default in Federal funding.

The lag in Federal grants for construction of sewage treatment plants has received much attention. Virtually unnoticed, however, is the default in Federal funds to support regional river basin planning.

I am proposing, further, that county sanitary commissions be permitted to carry out the same kind of regional and county-wide projects in solid wastes that they are now authorized to develop for water supply and sewerage service.

The changes I am recommending will free planning money, so that Maryland will not be held back by the inadequate Federal program.

Also, we will be permitted to use money on State water pollution control facilities without applying for Federal assistance.

Since all of the authorized loan money will not be needed in the coming year, I am asking for the authority to use part of that money to make grants for sewage treatment plants.

By making this transfer of funds, we can continue our momentum toward the 1971 goal without authorizing additional bond sales.

The Federal authorization expires in 1971, when we can expect major revisions in the Water Pollution Control Act.

For this reason, it seems prudent to make these temporary adjustments.

In addition, I am recommending legislation which would provide assurance that privately owned and operated landfills would not be abandoned in an unsightly and unusable state.

For too long, we have placed the major burden of soil conservation on the farmer.

Through the State committee and the soil conservation districts, our farmers have acted as good stewards over soil agricultural use.

But silt resulting from improved land development is in many cases a major source of water pollution.

It is time that the lessons we learned on the farm are applied to highway construction and subdivision development as a general rule rather than as the exception.

Rather than create a new agency, the proposed Shore Erosion and Soil Conservation Act of 1970 will make wider use of the soil conservation districts.

This concept already has been pioneered in Montgomery County and in the Patuxent River Basin. Last year, the General Assembly enacted a soil conservation measure limited to the Patuxent Watershed. That measure has proven effective.

The proposed legislation will extend the Patuxent program to all soil conservation districts in Maryland.

It will move the State Soil Conservation Committee from the Department of Agriculture to the Department of Natural Resources.

This will in no way diminish the Committee's service to agricultural interests.

In the shore erosion portion of the bill, we could assure the protection of State-owned lands by the General Assembly. The General Assembly will be able to take the initiative when private owners cannot—or will not—act. In most cases, private owners will act, and I am proposing an innovative method of sharing the cost of erosion control works with them.

Under the cost-sharing proposal, the State will assume the cost of engineering work.

Actual construction costs would be paid in most instances by means of an interest-free loan from the State.

The loan would be assessed to the properties benefitted, and the principal recovered with the tax payments over a period not to exceed 25 years.

Recent legislation has greatly improved our ability to control acid drainage from active coal mines.

A major problem remains with inactive or abandoned mines which continue to seep acids into our streams.

It appears that this problem can only be corrected at public expense.

Therefore, I am proposing the enactment of the Abandoned Mine Drainage Act of 1970 to provide authority to sell $5 million in bonds.

This would be used to abate drainage from mines on public land. In addition, it provides for the purchase of land on which abandoned mines are located.

After the drainage is abated and the land is restored to useful purposes, the proposed legislation provides that it may be retained by the State, transferred to local governments, or returned by sale to private ownership.

All transfer of land would take place through actions of the Board of Public Works.

The program I have outlined for you is but a small repayment to nature for the violence we have done to it.

Our environment is as much a part of our heritage as our culture. We must nurture it, and protect it, so that it can be passed on to coming generations.

The commitment of the people of Maryland to the case of environmental quality is a commitment to the quality of life itself.

It is quality that the people of Maryland seek, and I am certain that the members of the General Assembly are equal to the challenge—as they always have been.

ABA'S STANDING COMMITTEE ON WORLD ORDER UNDER LAW RECOMMENDS RATIFICATION OF GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, at its recent meeting in Atlanta, the American Bar Association by a narrow margin failed to endorse ratification of the genocide convention. In failing to support ratification, the ABA rejected the unanimous advice of its Standing Committee on World Order Through Law as well as the advice of its sections on Individual Rights and Responsibilities, Criminal Law and Constitutional Law.

It is unfortunate that ABA should choose this moment to override the report of one of its more prominent standing committees, headed by former Attorney General Nicholas Katzenbach. I have previously discussed the report of the ABA section on Individual Rights and Responsibilities which also strongly endorsed ratification. The Standing Committee on World Order Under Law was equally strong in its endorsement:

Whereas, in the field of human rights the United States of America has exercised significant leadership; and

Whereas, the Charter of the United Nations, in the drafting of which the United States played a major role, pledges all Members to take joint and separate action in cooperation with the Organization for the achievement of . . . universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion; and

Whereas, it is in the National interest of the United States to encourage and promote universal respect for and observance of human rights and fundamental freedoms.

Be it resolved that the American Bar Association favors the accession of the United States to the Convention on the Prevention and Punishment of the Crime of Genocide; and

Be it further resolved that the Chairman resolution be forwarded by the Secretary of this Association to the President of the United States, the Chairman and members of the Foreign Relations Committee of the United States Senate, and the Ambassador of the United States to the United Nations; and

Be it further resolved that copies of this or any representative of the Association's Standing Committee on World Order Under Law be authorized to appear before appropriate committees of the Congress, and to cooperate with the executive departments of the Government of the United States, to present the views of the Association as herein expressed.

When the members of the ABA's Standing Committee on World Order Under Law appear before the Senate Foreign Relations Committee, I am confident they will present strong arguments favoring prompt Senate ratification and accession of the United States of America to the genocide convention.

COALITION FARM BILL

Mr. HARRIS. Mr. President, for the first time in recent history all of the major farm organizations, excepting one, have joined together to draft and to promote the passage of a farm bill which they feel will best meet the needs of the Nation's largest industry in years to come.

Times of crisis tend to bring us together for the achievement of common goals and all signs point to a crisis in our Nation's agriculture industry. Production costs continue on the rise, while prices for most farm commodities continue to decline. Since 1945, farm population has dropped from 24.4 million to 10.4 million. The number of farms has fallen from 6 million to 3 million. Although only about 30 percent of the U.S. population lives in rural areas, 40 percent of the Nation's poor people live there. I strongly join with the demands of urban America for government to be more responsive to the needs of the cities and to channel more public resources into the solution of metropolitan problems. But neither do I feel that we can overlook the fact that agriculture performs one of the services that keeps urban life going—providing for the proper supply and balance of food and that declining opportunity in rural areas is immediately felt in the cities through a continued influx of rural people.

Since the establishment of the Department of Agriculture in 1862, the Federal Government and the Nation's farmers have participated in a partnership to guarantee an adequate supply of food and fiber at a reasonable cost to the Nation's consuming public. We are fortunate to have been one of the few nations of the world able to produce food and fiber in abundance, and often in excess of our needs.

Yet this very productive capacity may now pose the greatest threat to the continued strength and prosperity of the agriculture industry and to our continued ability to meet the growing demands for food by our ever increasing population.

We must continue, at least for the present, to strengthen farm prices in order to guarantee a strong agriculture industry. This cannot be done unless we provide incentive for our farmers to control their production, and this requires government action. The present farm program expires this year, and practically everyone agrees that failure to extend the wheat, feed grains, cotton, and dairy programs similar to those now in effect would result in a loss in net farm income of over $5 billion a year.

In the absence of any acceptable farm program proposal from the administration, 27 major farm organizations formed a coalition and drafted proposed legislation calling for the extension and improvement of the 1965 farm program. I am a cosponsor of this legislation, and I am certainly hopeful that the Committee on Agriculture and Forestry, where hearings are now in progress, will report the bill favorably. It is anticipated that the coalition farm bill, if passed, will increase net farm income by $1.3 to $1.4 billion. These income improvements could take place with no increase on the 1969 farm program budget.

The coalition farm bill provides permanent legislation to improve farm income: First by establishing "consumer protection reserves" of wheat, feed grains, soybeans, and cotton, second, by improving price support for feed grains, third, adding a wheat export marketing certificate, fourth, extending authority for Federal marketing orders to all commodities subject to approval by producers, and fifth, by extending and making permanent the class I base plan for milk. The bill also calls for the extension of the wool program and for strengthening the cropland adjustment program. Further, it authorizes an acreage diversion program for rice if the national rice allotment is established at less than that for 1965.

Although eight of the top 10 farming States, ranked according to cash receipts from farming, voted for President Nixon in the 1968 election, his administration has not yet presented an administration farm proposal. There is floating around Congress a bill, which has not yet been introduced, that is known as the administration "consensus" farm proposal. It is no wonder that it has not yet been introduced; it is almost universally unacceptable to farm organizations. Most farm organizations oppose the so-called administration "consensus" farm bill because it gives the Secretary discretionary power to lower price supports to zero if he so desires. Further, there are 82 different provisions in the bill that give the Secretary of Agriculture exclusive authority to make determinations that could be used to lower farm prices. This, in my opinion, is too much power to place in the hands of the Secretary.

A great deal of rhetoric has also come from the administration about a massive land retirement program. This concept was tested under the previous Republican administration and proved to be a failure. Not only was it unsuccessful as a farm program, it proved to be extremely damaging to small towns and rural communities across the country. As farms were taken out of production, thousands of small town businesses were closed. This is a condition which we should not allow to be repeated.

Furthermore, farmers are concerned about other actions by this administration, all of which tend to lower farm prices. Some of these are:

First. Reduction of support price on soybeans from $2.50 per bushel to $2.19 per bushel.

Second. Decreased the effectiveness of the International Grains Arrangement on wheat which resulted in a 15 cent per bushel drop in wheat prices.

Third. Restriction of storage facility loans to the point that they are of little value to the farmer which deprives the producer of a means to prevent forced sales of grain at harvesttime.

Fourth. Decreased acres eligible for diversion payments for wheat and feed grains.

Fifth. Reduction in projection of cotton yields to offset legal increase and program payments.

Sixth. No advance payments. This is badly needed money by producers and is a hardship for producers in preparing for planting. This is especially damaging in these times of tight money.

Seventh. Stepped up recall of grain under loan which is used to keep prices low. This is a most serious misuse of Government programs to keep farm prices low.

Eighth. Recommended the discontinuation of the agricultural conservation program which provides the funds for cost sharing with farmers for conservation practices carried out on their farms.

Ninth. Recommended the discontinuation of the special milk program for schoolchildren.

It is my opinion that in order to avoid an economic crisis in agriculture, we must have strong leadership. Representatives of practically all the major farm organizations in the United States recognize this necessity and have, therefore, joined together to draft and support the passage of the coalition farm bill which I have cosponsored. Total farm expenses rose about 6 percent in 1969, and predictions are they will continue to surge upward in 1970. Agriculture cannot stand the continuing attrition of higher costs of farm inputs and soaring costs of borrowed capital. Every day, reports come to us of an unusually large number of farm liquidations and auction sales. Unless measures are taken to strengthen farm income this trend will accelerate. We must avoid this, and I feel that the coalition farm bill is the best present answer to this problem. I support its passage, and I call on the President and his administration to do likewise.

Mr. President, I hope Senators will give this matter their serious attention. I am bringing these views of mine to the attention of the Committee on Agriculture and Forestry.

LAOS: PRESIDENT NIXON'S NEW VIETNAM?

Mr. MONTOYA. Mr. President, I have watched an increasing stream of news reports on the worsening situation in Laos with increasing disquiet and misgivings. It is already obvious that American military involvement, already most significant there, is increasing with great rapidity. Further, it is apparent to all who would see that this is being done on express orders of the administration. Such initiative is emanating from the very top and few Americans can approve it or view such policies with equanimity. I must protest this latest series of developments.

The overwhelming majority of Americans eagerly look forward to an end of our involvement in an endless land war in Southeast Asia. Just as it seems that we are making significant progress toward this end, it becomes obvious that such headway is being more than negated by our Laotian entanglement.

Laos is not a viable political entity. Few can or will dispute this claim. It possesses no history of parliamentary institutions or reliable self-government. Instead, it is merely an artificial creation stemming from dismemberment of a defeated colonial empire. It would be straining credulity to ask Americans to believe it was possible to create a viable regime there, much less make it self-sustaining and able to adequately defend its borders. To a large extent, we are faced with another Vietnam-style situation. The quicksand beckons, and it seems as if the President is preparing to leap in, carrying us all with him.

For years now, skirmishes and clashes have been waged across strategic areas of that segment of Indochina. We have supported one shadowy military figure after another, barely maintaining some precarious status quo. It is also true that such involvements and their constantly growing attendant military operations have been kept almost a complete secret from the American people and their duly elected representatives. In the past few months, such military involvement has escalated constantly in ferocity and magnitude. I call this totally unacceptable.

B–52's are being used extensively in our Laotian operations, which is a major escalation of our involvement. There are American military installations and major air support efforts going on in that area. It is obvious we have created another proxy army of mercenaries in Laos, and that now they are being militarily defeated in the field by the Communists. It is also apparent that in order to support them, we are mounting a major air support offensive, which is again failing to bring about any hoped-for result. Our military commitment in terms of air support in Laos is on the scale of our previous bombing of North Vietnam and our present scale of air activities in South Vietnam. This can only lead any observer of the Southeast Asian scene to conclude that we are expanding our total military presence in Asia in terms of military action on the mainland. Further, it seems that American ground forces are present and growing in numbers. Admitted casualties by the United States in terms of pilots and aircraft lost are more eloquent than any denials emanating from the Pentagon and White House. In the last year, we have sustained such losses to the tune of 300 planes and 100 pilots. The figure is probably higher, if this is what is admitted to by authority.

Mr. President, this area of Asia is one of the most inaccessible and difficult in the world. Jungles, mountains, and desolate highlands predominate, inhabited by people whose loyalties are tribal rather than national. Yet we persist in wasting our substance in pursuit of the will-of-the-wisp some term strategic advantages and military victory. I would sooner try and measure how high is up. In order to attain such impossibilities, we are plunging into a fruitless adventure that wastes our resources, diverts our attention from more important objectives, and most important, kills and maims more young Americans. I protest such useless misadventures. I dispute such misguided logic. I deplore such waste of what is needed so desperately elsewhere.

Two months of dry weather remain in Laos, excellent campaign climate. Communist forces already possess significant momentum. Before we plunge further into this jungle wilderness and engage the Communists there, shall we not have second thoughts?

We are pouring $30 billion annually into Southeast Asia, while admitting that military victory there is impossible. Meanwhile, we cannot afford to meet other, more major commitments around the world. Our cities rot and domestic needs which cry for attention go unheeded.

Mr. President, Santayana said that those who do not learn from mistakes of the past are doomed to repeat them. History extends her hands to us and cries out for our recognition of this danger. Yet we plunge on, unheedingly.

The expedition against the city of Syracuse by Athens comes to mind. The "running sore in the side of the empire" comes to mind, when Napoleon allowed his strength to drain away in a useless, endless Spanish war. There are other examples which can be offered, but these will suffice.

I have commended President Nixon for his significant troop withdrawals and obviously sincere efforts to wind down our Asian involvement. I would hate to see such efforts sidetracked by a new preoccupation in Laos. There is no need for it. There is no sense to it. It is disaster.

I believe in making the utmost haste to see to it that the Vietnamese fight their own war. I further feel that Laos is of minimal concern to the United States.

Already we can see a terrible set of alternatives emerging. The enemy could seize Laos under cover of a new offensive in Vietnam. They could mount a new offensive in Vietnam alone. Or they could threaten a new offensive in Vietnam and instead continue to push in Laos. All alternatives are geopolitically unacceptable to us. It is in the interests of all parties to avoid escalation of the Laotian conflict. I am certain the Soviets have no desire to be further drawn into this arena. They have other fish to fry around the world, and are doing so far more effectively than we at the present time.

The time has come for the administration to be far more truthful in its dealings with the Senate and the Nation on this Laotian involvement. It is also time for it to understand that the Nation does not want another expansion of our difficulties there, and will not tolerate same. The Senate has warned against it, and will not tolerate defiance of its will.

Disengagement is the name of the game, and we must continue to play it. American's major strategic interests are not involved there. Major challenges to our interests come at other geographically critical areas of the world.

Look at Soviet penetration of Latin America, which is proceeding rapidly as the administration discontinues and lowers our involvement there.

Take a look at the growth of Soviet naval power and her ongoing attempts to fill the vacuum in the Indian Ocean area to be left by imminent withdrawal of the British Imperial presence there.

Meanwhile, we are thrashing around in one of the backyards of the world, to the glee of our major opponents. It just doesn't make sense to become further involved in Laos.

The choices are plain. Time is running out for us to restructure our responses to the challenge confronting us. I pray and hope that the President, in his wisdom, acts accordingly.

MARINE SCIENCE AND OCEANOGRAPHIC ACTIVITIES

Mr. INOUYE. Mr. President, the State of Hawaii is one of the most ocean-oriented States in the Union. The Pacific Ocean is a vast treasure which surrounds my State. Hawaii has also taken the lead in marine science and oceanographic activities. Furthermore, Hawaii was the first State in the Nation to issue a report, "Hawaii and the Sea," paralleling the Stratton Commission report.

Basing his recommendations on the recent report, "Hawaii and the Sea," Governor Burns has just submitted an oceanographic legislative program to the State legislature. This legislature program includes nine recommendations ranging from participation in the International Decade of Ocean Exploration to a request for funds to publish a marine atlas. I ask that the full text of Governor Burns' message to the legislature be included in the RECORD.

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

USING OUR PACIFIC TREASURE

(A unified legislative program for immediate action to make Hawaii a leader in the study and use of marine resources, by John A. Burns, Governor, State of Hawaii)

The Pacific Ocean is a vast treasure which surrounds Hawaii and gives to each Island of our State a band of white surf and golden sand, symbolic of an ideal marriage of environmental purity and economic prosperity.

It has been obvious for decades that Hawaii must use this treasure for her own good and for the good of mankind, and forbid its misuse. The earlier decades were decades of dreams and desires. Now, the Seventies is the Decade for Action.

The time is at hand for specific, detailed, practical programs by the State Legislature and State Administration to study and use the rich resources of our marine environment. This is the time when a growing despoliation of our waters must cease, and when they must be restored to the crystalline cleanliness which our Hawaiian forefathers knew.

Accordingly, I have prepared and am recommending this unified program for legislative action in this first year of the Decade of the Seventies. It carries out, in logical sequence, the earlier more basic programs of our State Administration. We foresaw this day and prepared well for it. Our past Governors' conferences on science and technology, on hydrospace and astronautics, on oceanography, on fisheries, and on a number of other specialized topics, all carefully, slowly and diligently set the pattern and the pace for well-ordered scientific development in Hawaii. And in the last year of the Sixties—our Statehood Anniversary Year—this Administration produced the pioneering work among the States called *Hawaii and the Sea,* which is our broad plan for State action in marine affairs.

Nationally, there has been delay and uncertainty in the past year over the direction and extent of the Nation's commitment in marine affairs. Varying programs which culminated in the publication of the Stratton Commission's excellent report, *Our Nation and the Sea,* now appear to be waiting for Federal direction, Federal leadership, decisive Federal action. Hawaii, however, need not wait, but rather should press forward, always conscious of the dangers of cutbacks in Federal programs, but nevertheless optimistic that our own programs need not stop while we wait for the Federal projects to develop.

Today is the day we must set the leadership pattern in oceanography, this fast-developing area of human concern, toward which the eyes of all nations are only beginning to turn. Now is the time we must propose to our own Nation, and to other Pacific nations, that Hawaii is the logical—indeed, the ideal—place for oceanographic headquartering, for major ocean research projects, and for gatherings fostering international cooperation in marine affairs.

Now is the hour to get, not only down to earth, but down to the sea in ships, in undersea craft, in submerged habitats. Now is the time to jump into the water and swim.

For this session of the State Legislature, our Administration proposes a variety of measures. They have been carefully planned as a resulting of the outstanding effort put into *Hawaii and the Sea* by many distinguished specialists. They contributed priceless talent and thousands of man-hours of energetic effort to pinpointing the areas in which the State can, and should, act.

These legislative proposals continue the orderly process of sequential development of Hawaii's marine science resources. They are varied in scope. They include modest proposals which will require only limited funding and which can be carried out by present State Departments which already have shown their competence and capability for producing outstanding results with limited resources. And there are also major proposals which will require bold action, pioneering action, the type of initiative for which Hawaii's Legislatures already have won national distinction. Some of these bolder proposals will challenge the vision and wisdom of our legislators, who must always balance the ever-pressing fiscal needs of today's world with the marvelous opportunities for future prosperity and environmental excellence.

THE INTERNATIONAL DECADE OF OCEAN EXPLORATION

Foremost among the national proposals for the development of oceanography and other marine sciences is the International Decade of Ocean Exploration, born in a prior national administration and accepted by the present Administration as eminently worthy of the attention and best efforts of many nations. Hawaii is an ideal location for major activities related to this noble and practical program. Hawaii need not wait to be told what to do, or wait to be invited to participate in plans generated elsewhere. As a free and sovereign State, we must extend to our national administration—which already has expressed its great interest in our oceanographic efforts—the helping hand of bold initiatives to assist this great program in setting sail.

Accordingly, one of my major proposals to the Legislature is for a Pacific I.D.O.E. Conference which would welcome representatives of all the nations and regions of the Pacific Basin, as well as of other U.S. Pacific States, to Hawaii to consider the legal, economic and sociological aspects of the I.D.O.E. and its many proposed projects. This conference would enable the Pacific Family of Nations to offer Pacific regional plans and recommendations to I.D.O.E. which would be of immense benefit in integrating the worldwide efforts of this international effort. This proposal calls for an expenditure by the State of $25,000.

Closely related to this conference is another legislative proposal: That the State establish a Planning and Logistics Center for the International Decade of Ocean Exploration. There will be a great need to coordinate the multitudinous activities related to IDOE, and to provide the logistical support and data exchange necessary for efficient projects development. Such a center would serve to emphasize Hawaii's determination to become a major center of international oceanographic activities. An appropriation of $50,000 is requested.

SKIPJACK TUNA RESOURCE EXPLOITATION

The Central Pacific Skipjack Tuna Resource is a potential $100 million industry. Hawaii's two U.S. Senators have jointly sponsored a bill in the Senate calling for a $3 million appropriation to research and develop the practical purse-seine technology necessary to use this resource wisely. It is a resource which can be of tremendous benefit to our Sister-Islands of the Trust Territory, Guam and American Samoa. Hawaii has been a leader in calling for development of the food-from-the-sea potential of this tuna species. I have extended invitations to officials of Guam, the Trust Territory, and American Samoa to coordinate the development of this resource. I am pleased to report that American Samoa has already pledged it will contribute to this project. My legislative proposal is for an appropriation of $100,000 to carry out a three-year State program of research and sea trials which will prove the economic value of the fast-sinking purse-seine method of skipjack tuna harvesting.

MARINE AFFAIRS COORDINATOR

The report, *Hawaii and the Sea,* recommended as a key to Hawaii's success in marine science affairs the establishment of the position of Marine Affairs Coordinator in the Office of the Governor. The Marine Affairs Coordinator would be responsible directly to the Governor. His work would be to cross over existing departmental lines to achieve broad cooperation between existing agencies concerned with a variety of marine affairs. To date, Hawaii's oceanographic development efforts have shown excellent results in terms of intense activity in many Government Departments and in the private sector. We have now grown to the point at which the uniting of these efforts through such a Marine Affairs Coordinator is a logical and necessary step. My legislative proposal is for an appropriation of $30,000 to establish this position and carry out this coordination.

SEACAP: AN UNDERSEA RESOURCES SURVEY OFF OAHU

Hawaii needs much more information about the nature and extent of the resources in the sea surrounding the State. Sand, precious coral, fish and shellfish, the capacity of the ocean to absorb wastes without contamination—all these need scientific study. My legislative proposal in this area is a request for $190,000 in State funds to be matched by an anticipated $410,000 in Federal Sea Grant funds and another $190,000 in Hawaiian industry contributions. These funds would finance a pilot marine resources survey from Koko Head to north of Kahana Bay, Oahu. University of Hawaii and other State and private industry scientists would form a team, and surface craft, a deep-diving submersible and a mobile manned undersea habitat would be used for this major survey. We have had exhaustive studies of the land which have been of great economic and social value; now is the time to begin the same for the lands, creatures and other phenomena under the sea around us. There is no time to lose in preserving the richness of marine life which will be surveyed. The SEACAP project will promote effective conservation and help considerably in preserving the ecological balance so essential to all forms of life in Hawaii.

1976 INTERNATIONAL MARINE EXPOSITION IN HAWAII

As the United States in 1976 celebrates its Second Centennial—its 200th birthday—Hawaii will have developed a tremendous head start in marine science affairs. It will be a most appropriate and jubilant year for a major celebration in Hawaii, and not the least of our happy events must be an International Marine Exposition in which Hawaii would be host—as one of our Nation's lead-

ing maritime States—to the best exhibits of many nations. It is now, not tomorrow, that plans for such important conferences must be made. My legislative proposal, therefore, is for an appropriation of $30,000 to establish this year an International Marine Exposition Commission with necessary staff support to plan for this 1976 event. The Commission would be charged with determining an exposition site and funding methods, and making all the extensive preliminary arrangements which will prove to the intended participants that it will be an Exposition worthy of their participation and finest exhibitions.

AN ATLAS OF THE MARINE RESOURCES OF THE STATE OF HAWAII

All major movements have their bibles and bibliographies. The compilation of data, and making it available to the public in practical format, is one of the most basic needs of any important social or economic undertaking. Hawaii needs definitions and tabulations of its marine resources in the form of a Hawaii Marine Resources Atlas which will be of value both to professionals and laymen. My legislative proposal is that a sum of $75,000 be expended by the University of Hawaii in the preparation and publication of such an atlas.

OTHER LEGISLATION

Above are the highlights of this "legislative package" of our State Administration's proposals relating to marine affairs. But also an integral part of that package are a variety of programs and projects found in the operating or capital improvement budgets of the various State Departments which relate to marine affairs and which complement these new action proposals. All contribute to the one goal of this State Administration: to make Hawaii an international leader in marine science activities.

These programs and projects may be mentioned briefly:

Establishment of Marine Science Research Parks, in a manner similar to the establishment of industrial parks, to foster marine research.

Coordination in the Department of Planning and Economic Development of the variety of additional recommendations resulting from the report *Hawaii and the Sea,* so that a unified package may be prepared for the 1971 Legislature to carry on in logical order the advances already made.

Establishment of a Pacific Center for Marine Sciences, with initial studies to be made by the University of Hawaii.

Obtaining Federal designation of precious coral beds located in waters adjacent to the Hawaiian archipelago as "Creatures of the Continental Shelf," an official act which would retain U.S. ownership of such a valuable resource even when such beds occur beyond the presently recognized 12-mile fishing zone.

Designation of the State Civil Defense Agency's responsibility in the area of potential disasters in the form of massive oil spillages in Hawaiian waters.

Funding for completion of underwater parks at Hanauma Bay, Oahu, and Kealakekua Bay, Hawaii, and to initiate work on underwater in Maui and Kauai Counties.

A shoreline setback of 300 feet for State-owned lands.

Development of Snug Harbor for oceanographic research vessels.

Expansion of the Hawaii fishery vessel construction loan program to $500,000.

Extension of the shark control program.

In determining the excellence and practicality of these many projects, programs and proposals, I commend to the attention of all concerned the wonderful heritage which we have today from those ancient Polynesians who discovered these beautiful Islands. They learned through study, research, and practical programs, how harmoniously man and the sea can live together for the benefit of both. It must be our task to influence our nation and our world in the same manner in which the eternal sea has influenced us. We must reverence this Pacific treasure, and in turn accept with gratitude—and earnest effort—the multitude of gifts it offers mankind.

THE PRESIDENT'S EDUCATION MESSAGE

Mr. McGOVERN. Mr. President, on Tuesday, President Nixon sent to Congress his education message. He told us all what we already know; namely, that education is important and that there is a need for greater equality of educational opportunity in this Nation. The message is full of high-sounding rhetoric, but rather short on any effective proposals for dealing with the crisis in education. The crux of the whole matter is that, his protestations to the contrary notwithstanding, the President is unwilling to invest the money which we need to improve our schools and relieve the property tax burden on the local taxpayer. We have all seen this unwillingness in the recent veto of our education funds.

The first proposal made by the President is to establish a National Institute of Education. It is certainly good and proper to have such an organization to study the most effective means of education, but the President has made it an excuse for not acting. He has proposed this Institute to study, among other things, the process of compensatory education. He seems to have the mistaken notion that compensatory education has not worked. Nothing could be further from the truth. The fact is that inadequate funding of title I programs on the one hand and the administrative failure to channel these funds to those who need them on the other have combined to prevent the establishment of true compensatory programs. Where adequate funding has reached the proper targets, the success has been significant. The solution to the needs of our poor lies not only in another study but in adequately funding and administering the programs we presently have, the programs which the administration has sought to cripple over the last year.

What will become of all this studying? In 1966, a study under the direction of James S. Coleman which had been authorized and required by Congress concluded that racial balance in the schools contributed to the learning of the pupils. Quite clearly the administration has chosen to ignore the results of this study. If they have ignored this study and the success of compensatory programs where they have existed, what assures us they will pay any attention to new evidence? We are being given the stone of cerebration instead of the loaf of performance.

The highly advertised "right to read" is another hollow promise. It is not a new program, but only a label for title I and II of the Elementary and Secondary Education Act of 1965. The President promises performance on this one—raising the appropriations for the two programs to $200 million. But Congress has authorized $773 million for these programs and appropriated $215 million in fiscal 1969. The President asked only $116 million for these this year and then vetoed the bill when Congress raised the amounts to the previous year level. The President has brazenly disguised a cut in an already underfunded program by labeling it an "increase." The age of "double think" has arrived a decade ahead of schedule.

Instead of an assault on the financial disaster plaguing our school systems and the homeowning taxpayer, the President has offered us another commission and certain vague promises about revenue sharing. A truly effective approach to our school financial situation requires that there be significant grants to the States for education and that these grants be based on the financial needs of the States so that all our schools may have a high quality education. The differences in per-pupil expenditures from State to State have nothing to do with one State wanting better education than another. All parents want the best for their children. In fact, it is the poorest States which try the hardest to support their schools, but they simply do not have the money they need. A commission study cannot produce money where there is none or provide the facilities which our children need. New York and Connecticut cannot afford to let children in South Dakota and Mississippi go to inadequate schools.

The President's proposals for early childhood learning are equally vacuous. He has proposed that we establish a few experiments in this area, presumably allowing the great bulk of an entire generation of preschool children to go untouched. There are many alternatives for positive action available to us in this field, and the President has not adopted one. Let me remind my colleagues of the excellent proposals made by Senator MONDALE in this area, which I have had the privilege of cosponsoring. He has proposed significant, wide-ranging work with our youngest children. The President has proposed an academic experiment.

Mr. President, our children need education, not promises. Which one of us, if our son were to ask for education, would give him another commission instead.

INJUSTICES TO INDIANS

Mr. HARRIS. Mr. President, more people are coming to realize the magnitude of the injustices perpetrated against American Indians through the years, sometimes in the name of national interest, but all too often for the benefit of other individuals who saw in Indian lands and possessions an easy source of wealth held by those unable to defend their rights.

One particularly glaring example of this was the seizure of Blue Lake and the surrounding area in New Mexico from the Taos Indians in 1906. The Indian Claims Commission in 1965, after nearly 60 years of efforts by the Tao com-

munity, found that approximately 130,000 acres had been illegally taken. Yet, restitution has not been made. Several times in recent years, bills have passed the House restoring these lands to Pueblo de Taos, only to languish in the Senate. Monetary compensation has been offered, but this has rightly been declined by the residents of Taos Pueblo, to whom the Blue Lake area is sacred. The area is essential for the proper conduct of many of their religious ceremonies, and at the very least it shows a lack of sensitivity for the Federal Government to take the area away and offer money instead.

At the recent meeting of the National Council on Indian Opportunity on January 26, 1970, the Indian members of the Council said of this situation:

Because the problem is unique and because it has persisted over so many decades, we feel that the Taos struggle merits the special attention of the Council.

Speaking of H.R. 471, which is now pending in the Senate, the Indian members recommended that "the full Council support this legislation and hope that the Council members individually will support the Taos Pueblo at every opportunity."

On January 30, 1970, after a visit with a delegation from Pueblo de Taos, I indicated my strong support for their cause in a letter to the junior Senator from South Dakota (Mr. McGOVERN), chairman of the Subcommittee on Indian Affairs of the Committee on Interior and Insular Affairs, which has jurisdiction over this much-needed remedial legislation. I strongly urge Senators to support H.R. 471, and ask unanimous consent that my letter to the Senator from South Dakota be printed in the RECORD.

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

U.S. SENATE,
Washington, D.C., January 30, 1970.

Hon. GEORGE MCGOVERN,
U.S. Senator,
Washington, D.C.

DEAR GEORGE: I am writing to urge you and the Subcommittee on Indian Affairs of the Interior and Insular Affairs Committee to expedite favorable action on H.R. 471, which would remove Blue Lake and the surrounding area from Carson National Forest and assign it to the United States government as trustee for the Taos Pueblo.

As you know, the Indian Claims Commission in 1965 affirmed that the Government took this area unjustly from its Indian owners. H.R. 471 has passed the House, and awaits Senate action. I believe that this bill is much superior, from the Indian point of view, to S. 750 which would return a much more limited area to the Pueblo, and deprive the Indians of rights they presently enjoy with respect to the surrounding watershed.

When I met with a delegation from Pueblo de Taos this morning, I was very much impressed with the logic of their argument, and with the obvious sincerity with which it was presented. Because of the great religious significance which Blue Lake holds for the Taos Indians, this bill has an importance to them which cannot be overestimated.

I would appreciate very much anything you can do to speed action on this measure and bring it to the floor.

Sincerely yours,

FRED R. HARRIS,
U.S. Senator.

ANNIVERSARY OF LITHUANIAN INDEPENDENCE

Mr. MUSKIE. Mr. President, on February 16 we commemorated the anniversary of the establishment of the modern Republic of Lithuania. I wish it had been in our power to celebrate the occasion in a more fitting manner.

Lithuania obtained its independence in 1918, and from that time, until 1940, the Republic fulfilled the longstanding national aspirations of the Lithuanian people. This renaissance of Lithuanian independence was brought to a close on June 15, 1940, when the Soviet Union, in collusion with Hitler's Germany, seized Lithuania. Today, 25 years after the end of World War II, the right of subject peoples to national dignity and self-determination is recognized almost everywhere except within the Communist bloc.

Let us look to and work for the day when this situation no longer exists and when free men and free nations everywhere can cooperate in a world free of compulsion and threats to their self-respect and national integrity.

PROPOSED SUSPENSION OF THE MILITARY DRAFT

Mr. HATFIELD. Mr. President, the Gates Commission, appointed by the President, 1 year ago, to study the feasibility of a volunteer military, reported to President Nixon that the draft is an anachronism at best, and generally unjust, inefficient, and inequitable. February 28, 1970, in the Oregon Statesman, there appeared an editorial regarding this very issue. I would like to ask unanimous consent that it be printed in the RECORD.

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

TIME TO SUSPEND DRAFT NEARING

The Presidential commission's recommendation that the draft be suspended deserves serious consideration. The compulsory sacrifice demanded of a portion of the young adult male population becomes unjust as it becomes unnecessary.

In time of war or national emergency, the nation should have the right to demand military service of its young men. President Nixon is withdrawing substantial forces from Vietnam. He promises to withdraw more. It is time to study whether the nation's military requirements can be sustained with voluntary enlistments.

The Presidential Commission, headed by Former Secretary of Defense Thomas Gates, arrived at the conclusion that the nation can best be served by suspending the draft. But critics of the plan to suspend the draft assert it would cost too much to be practical now.

The only moral justification for taking two years of a young man's life is an emergency threatening the security of the nation. It would be indefensible to require compulsory service from this portion of the nation's population just as a means of saving money.

It is essential to upgrade the pay of the lower end of the military scale if recruiting is to be successful. Also, other benefits and conditions on the military bases must be improved. A professional career in the armed forces must be made attractive.

The draft is tremendously disruptive to an entire generation of young men. Whether they are chosen to serve or not, they must adapt their lives to the prospects of the draft.

The unpopularity of the Vietnam War has contributed to the resentment. Young men rightfully have questioned the compulsory sacrifice—perhaps even of their lives—while it is business-as-usual in the rest of the nation. If the people of the United States were sharing in the war, or even generally supporting it, there might be less resentment.

We have supported the draft in the past, and still support it, if it is necessary to meet the nation's commitments. When a presidential commission, however, says it is not, we believe it is incumbent upon the President to thoroughly investigate the commission's recommendations.

Sec. of Defense Eugene Laird has indicated his opposition to suspending the draft in the near future. The presidential commission would phase it out by July, 1971. The President should endeavor to reconcile these views.

Sen. Mark Hatfield has championed the ending of the draft for many months. The presidential commission bears out many of his conclusions.

A DISTINGUISHED TEXAS CONGRESSMAN SPEAKS ON THE POLLUTION IN GALVESTON BAY

Mr. YARBOROUGH. Mr. President, the Honorable BOB ECKHARDT is not only a distinguished Member of Congress from the Eighth Congressional District of Texas, he is also a noted environmentalist. His concern about the destruction of the environment stretches all the way back to his years of service in the Texas State House of Representatives. His great knowledge and experience of this subject now is, I am sure, of considerable benefit to the Members of the other body in their deliberations on this very complex issue.

In 1968, before concern about pollution was as fashionable as it now is, Representative ECKHARDT made a very thoughtful presentation to the North American Wildlife and Natural Resources Conference on the problems of pollution in Galveston Bay. I recently received a reprint of the Congressman's remarks from the transactions of the 33d North American Wildlife and Natural Resources Conference, March 11, 12, 13, 1968, published by the Wildlife Management Institute, and I should like to share them with my fellow Senators now.

Mr. President, I ask unanimous consent that the remarks of Representative ECKHARDT, entitled "Death of Galveston Bay," be printed at this point in its entirety in the RECORD.

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

DEATH OF GALVESTON BAY

(By Bob Eckhardt)

Some three centuries ago, the Carancahua Indian lived on the shores of Galveston Bay. Although his life was hard, there was one good thing in his day: He could wade out from shore anywhere along the bay and pick up luscious oysters without getting his breechcloth wet. Today we find the mounds of shell he left where he sat and devoured them.

In the shallows of the bay, salt water grass

grew abundantly, providing haven for marine life such as shrimp and menhaden. Waterfowl darkened the skies as they cupped their wings and dropped into the shallows and the potholes. And the Carancahua could slide beneath the green, clear waters and silently stalk the waterfowl, breathing through a reed and snatching the birds as they roosted on the water.

As recently as 50 years ago, live oyster reefs stretched across our bays. There was shallow water and mostly shell bottom from the Vingt et Un Reef to Fisher's Reef area in Trinity Bay, a distance of some eight miles.

And just two decades ago, fishermen stood at the mouth of Buffalo Bayou and caught the silver tarpon, channel bass and spotted sea trout.

Galveston Estuary[1] was alive—a producer of good things, a producer of life.

This all began to change, even though minutely, when the Allen Brothers sailed their craft up Buffalo Bayou and founded what was to become the sixth largest city in the nation. Man began to befoul his nest. Dredges began to cut away the reefs and fill the wet lands. And all these things were done without anyone bothering to determine their effect on the beautiful and bountiful bay.

I would like to tell you of what has happened, why it happened, and what we Texas conservationists feel should be done to protect the natural resources we have left.

DREDGING

The oyster reefs of the Galveston Estuary are like a miniature mountain range under water. Their sluices and ridges provide a nursery ground for myriads of marine organisms. This minute marine life, in turn, provides food for the next cycle of life in the bay, the shrimp and the smaller fishes. The shrimp and the small fishes then provide food for the large fish, the game species such as the channel bass, the spotted sea trout, the croaker, the flounder and the gafftop-sail catfish.

Destruction of these reefs means the removal of the natural habitat of the marine life in it—the death of the bay.

About half a century ago, some enterprising fellows discovered there was a market for oyster shell, first for building roads and later for the calcium carbonate content which was to be used in the manufacture of cement and other products. And a handful of Gulf Coast industrialists, in that half of a century, have made fortunes by exploiting this oyster shell.

But they were not content to harvest shell which was covered with two feet of silt. They have almost swept Galveston Estuary clean of exposed shell reefs, which not only produce oysters but provide a habitat for marine life and a source of sport fishing, which, in turn, provides a means of livelihood for thousands of persons who service and supply the sportsman and the vacationer.

The three things that are causing the death of Galveston Bay are shell dredging, pollution, and destruction of wetlands.

Today, only 10 major oyster reefs are left, with a few smaller ones which are not being protected from destruction. A member of my staff was on an oyster boat just last month and took a photograph of an oysterman raising a basket of live oysters while the huge shell dredge worked less than 25 feet away. Not only is this a plundering of a non-renewable natural resource, but it is a case of a gigantic industry destroying the livelihood of a small businessman. Here is how this came about:

For the complete picture of our shell dredging problem, you must consider the role that the State of Texas has played.

Until September, 1963, the then Game and Fish Commission had two hard and fast rules: (a) No dredging was permitted within 1,500 feet of a live oyster bad. (b) No dredging was permitted unless the shell was covered with two feet of overburden. In 1963, the agency was reorganized into the Parks and Wildlife Commission, made up of three members named by Governor John B. Connally. The first official action of this new Commission was to relax the rules, permitting dredging up to 300 feet of a live oyster bed and removing the restriction regarding the two feet of overburden.

A live oyster reef, as defined by the Texas Penal Code, is one which produces as many as five barrels of oysters per 2,500 square feet. The law does not state that the population count shall be made before the oystering season opens, when there would be plenty of oysters on some of the reefs. A count could be made immediately after the harvest ended, and a reef could be classified as a dead one, when, in reality, it is very much alive. Also, many reefs might be classified as dead reefs one year, but the following year, due to changing currents and salinity, they may become productive.

Before its September, 1963 hearing, the new Parks and Wildlife Commission had been presented a report specially prepared by its own knowledgeable biologists, which specifically recommended that no dredging be permitted within 1,500 feet of live oyster reefs. The three members of the Commission told newspaper reporters that no such report had been tendered them. Yet, one of their own biologists disputed this statement and further emphasized that he stood behind this report in its entirety.

Yet, the Parks and Wildlife Commission ignored the advice of their own biologists and reduced the 1,500 foot limit. It then granted permits in October, 1963 to four major shell dredging companies, authorizing them to dredge up to 300 feet of Todd's Dump, both on the incoming and outgoing tides. This, oystermen felt, was a deliberate attempt of the shell dredgers to kill the reef, thus making it eligible to be dredged out as a dead reef.

This action stirred up a hornet's nest. Oystermen and other interested citizens brought suit against the Parks and Wildlife Commission and against the shell dredgers on the grounds that the hearing was unfair and that the Commission was ignoring recommendations of its own biologists.

But the courts ruled that the oystermen had no justiciable interest in the oyster reefs on which they make their livelihood, Meanwhile, the Parks and Wildlife Commission modified its rules in February, 1964, in effect admitting that its 1963 order was in error and that damage could be done to oyster reefs by permitting dredging up to the 300-foot margin.

Since than the Parks and Wildlife Commission has engaged in ostensible surveillance of the dredging operations with the view to preventing damage to live oyster reefs by making *ad hoc* orders through its agent in the bay to govern the conditions of dredging. Yet, as recently as February 1, 1968, a member of my staff photographed Parker Brothers dredge, the Trinity I, digging up live oysters on Hartfield Reef, a 30-acre reef which has been producing some of Texas' Gulf Coast's finest oysters.

I think the State of Texas has been derelict in its duty to protect these irreplaceable oyster reefs. Federal action must be taken to save what little remains so that future generations may benefit from a natural resource which took eons to build and which the dredgers may well have destroyed in a few more months.

Now let's look for a moment at the value of the shell commercially compared with the value of a vibrant, living bay. It is simply a comparison of short-term value compared with long-term value.

In a public hearing before the old Texas Game and Fish Commission on April 10, 1963, Cecil Haden testified that, at that time, there remained some 120 million cubic yards of known shell deposits in Galveston Bay. Of this amount, he estimated that there was available for recovery some 80 milion yards. This is the amount he considered "economic and feasible to dredge." Since shell products from the Galveston Bay area had been dredged at the rate of about 8 million yards a year, he estimated that there remained about 10 years of productive dredging in this Bay area.

In fact, his estimates of rate of production have pretty well stood up through the first four years of this ten-year period. About 32,273,600 cubic yards of shell have been produced, or an average rate of about 8,068,400 yards per year. If this amount is produced each year for the next six years, 80,684,000 yards will have been recovered in the 10 years from the date of his statement. In round figures this would produce, at $2.00 a yard, $97 million for the shell dredgers from now until the shell is wholly depleted. Rounded out to the nearest million, $7 million of this value would be paid to the State as royalties, at 15 cents a yard. Thus, the dredgers' stake in continuing to exploit the Bay is $90 million. This is the capital value, to them, of the shell in place if they are permitted to continue to produce it.

Measured against this figure, as I shall show, the capital value of the marine life in the Bay is in excess of $1 billion, more than 10 times the value of the dead oyster shell.

Here is how it is figured. In 1966, the oyster crop at dock-side was valued at $1.6 million. An economic study of Florida's oyster industry developed the fact that the total economic value of the oyster crop is 10 times the landed value,[2] so the total economic value of the Galveston Bay oyster crop for that year was $11.6 million.

In addition, the latest data I have on sports fishing is for 1965, when an estimated eight million recreational days were devoted to salt water sport fishing along the Texas Gulf Coast.[3] At least 80 percent, or 6,400,000, of these man-days were spent on waters of the Galveston Bay area due to the simple fact that this is the center of the huge population centers of Houston and the Manned Spacecraft Center at nearby Clear Lake.

A salt water fisherman will spend at least $3.00 per day fishing, and this is a conservative figure as a quart of shrimp will cost $2.00 and a boat rental $3.00 more. This means that a total of $19,200,000 was spent during 1965 by sports fishermen on these bays. And where did they catch their fish? On and around the oyster reefs!

Add the value of the oyster crop to the value of the sports fishing and you get a total of more than $30 million annually that these reefs produce, provided they stay where nature spent 10,000 years building them.

But, let's consider another financial factor. Some 80 percent of the commercial fishes taken on the Continental Shelf in the Gulf of Mexico spend some part of their life in the estuaries. And 75 percent of the total taken in the Gulf spend some part of their life in the Galveston-Trinity Bay estuary.[3]

These commercial fishes are worth some $25,622,000. If we permit these reefs to be destroyed . . . if we permit currents in these bays to be changed so that these waters no longer can be used as nursery grounds for marine life, that means we lose this $25,622,000. Add that to the $30 million sub-total we already have, and you can see that the annual value of these reefs is about $56 million.

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[1] The term Galveston Estuary is used to refer to Galveston, Trinity and East Bays.

[2] "Oyster-Based Economy of Franklin County, Fla.," Dr. M. Colberg, Florida State University.

[3] Dr. Roland F. Smith, biologist with the Bureau of Commercial Fisheries, Department of the Interior.

If this $56 million is the annual value of marine life in the bay, the capital value (figured as if yielding 5 percent) is 20 times that—more than a billion dollars! Contrast this with the remaining value of the shell to the State and to the shell dredgers—less than $100 million, and they would eat into this capital each year until it is all gone. The dredgers, with less than a tenth of the interest in the bay's resources than that of the public, are controlling its exploitation in a direction leading toward its total destruction.

POLLUTION

Man has always built his wigwam, his hut, his mansion, or his steel mill, near water. Settlements of prehistoric man were merely shifted when his kitchen-midden became sufficiently cluttered and befouled. But today, with our burgeoning populations, we have no place to move to.

Our major reefs and estuaries are becoming polluted to almost irreversible levels. For instance, it is predicted that if all pollution flowing into the Hudson River were cut off as if by a switch, then it would take 25 years to clean up the pollution which is imbedded in the bottom of the stream.

The Houston Ship Channel is perhaps the most polluted body of water in the world. It receives, daily, a tremendous burden of human and industrial waste. Dr. Roy Hann of Texas A & M, who is doing a great deal of research on water pollution, estimates that there is a full two feet of pollution-laden silt on the bottom of the Houston Ship Channel.

No doubt, the bottoms of our bays, especially where the streams empty into them, are so full of nutrients, chemicals, pesticides and insecticides that it will take generations to bring them back to anything like what they ought to be to provide food and recreation for people.

This pollution, of course, is caused by two major sources, industrial and municipal wastes. The cities of the nation have been most lax in providing sewage treatment plants which will effectively treat sewage. Indeed, the City of Houston has been one of the worst offenders in Harris County with its municipal waste.

But industry along the Ship Channel doesn't have clean skirts either. Until recent years, few of the big industries would spend enough money to treat their sewage and waste as it should be treated.

What is this pollution doing to our bays!

Well, 48 percent of the Galveston Bay Complex is off limits for commercial production of oysters.[5] If our oyster crop is currently worth $11.6 million, and a little less than half of the bay is not producing marketable oysters, then this means that we are losing approximately $10 million annually in protein supply of oyster meat.

It means that millions of fish are killed annually when heavy rains come and flush the deep commode that is Buffalo Bayou. During the dry spells, this pollution, which is heavier than water, sinks into the deep holes of the Ship Channel and Buffalo Bayou. Then, heavy rains sweep it into the bay. The oxygen depleted waters that thus move in upon fish populations kill them, and we experience fish kills, which are not only offensive to the smell, but are detrimental to the chain of life, or the ecology of the bay. Maybe only mullet are killed, but mullet are a link in the chain, and are in fact, a food product in many areas of the world and may become so here some day.

This pollution means that our bays are rapidly becoming unfit for recreation. We have already pointed out the tremendous effect the tourist, the sportsman and the vacationer have upon the economy of this area. When Galveston Bay gives its last feeble kick and becomes a dead bay, we can say good-bye to a major part of our lusty economy on the Texas Gulf Coast.

[5] Texas State Department of Health. See Exhibit D.

SPOILING THE WETLANDS

So far, Texas wetlands have not been exploited as badly as in many other States. But it is rapidly getting to be a problem. If you take a plane flight over our coast, you can see subdivisions going in, the dredging of basins for marinas, and the dumping of spoil, all replacing wetland spawning grounds for marine life. And you can see channelization destroying our grasslands.

One major catastrophe has befallen our estuarine nursery grounds on the upper Gulf Coast—the Wallisville Salt Water Barrier. In a recent Estuary Symposium at Louisiana State University, a Bureau of Commerical Fisheries biologist divulged that some 20,000 acres of shrimp and menhaden nursery grounds are being chopped off from the bays by the dam. This could be disastrous to the Texas shrimp crop.

There may be other major catastrophes in the making. The Texas Water Development Board has proposed a Comprehensive Water Plan for the state which envisages a series of reservoirs on all the major streams of the state. Already, much of our estuarine area is too saline for oyster production. And if these dams should cut down the supply of fresh water to the Galveston Bay Complex, then one of the most productive estuarine areas on the entire Gulf Coast might become a watery desert.

Since conception of the Comprehensive Water Plan, however, the State planners have taken another look at the estuarine picture, principally due to the protests of conservationists. In April, 1967, the Texas Water Development Board published a report entitled "A New Concept—Water for Preservation of Bays and Estuaries." This report takes into consideration the important role that the bays and estuaries play in the economic life of Texas. The Board also recognizes its statutory duty to consider the estuarine areas in comprehensive planning. The laws of Texas make it plain that "consideration shall also be given in the plan to the effect of upstream development upon the bays, estuaries, and arms of the Gulf of Mexico and to the effect upon navigation."

While I have touched upon this Comprehensive Water Plan lightly, we Texans conservationists do not consider it lightly, for our estuaries and tidal wetlands are too important as a source of protein supply and for recreation and sport fishing for us to stand idly by and see them destroyed forever. Again, the pressure of industry for abundant and cheap water supply can overwhelm the more important long-term interest of the people. Water must be reused and used again. By 2020 desalination will be practical, and we must budget an adequate supply of our total, greatly multiplied, water resources for preservation of nature's bounty.

CONCLUSIONS AND RECOMMENDATIONS

I wish here to first discuss the evaluation of facts pressed upon us by those who resist reform in the field of conservation. For instance, it has been argued by dredging interests that if exploitation of fossil shell is not permited to continue at the present rate and under present conditions, cement plants will have to shut down as well as many other industries dependent on shell.[6] Dire prediction of industrial ruin and unemployment are posed as the concomitant of conservation.

Sometimes it is difficult accurately to evaluate such arguments and their factual basis. There are certain rules or tendencies that affect the situation.

First, there is the principle that the interests of greatest intensity tend to prevail over the interests of the greatest number.

Second, those with special interests tend to monopolize expertise on a given subject. They are in a position to overwhelm the public, lawmakers, and commissions, with facts selected to favor their partisan position.

And then there is the phenomenon of the "possum guarding the chicken coop." Since the regulated industry has more job opportunities for persons interested in the field, it can supply personnel to regulating agencies and can offer advancement to civil servants who would otherwise stagnate in the regulatory field.

Thus, those with the intense interest push their selected facts forward. They can usually assemble the most experts. They have their possums on regulatory agencies who purport to speak for the public.

Therefore, it is hard to know what the true facts are, how rapidly natural resources are being destroyed, and whether or not it is practical to try to reverse the trend.

I would make these suggestions:

(1) That conservationists develop long memories: that they observe over a period of time, what is happening to the purity of the water, the extent of the reefs, the destruction of the redwoods, and that they act on this knowledge.

As an example, those of us who have watched the procedures of the Texas conservation agencies can observe over a period of four years that shell dredgers are carrying out a seven to ten year plan to drege out the available shell in the Galveston Estuary. Conservationists are now acting to stop this by opposing granting of permits by the Corps of Engineers. I have asked the Corps to seek an injuction against further dredging in the State tracts containing the oyster reefs.

(2) That public officials consider expert testimony of the exploitative industries, and even of the regulatory agency's experts, with healthy skepticism.

For instance, Texas conservationists should ask this question, which has never been answered: When the Parks and Wildlife Department relaxed the dredging rules in October, 1963, why did it permit the dredging companies to move to the 300-foot mark, why not only to the 1,000-foot mark? This action would have prevented the silting up of reefs like Todd's Dump immediately after the order when dredges operated on both the incoming and outgoing tide.

(3) That more public factfinding and adjudication be developed at the federal level.

There are two recent developments in this direction:

(a) A federal water pollution control program and more public awareness of the pollution problem;

(b) The historic Memorandum of Understanding signed last July by the Corps of Engineers and the Interior Department which places much more emphasis on the need to protect our estuarine areas. I am hopeful that the shell dredging permit case in Galveston Estuary may be the first to be decided under this Memorandum.

Therefore, the subject of this paper may be too pessimistic. Perhaps the patient may recover. But never again will cattlemen be able to drive their stock from one side of the Bay to the other by herding them across strips of shell reef. Never again will the waters of Buffalo Bayou produce tarpon.

However, if conservation becomes the more intense interest, and conservationists act now, they may yet save the Bay. Public officials must also take a hard look at the facts and apply existing law to its fullest extent. Then fishermen will enjoy many a sunny day on Galveston Bay and oystermen will harvest many a fat oyster for years to come.

[6] Less than 200 miles from the Texas Gulf Coast are vast deposits of limestone which is used almost everyhwere else, as the major source of calcium carbonate.

DISCUSSION

DISCUSSION LEADER NELSON: Congressman Eckhardt has given a very vivid and frank

account of what is happening to the marine resources of Galveston Bay and the continued threats that exist. He has emphasized that unless conservationists collectively insist on more drastic opposing measures immediately the shellfish resource may soon be lost. Who has the first question for Congressman Eckhardt?

MR. JOE THOMPSON (Houston): It seems to me that the thrust of Congressman Eckhardt's paper revolves around oyster dredging in Galveston Bay. I wonder if he might comment as to whether there are other problems in Galveston Bay with reference to this total situation.

CONGRESSMAN ECKHARDT: There are really three things. One of these is oyster dredging, one is pollution, and one is the spoiling of wetland areas, largely through fill. The last is not nearly so extended as in certain other parts of the country.

With respect to pollution, the Water Quality Act is now beginning to have effect. The State has filed its plans which, I understand, have now been accepted by the Interior Department. Therefore, there is some movement in that direction.

Also, the question of pollution is going to be met; and even if it is not being met at present, it is not now at a level that would cause permanent injury to the Bay. However, the reason I stressed dredging is because the only way that oysters can live is on a bottom solid enough so they don't sink in the silt and, therefore, be deprived of the flow of water that brings them their sustenance. When any portion of that bed is removed, unless there is some permanent shell bed somewhere else, that much potential production is lost. That is the reason I have stressed this as the immediate danger to Galveston Bay.

Mr. ROLAND CLEMENT (National Audubon Society):

May I ask the Congressman to bring us up to date on the statutes which would enjoin the Corps of Engineers from judging this issue on anything but navigability? It was my understanding, Congressman, that one of the dredging companies here was filing suit against the Federal Government to prevent the imposition of permit requirements.

CONGRESSMAN ECKHARDT: There is a suit in connection with that and, I understand, there has been a decision, which I have not yet had an opportunity to read.

However, the situation is this—the application for dredging occurred last spring. The hearing was in May. There has been no decision, and the Corps has not sought to take any action, or at least has not yet issued an order. Now, the Department of the Interior's regional office in Albuquerque issued a preliminary advice to the Interior Department and there has been a conference between Colonel Moon and the dredgers with respect to compliance with this suggested order.

The order would permit dredging to continue, but not on major reef structures, for a period of 15 months, but such permit would be conditioned upon the dredgers financing a thousand-dollar program to be conducted by the appropriate Federal agencies to determine the structure of the reefs and their location and productivity, and a $70,000 additional investigation with respect to the effects of sedimentation on marine life. Now, the dredging companies turned this down and contended that the Corps of Engineers did not have jurisdiction in any other matter except navigation.

Since there has been no mandatory action from the Corps, there has, on the other hand, been no injunctive action upon the part of dredgers here in Texas. I would expect that this thing may very well come to a head within a matter of perhaps a month. That is the present situation.

I might briefly mention the basis on which the Corps of Engineers acts under the authority. The essential basis is the 1899 law, which requires a permit for any dredging within any navigable water, and I see no restrictions as to this, or no limitation with respect to that dredging.

Even more important to the question of wildlife preservation is the 1958 Coordinating Act, which provides that where dredging permits are issued by the Corps, the Corps shall ask the advice of Interior in questions affecting marine life. Then, of course, this year the Secretary of the Interior and the Chief of Engineers entered into an agreement of understanding under which the authorities consult together before permits are granted under circumstances like this. The case that I have described here is the first test of this agreement of understanding.

MR. GARY ROLLIN: (Houston, Texas): I fish in the Bay quite a bit. If shell dredging is completely eliminated in Galveston Bay, will the Bay's present capacity continue at its present level?

CONGRESSMAN ECKHARDT: At its present level? It will never have the potential that it would have had if some of these reefs had not been removed. However, its productive capacity still rates high. We produced about 88 percent of the oysters in the State of Texas and, in fact, the oyster crop has increased through the last several years. This may be explained by the fact that there has been increased activity in taking oysters. In other words, the Bay does have a considerable potential which is closer to full utilization than it ever has been in the past. There is an extremely heavy spat fall, I understand, and this looks toward maximum productivity from the remaining exposed shell in the bottom of the Bay. Therefore, if dredging were stopped in the area I have described, I think that the Bay could continue to be productive; but if the trend continues at the rate it is going, I have no doubt that within six years there will be no substantial reef structure left in the Bay. Also, unless something is done about it, I don't think there is going to be anything effectively put in its place.

MRS. JEAN LAMONT (League of Women Voters): It would appear there was authority to change permits in 1963 and then, after the hearing last May, there was no decision or action taken. So, at the rate it is going, perhaps all of it will have settled itself in the wrong way.

Congressman ECKHARDT: Of course, that is a danger, but let me clear you up on one thing. The action of October 24, 1963 changed the course that had been taken by the State authority over a great number of years. It relaxed a prior stiffer regulation. Then, on February 18, 1964, the State authority began to engage in a sort of ad hoc survey on production of oysters in the Bay, but, at that time, the Federal Government had never acted. In the meantime, we did get the Federal Government concerned, and so it has been only since May, 1967, that there has been serious consideration on the effect of dredging on marine-life. Therefore, we do have another authority considering these permits over those which were considering them in the past.

I would like to see the State control its natural resources. If the State does not control those resources and does not preserve them, then the Federal Government must do the job, and this is now happening.

MR. VICTOR EMANUEL (Houston, Texas): I noticed a long article in the paper yesterday in relation to shell dredging and the implication given was that although shell dredging is to some extent detrimental to the Bay, we need the shell for industry in this area. The implication was that the growth of Houston depended upon our ability to get the shell.

It is my understanding, and please correct me if I am wrong, this entire need could be satisfied by limestone from Central Texas. In other words, there is no economic reason to destroy our Bay. Our industry does not depend upon shell from the Bay—is this correct?

Congressman ECKHARDT: I think that is true. There are unlimited sources of calcium carbonate within about 160 miles. It is true that shell is convenient and easy to get. Now, when there may be production of shell to supply this need without destroying the reefs, then there is nothing wrong with producing it. However, it seems to me shortsightedness that the state authority has been willing to gamble the permanent loss of a great marine resource in the Bay—that is, the very life of the Bay—for this rather small and short-term interest which could be obtained elsewhere.

It seems to me that the very least the state authority could have done was what the Federal authority did and say, "Look, you either have to investigate and show us or permit us to investigate at the expense of the exploiter the effect of sedimentation on the Bay. You have to do that as a condition of receiving the permits." However, instead of that, from 1963 until the time of release of the MASH report in January of 1968, the state was risking the complete destruction of the shell reefs. It took longer to put these reefs down than to grow the redwood trees. So we are risking something that is of permanent importance to the State of Texas without actually knowing fully what sedimentation does.

Of course, we know what actually happens when you remove the shell bed physically—especially if you destroy the reef, as Moody Reef has been destroyed. When you do that, it really doesn't take much study to know that you have destroyed that much of the oyster fishery and that much of the general potential fishery.

Mrs. SULLIVAN (Houston, Texas): I really appreciate all this discussion about the oysters but, on the other hand, a thing that concerns me tremendously is the spoil fill that is being put into Galveston Bay in connection with the navigation projects in the channel. I understand that the three representatives from Harris County are urging that money be given to the State. This is something I favor; but, on the other hand, I suggest that in line with this there also be consideration of whether this Bay can handle all the channels that the navigation district and other people want to put in. I understand that they have a lot of places to put this material. Now, if you have a chart of Galveston Bay and you will see that Galveston Bay and Trinity Bays are going to be almost completely divided from each other and this is going to cut off the exchange of waters.

Now, on top of all of this, they want to widen the Houston ship channel from 400 to 800 feet, from Morgan's Point to Texas City. In other words, I don't believe all that spoil ought to be put into the Bay.

Congressman ECKHARDT: There has been consideration by the state authority to the building of the dam and of supplying a certain amount of fresh water to maintain the existing mixture of fresh and salt water in the Bays. Obviously, not enough consideration has been given that, but there is a growing awareness of this problem.

Now, with respect to cutting Trinity Bay off from Galveston Bay, actually the trend up to now has been in the opposite direction, but the danger is in connection with any change. In other words, nobody knows what the effect of a change will be. The tendency has been to sweep out that shallow barrier between the two areas, and to dig it deeper in that general area. Spoil has been pretty much limited to the channel area itself and to the side of the channel. There are now serious considerations of the movement of spoil and shell at the bottom and the cutting of passes.

With respect to oyster production, some oystermen say that the deepening of the water around Hanna's Reef would tend to bring a greater flow of salt water into the area. I think these things are all based on assumptions that are not wholly proven one way or another, but I do not think, on the other hand, there should be a considerable caution that any change be understood before it is made. This, I think, is the danger in relation to this particular situation.

Mrs. SULLIVAN: It also concerns me, when you get the Bay closed in and encompassed, the pollution situation will increase.

I live on a part of Galveston Bay that lies between Red Bluff and Morgan's Point where Galveston Bay stops. At present, Atkinson's Island extends from Morgan's Point to Red Bluff and encloses that area of the Bay and, at the same time, that more or less directs the flow from the ship channel into that very small area. This is an extremely polluted section of the Bay, and it is dangerous. It is dangerous to swim in, and I am afraid of what is going to happen. When this happens, people who want this for industry are going to rise up and say that it is not feasible to try to save this area of the Bay.

I live in this area of the Bay and, therefore, it makes some difference to me. However, I am trying to stress that the same thing can happen all the way down the coast and so, in turn, I don't think it is only my problem but really that of everybody else.

Congressman ECKHARDT: That is certainly true. There has been concentration of the pollution along the shore where you live, but placing the spoil on the other side of the channel is a problem. As a matter of fact, all of Dollar Island Reef is out of bounds for us at the present time.

DISTRICT OF COLUMBIA CRIME AND CONGRESSIONAL RESPONSIBILITY

Mr. MATHIAS. Mr. President, Congress cannot be too often reminded of its responsibility in facing and dealing with the serious crime problem in the District of Columbia, since Congress has chosen to retain virtually exclusive governmental authority within the District.

To this end, I ask unanimous consent to have printed in the RECORD a list of crimes committed within the District yesterday, as reported by the Washington Post. Whether this list grows longer or shorter depends on Congress.

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

YOUTHS ROB SOUTHEAST LIQUOR STORE

Two youths, one armed with a gun, held up a Southeast liquor store yesterday morning and escaped with money from the cash register, police reported.

Mary Agnes O'Connor told police the youths entered O'Connor's Liquors, 2900 Minnesota Ave., where she was working as a sales clerk at about 10:25 a.m.

She said one of them displayed a handgun and told her, "Give it to me. Give it to me." while his companion urged her, "hurry up."

After forcing her to give them the money from the register, the pair fled, according to the report. The gunman ran north on Minnesota Avenue while the other youth headed west on Nelson Place.

In other serious crimes reported by area police up to 6 p.m. yesterday:

ROBBED

Laird R. Chase Insurance Agency, 4708 Highland Ave., Bethesda, was held up about 3:20 p.m. Monday by two men, one brandishing a knife, the other a gun. After inquiring about insurance policies, the men displayed their weapons, forced the employee to give them the money and fled from the building.

Lorraine Marshall, of Washington, was robbed about 3:45 p.m. Monday in the alley beside the unit block of N Street SW, by four youths. "What have you got?" asked one of the youths while the others grabbed their victim. Flashing his knife, one youth grabbed an envelope containing money from her pocket while another youth struck her in the head. The four escaped in different directions.

Family 5 & 10 store, 2245 Rhode Island Ave. NE, was held up about 2:05 p.m. Monday by two youths, one of whom stuck a hard object into the side of an employee, Harry Barkin. "Open the register," the youth told Barkin and removed the money. The armed youth then struck him over the head with his weapon and the pair fled north on Thayer Street.

Frank D. Hackley, of Washington, was held up about 10:45 a.m. yesterday as he was emptying the change from a phone booth in the 3300 block of Georgia Avenue NW. Two youths approached him and one said, "I have a gun. Sit the box down and get back in the phone booth." Grabbing the coins, the pair fled on foot.

Snack bar, 2100 K St. NW, was held up about 9:50 a.m. yesterday by two men who approached an employee behind the service counter. One of them placed a handgun at his head and warned, "Don't move. This is a holdup. Lie down on the floor." The other man removed a metal box containing bills and change from behind the counter and escaped with his companion.

Tanners Cleaners, 4522 Benning Rd. SE, was held up about 1:30 p.m. Monday by a youth who asked the clerk if his clothes were still in the shop. He then ordered, "Open the cash drawer and take out all the money." Grabbing the bills she handed him, he fled from the store.

Joseph F. Rhine, of Adelphi, was held up about 2 p.m. Monday by two men, one armed with a revolver, who approached him at Kenilworth and Eastern Avenues NE. The gunman demanded money and, taking the bills and change from Rhine, the pair escaped west on Eastern Avenue.

Matthew Shingler, of Washington, was yoked and robbed in the 900 block of 4th Street NW, at 3:30 p.m. Monday. Two men grabbed him and forced him to hand over the money he was carrying then fled.

Carl Bailey, of Bethesda, was robbed about 4:55 p.m. Monday in the hallway of a building in the 1600 block of Swann Street NW, by two men, one displaying a gun, who demanded his money. The pair fled with the cash, a stopwatch and a ring.

Benjamin Frank Pressley, of Washington, was held up about 7:20 p.m. Monday by three men who approached him and asked for a cigarette at 5th and I Streets NW. When Pressley replied he had none, all three men pulled out handguns and theatened, "Be quiet and give us your money." After handing the trio his money, Pressley was ordered to keep walking while the gunmen made their escape.

Harriet S. Gennis, of 1445 Otis Pl. NW, was held up Monday by three youths who approached her from behind as she was standing in front of her home. "This is a holdup. Give me your purse," the trio demanded and fled toward 14th Street with her pocketbook.

Karen E. Olmstead, of Washington, was held up about 6:40 p.m. Monday in the parking lot in the 1400 block of P Street NW as she was placing her groceries into her car. A man brandishing a gun threatened, "Give me your money or I will blow your head off." After she handed him $3 the gunman repeated, "I will blow your head off. I want all of your money." At that point two men entered the parking lot and the gunman fled east in the 1400 block of Church Road.

Ray Francis Neason, of 2905 Nash Pl. SE, was robbed about 1:30 p.m. Monday as he was climbing the steps of his apartment with an armload of groceries. Two men grabbed him from the rear, forced him down the stairs and removed his wallet. The pair then fled east on Fairlawn Avenue.

Solveig Marie Halvorsen, of 2712 Terrace Rd. SE, was beaten and robbed about 3:45 p.m. Monday as she was about to enter her apartment building with a friend, Dorothy E. Chamberlain. Two youths pointed a gun at the women and tried to snatch their pocketbooks. While the unarmed man took Miss Chamberlain's purse, Mrs. Halvorsen struggled with the gunman who began striking her over the head with his weapon. She finally released the purse and the youths escaped with both pocketbooks, running north on 31st Street. Mrs. Halvorsen's bag contained only her car keys because the rest of the contents had fallen out during the struggle.

Kenneth Ingram, a truck driver for National Beer Distributors, was held up Monday as he was making a delivery in the 3700 block of Georgia Avenue NW. Two men, one of them carrying a gun in a paper bag, warned Ingram, "Don't move and you will live." Taking the money from the driver's pocket, the pair fled west on Rock Creek Church Road.

Charles Rodger Miles, of Washington, was held up about 11:30 p.m. Monday by two young men who yoked him from behind while he was standing at Montello Avenue and Queen Street NE. One of them pointed an automatic at Miles and ordered, "Don't move, you punk . . ." The gunman then removed Miles' leather jacket and his wallet while the other man took the bills from his pockets.

High's dairy store, 5002 1st St. NW, was held up about 3:40 p.m. Monday by a man holding a gun in his pocket. Forcing the clerk to hand him the money, the gunman ran from the store and escaped into an alley.

Meryle E. Bryson, of 1817 23d St. SE, was beaten and robbed about 6:05 p.m. Monday as she was walking near her apartment building. Two youths confronted her, one of them brandishing a small gun. "Let me have it," the unarmed youth demanded while the gunman began hitting Miss Bryson over the head with his weapon. Taking her pocketbook, the youths made their escape.

Louie's Carryout Shop, 1251 7th St. NW, was held up about 11:45 p.m. Monday by four men, one of whom pulled out a gun. The men forced the owner of the carryout to hand over the receipts and fled south on 7th Street with the money.

Chester Allen McDonald Jr. of Upper Marlboro, was beaten and robbed about 10 p.m. Monday in front of the student center building on the Howard University campus, in the 2400 block of 6th Street NW. McDonald said five men jumped him from behind, beat him in the face and head and took his wallet containing $5 and personal papers. McDonald was treated at Freedman's Hospital following the assault.

Nila Early, of College Park, was robbed Monday by two men who jostled her as she was leaving a building in the 1100 block of Connecticut Avenue NW. She later discovered her pocketbook had been opened and her wallet containing papers and money was missing.

Harry Collins Byron, of 1414 W St. SE, was held up about 4 p.m. Monday as he was parking his car behind his home. Two men walked up behind him and one of them pointed a gun at him, saying, "This is a holdup." The unarmed man began beating Byron in the head and body, knocking him to the ground. Searching through his pockets, the pair removed a wallet, then escaped into in an alley in the rear of the block.

Edward A. Mallory, of Washington, was held up about 5:50 p.m. Monday as he was getting out of his truck in the 5600 block of

2d Street NE, by two youths who told him, "This is it. Give me the money." "Get away from me," Mallory replied. One of the men then placed his hand in his pocket as if he had a gun and repeated, "Give me the . . . money." But Mallory insisted, "You have got to show me something." The other man then grabbed him from behind and, placing a hard object in his back, warned, "Don't turn around." Taking his wallet, the men entered their car and drove off.

Robert J. Wesoloski, of 2825 31st St. SE, was held up about 7:55 p.m. Monday as he was getting out of his car in front of his apartment building. Three men approached Wesoloski asking directions. As he turned to reply, one of them pulled a revolver and said. "This is a holdup." The trio escaped with his wallet and watch and fled south on 31st Street.

Hardine Bonner Price, of Washington, was robbed near his home at the corner of 15th Street and Rhode Island Avenue NW about 8:05 p.m. Monday. A man concealing a gun in his pocket walked up to Price and demanded, "Give me your money." Grabbing his wallet containing money and a check, the man made his escape.

Tower Cleaners, 2026 Nichols Ave. SE, was held up about 6:50 p.m. Monday by two young men, one wielding a pistol. "Give me all your money," the gunman told the clerk and took the cash from the register. The pair fled out the front door, south on Nichols Avenue.

STABBED

Dolphus Matheny, of 321 Tennessee Ave. NE, was admitted to D.C. General Hospital in serious condition after he was stabbed in the back during a fight in his home about 8:15 p.m. Sunday with a woman armed with a knife.

Sallie Ann Mercer, of 216 Elm St. NW, was treated at Washington Hospital Center for head, arm and facial wounds she suffered during a fight in her home about 8:40 p.m. Monday with a man wielding a knife.

ASSAULTED

James Trudeau, of Georgetown University's Harvin Hall, was treated at Georgetown University Hospital for injuries he suffered when he was beaten up at the intersection of 37th and Prospect Streets NW, about 2:20 a.m. yesterday. The victim told police two men got out of a car and began beating him over the head. Following the attack, they reentered their car, which was driven by a third man, and drove north on 37th Street.

Robert Henry Jones, of Washington, was treated at Washington Hospital Center for head wounds he suffered during an attack about 3:50 p.m. Monday. The victim told police he and James Earl Jones, also of Washington, were assaulted at Warder Street and Otis Place NW, by a group of about 20 men. The men hit James Earl Jones in the head with their fists and struck Robert Henry in the head with an iron pipe.

STOLEN

A $500 IBM electric typewriter was stolen from the Mason and Co. twelfth-floor office, 1100 7th St. NW, about 12:10 p.m. Sunday.

A wallet was stolen from the purse of a Georgetown University employee who saw a man leaving her office in Loyola Hall, 35th and Prospect Streets NW, as she entered the room about 11 a.m. Monday. The man told Mary Berkholtz, of Washington, that he was looking for a restroom. She later discovered that her purse had been opened and her wallet was missing.

Two mink stoles, a mink coat, a typewriter and an undetermined amount of jewelry, worth an estimated $6,630, were stolen between 11 a.m. and 1 p.m. Monday from the apartment of Ruth R. Herbert, 3814 Fulton St. NW.

Four hacksaws, an electric hammer, an electric drill, four torch tanks, a torch kit, and 30 saw blades, with a total value of $756.22, were stolen between 5:30 p.m. Friday and 7:30 a.m. Monday from the Brocks Tool Co., 5327 Georgia Ave. NW.

A wallet was stolen from the pocketbook of Delha Barwick, a teacher at Western High School, 35th Street and Reservoir Road NW, while the purse was in her desk drawer sometime between noon and 12:45 p.m. Monday.

CRESCENT BIRD CLUB OF NEW ORLEANS, LA., SUPPORTS S. 4, 100,000 ACRE BIG THICKET NATIONAL PARK

Mr. YARBOROUGH. Mr. President, each day as the sun rises on the beautiful Big Thicket, another 50 acres of this precious virgin wilderness have disappeared. When our ancestors arrived in Texas they found an area of over 3 million acres teeming with nature's wonders. This great heritage has been ruthlessly reduced to a mere 300,000 acres, and if immediate action is not taken, all that will remain of this unique area is a sad memory of what once was and what could have been.

Every day communications are received by me from concerned citizens and groups expressing their concern about saving a part of this area for posterity. A recent resolution was received from the Crescent Bird Club of New Orleans, La.

The Big Thicket is not just another forest. Because of the richness and diversity of the plant life, the many rare species of birds, animals, and reptiles, the Big Thicket has immense scientific value. Every major American university has sent representatives to the Big Thicket to do research. Many of the plants that are found in the Big Thicket are useful in the treatment of diabetes, cancer, and heart disease.

Mr. President, I ask unanimous consent that the resolution of the Crescent Bird Club be printed in the RECORD.

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

RESOLUTION OF THE CRESCENT BIRD CLUB ON THE BIG THICKET NATIONAL AREA

The Crescent Bird Club does hereby adopt the Policy Statement on The Big Thicket National Area, a copy of which is attached hereto and made a part hereof for all purposes, and urges the President of the United States, the Congress, the Department of the Interior, the U.S. Corps of Engineers (as to Dam B), and the appropriate state agencies (as to supplemental state and historic parks) to take appropriate action to implement this policy as soon as possible.

(Statement attached hereto.)

DR. ROBERT D. PURRINGTON,
President, Department of Physics, Tulane University.
NEW ORLEANS, LA.

POLICY STATEMENT ON BIG THICKET NATIONAL AREA

We favor a Big Thicket National Park or area which would include not only the minimum of 35,500 acres proposed in the Preliminary Report by the National Park Service study team, but also the following modifications and additions:

1. Extend the Pine Island Bayou section southward and eastward down both sides of Pine Island Bayou to its confluence with the Neches River.

2. Extend the Neches Bottom Unit to cover a strip, a maximum of three miles, but not less than four hundred feet, wide on both sides of the Neches River from Highway 1746, just below Dam B, down to the confluence of Pine Island Bayou.

3. Extend the Beaumont Unit northward to include all the area between the LNVA Canal and the Neches.

4. Incorporate a Village Creek Unit, comprising a strip up to one mile wide where feasible, and no less than 400 feet wide on each side of Big Sandy-Village Creek from the proposed Profile Unit down to the Neches confluence. Wherever residences have already been constructed, an effort should be made to reach agreement with the owners for scenic easements, limiting further development on such tracts and preserving the natural environment. Pioneer architecture within these areas should also be preserved.

5. Incorporate a squarish area of at least 20,000 acres so that larger species such as black bear, puma and red wolf may survive there. An ideal area for this purpose would be the area southeast of Saratoga, surrounded by Highways 770, 326 and 105. Although there are pipeline crossings in this area, they do not destroy the ecosystem; therefore the National Park Service should revise its standards pertaining to such incumbrances, in this case, leaving them under scenic easement rules instead of acquiring them.

6. Connect the major units with corridors at least one-half mile wide, with a hiking trail along each corridor but without new public roads cutting any forest. A portion of Nenard Creek could be good for one such corridor. The entire watershed of Rush Creek would be excellent for another.

Such additions would form a connected two-looped green belt of about 100,000 acres (there are more than 3 million acres in the overall Big Thicket area) through which wildlife and people could move along a continuous circle of more than 100 miles.

We recommend that the headquarters be in or near the line of the Profile Unit.

We are absolutely opposed to any trading or cession of any National Forest area in the formation of the Big Thicket Park or Monument.

In addition, but not as a part of the Big Thicket National Monument, we recommend: (a) the establishment of a National Wildlife Refuge comprising the lands of the U.S. Corps of Engineers around Dam B. (b) a state historical area encompassing communities of typical pioneer dwelling, farms, etc., such as that between Beech and Theuvenins Creeks off Road 1943 in Tyler County, and (3) other state parks to supplement the national reserve.

TRIBUTE TO HELEN HAYES

Mr. GOODELL. Mr. President, I would like to take a moment to pay honor today to a woman who has become a living legend in the American theater. I speak of Miss Helen Hayes, who this year, celebrates her 65th anniversary in the dramatic arts.

Miss Hayes is such a towering figure in the dramatic arts that she has had a Broadway theater named for her and has long been recognized as the first lady of the American theater.

Rather than seek placid retirement, Miss Hayes is celebrating her 65th anniversary in the dramatic arts by starring in the Broadway revival of "Harvey," and in Universal's "Airport."

She is one of the few women in the world who has touched gracefully and sensitively every major phase of the entertainment world—television, the theater, and motion pictures.

As an actress, she has managed to

leave a part of her with everyone who has ever seen her perform. It can truly be said of her that because of her dedication, she is one of the few people who has managed to bridge the generation gap.

Helen Hayes' first movie was "The Sin of Madelon Claudet." A review in the Chicago Daily Tribune of October 31, 1931, summed up movingly the whole career of this beautiful lady:

Helen Hayes is one of earth's comparatively few really "dear" people. You love her for herself, and you adore her for the undiluted joy her acting gives you. Stage training, unquestionably, is a great asset in the talking pictures, but God did a lot for this delightful little woman before she ever heard of the theatre. As Madelon Claudet she inspired your laughter and your tears—and a positively ferocious allegiance.

On Monday, March 2, 1970, I had the signal honor of presenting a plaque and commendation to Miss Helen Hayes, America's first lady of the theater, on the occasion of her 65th anniversary in the dramatic arts, in recognition and appreciation for her contributions to motion pictures.

It is my good fortune to know Helen Hayes and to be able to take this opportunity to thank her for her contributions to the arts.

THE NEW YORK STATE URBAN DEVELOPMENT CORPORATION

Mr. GOODELL. Mr. President, many of our Nation's cities are no longer fit places to live.

Millions of city dwellers are ill housed. With the outmigration of business and industry and the lack of economic planning, millions of city dwellers are unemployed or have to travel miles to their jobs. Public facilities, such as schools, hospitals, libraries, and recreation areas, are outdated and ill-equipped to meet the needs of the urban community.

The cause of urban decay—multifaceted and complex—has been the object of many studies, commissions and proposals. Yet, because of inadequate funding of Federal programs and a lack of commitment to the solution, the decay continues.

The State of New York, under the able direction of Gov. Nelson A. Rockefeller, has developed an important and novel method of attacking the problems of urban decay. It was clear to State leaders that only a powerful and influential agency with the tools to deal with all the complex factors of urban decay and development, could take the lead and direct the State effort to protect our cities.

In 1968, the Urban Development Corporation was created for the purpose of planning and developing the urban areas of the State. In order to achieve this goal, extensive powers were given to the UDC.

The UDC can enter into joint financing agreements with local agencies or private groups. It has the power to float $1 billion in bonds. It can acquire land, both public and private, through the exercise of eminent domain. It has the power to override obsolete zoning and building codes. It can provide the economic resources and expertise for the redevelopment of local communities and the construction of "new towns-in-town" and "new towns."

Above all, the Urban Development Corporation, unlike any other Government agency, has the major responsibility and the complete and continuing authority for the development of a project from land acquisition to final construction. The powers given to UDC enable it to deal with many of the complex problems—from start to finish—which thwart our housing and urban development programs.

Under the dynamic leadership of Ed Logue, president and chief executive officer, the UDC has contracted for over 24 urban development projects in eight cities. The State of New York, a leader in social reform programs, has created an imaginative vehicle which can meet the housing and urban development crisis in our State. I believe the corporation can well serve as a model to other States as they seek to offer solutions to similar problems which beset them.

On Sunday, March 1, an article appeared in the New York Times entitled "New York's Mr. Urban Renewal," written by Richard Schickel. It represents a fair and informative review of work being done by Ed Logue and the Urban Development Corporation. I ask that it be included in the RECORD for the benefit of my colleagues.

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

[From the New York Times magazine, Mar. 1, 1970]

NEW YORK'S MR. URBAN RENEWAL

(By Richard Schickel)

(Richard Schickel, film critic for Life Magazine, has a special interest in housing problems.)

Edward J. Logue, president and "chief executive officer" (businessmen seem to relish rolling that impressive title across their tongues when they introduce him on public occasions) of the New York State Urban Development Corporation is scrunched in a corner of his state-owned limousine—a black Buick of the sort favored by small-town G.P.'s who want to impress their patients with the solidity of their values. On his lap he holds a battered brown attaché case containing letters and memos—not very many of them—relevant to the meeting that has drawn him from his 10th-floor office at 666 Fifth Avenue for the two-hour drive to the Storm King Art Center near Newburgh. There he is to address a luncheon meeting of an organization called Mid-Hudson Patterns for Progress, a privately financed regional plan group that is interested in establishing a working relationship with the U.D.C.

Logue is traveling with almost the minimum feasible entourage for a $50,000-a-year man—a chauffeur, two assistants and a journalist. As the head of a public corporation entitled by law to float a billion dollars' worth of bonds to "acquire, construct, reconstruct, rehabilitate or improve . . . industrial, manufacturing, commercial, educational and cultural facilities, and housing accommodations for persons and families of low income and facilities incidental or appurtenant thereto, and to carry out the clearance, replanning, reconstruction and rehabilitation of . . . substandard and insanitary areas" anywhere in New York State, Logue is, although new to the New York scene, a very powerful man and, as such, entitled to his perquisites, which also include running half an hour to an hour late on his appointment schedule, working a 14-hour day and lunching, more often than not, on corned-beef-on-rye sandwiches at his desk.

He is proud of the U.D.C. which, he says, represents "the most versatile and most all-inclusive development legislation on the books in any of the 50 states." Its powers include, besides those just mentioned, exemptions from certain local zoning and building-code requirements, special tax exemptions, the ability to use just about every conceivable method of financing—public and private—to get its projects going and the power to sell or lease back its projects to private investors once they are completed. The only thing it can't do is "write down" land costs; that is to say, purchase and clear the land on which to build its works, though one gathers Logue and his associates are working on that little defect. Meantime, it is up to other agencies—local governments, the Federal Government (operating under provisions of the Urban Renewal Act), even private enterprise if it wants to—to obtain and prepare sites for Logue's organization to build upon.

Even without this write-down power, the U.D.C. is, at least on paper, a pretty scary outfit as far as local politicians and private citizens, jealous of their traditional prerogatives regarding real estate, are concerned. Therefore, Logue and his staff are engaged in a constant selling effort, designed to allay fears and encourage "partnerships" between corporation and communities. Critics familiar with Logue's style in New Haven and Boston, where he headed much-publicized urban redevelopment programs, charge that he has never truly been a partner of anyone or anything in his life. What he likes to have, they say, is paper arrangements with paper tigers that, in effect, legitimize whatever he feels like doing.

Be that as it may, there is a demonstrable need for something like the U.D.C. in New York State. It has been estimated that in the next two decades the state's population will increase by 26 per cent and that, as of now, 1.4 million New Yorkers live in dilapidated and deteriorated housing that must be replaced. The need, then, is for housing for 6 million citizens by 1990—not to mention all the new community facilities and public transportation that must be built and rebuilt to serve them. U.D.C. is an attempt to meet these needs in an orderly fashion. Its mandate was made deliberately vague and all-encompassing so that it could move many ways, in many different directions, to get the job done.

It has already proved that it can move with dispatch. Last October Governor Rockefeller broke ground on the first of its projects and it is heading toward similar ceremonies for 25 others. Less than two years after its creation it has firm commitments that will result in the creation of about 25,000 new units of housing in the state plus perhaps 7 million square feet of industrial space and 1,200,000 square feet of new commercial space. It is committed to 17 studies for other projects and is always in the midst of preliminary conversations with other groups and cities, for it has potentially huge resources to draw upon. In addition to its bond-issuing power, it can enter into partnerships with every kind of public and private entity to finance its work. Logue says that it will use its wide range of compulsive powers (such as the power to override local zoning codes) "sparingly, so that our statute isn't repealed by the Legislature." Meetings like the one he is about to attend are designed to convince others that the U.D.C. is not a menace but is, in the phrase of one convert, a small town mayor, "a jolly green giant."

So far this effort seems successful. At least one has not heard, in New York, the kind of criticism Logue has received elsewhere "Why," says one old enemy, "he looks at you with those big, brown, candid eyes and tells

you lies." Indeed, the ferocity of Logue's critics is such that one can never entirely relax in his presence, feeling dutybound to question—at least inwardly—the steady stream of smooth, glib analyses of the urban situation and his plans for dealing with it. The over-all impression is of an extremely intelligent, very tough man who is too confident by half about the correctness of his course. After all the expensive failures this nation has endured while trying to set its houses in order, how can anyone be so certain that the U.D.C.—which is heavily stressing the latest fad in the redevelopment field, New Towns—is going to be any better than any previous program?

As his limo heads up Manhattan's West Side Highway, Logue almost perversely instructs his driver to avoid the pleasant prospect of the Palisades Interstate Parkway and to seek out, instead, the Garden State once the George Washington Bridge has been crossed. On the bridge, he calls attention to the height of its guardrails—"the —— —— highway engineers deliberately set the railings for maximum obstruction," he grumbles, "so as a result you can't see the most magnificent river in the country when you cross it." On the Jersey side he spots a highrise development and groans, Isn't that glorious design?" His companions stare silently at the offending structure and when another similarly repulsive pile becomes visible, Logue comments: "The trouble with this business is that you're always looking around you and seeing that the S.O.B. who designed a building wasn't looking at his site or even at what he was doing."

The Jersey slurb is, of course, the product of rampant free enterprise, one of the problems of which is that "our chief elected officials and our corporate presidents don't care about design and don't know anything about it." That, he thinks, is at least partly a generational difficulty. "When I was an undergraduate at Yale," he says, "the great gut course was early American silver—pots and pans we called it. There was no course in architectural appreciation. Now, at least, there is a course and it's the most popular undergraduate elective there—very exciting lectures."

He goes on to observe that his own education in urban esthetics was in a harder and more expensive school. "I was a bombadier during the war—that was my basic training for this work," he says, repeating a well-worn joke he uses to disarm potential critics. After that came Yale Law School, class of '47, and a stint as executive assistant to Chester Bowles when Bowles was Connecticut's governor and U.S. Ambassador to India, before signing on with New Haven's Mayor Richard Lee to head the city's renewal program.

Logue's fame began there when he was instrumental in attracting more Federal rebuilding funds per capita than any other city in the U.S. received. Moving on to Boston in 1961 he attracted $200-million in Federal write-down funds which he leveraged into $2-billion worth of new construction, very little of which represented fresh cash outlays by the city (its contributions were mainly in the form of schools, police stations, recreation facilities and the like—items which were part of its planned capital budget).

By the time Logue left the Boston Redevelopment Authority he had laid plans to clear some 13,000 substandard housing units, build almost 20,000 new ones and rehabilitate more than 37,000 others. Eleven per cent of the city, 3,200 acres, was actively undergoing renewal by the time Logue quit in 1967 to run unsuccessfully for mayor. The most clearly visible sign of Logue's Boston years is the downtown Government Center Project, which has replaced the old Scollay Square skid row with a set of state, Federal and municipal facilities and a group of private office buildings. Opinions differ about the design quality of the project, but it is certainly an improvement on Scollay Square and as central city rehabilitation projects go in the U.S., a pretty decent-looking one.

Projects of this kind have, as Logue points out, immeasurable side effects. They create work when they are under construction and they create new jobs once they are completed. They also encourage private investment in the areas around them, "millions of dollars . . . being spent on the upgrading and improvement of older buildings in this area to help make them more competitive with the new."

The eight other renewal areas in Boston are not quite so advanced or spectacular as Government Center, but all over the city new, B.R.A.-inspired construction is visible—a new aquarium, new and renovated commercial structures, shopping centers, transit facilities and, of course, housing. The assessed valuation of these new works is more than double that of the structures they replaced. But perhaps the best measure of Logue's Boston years is found in a very simple set of figures. In 1959, the year before he arrived, there was not a single commercial building under construction in Boston. By the time it is completed there will be no less than a dozen new commercial structures in the Government Center area alone.

One hears a good deal of criticism about Logue's housing activities in Boston, but it must be remembered that the B.R.A.'s mandate was much broader than simply to provide more dwelling units. Its real function was to arrest the city's economic decline—its "escalating taxes, shrinking population, galloping dilapidation, vacant lots, vanishing businesses, jobs and tax base," as Logue once put it. The project appears to have had its effect in all these areas. Boston, more than any major city in the East, gives even the most casual visitor the impression of being a boom town, an increasingly confident, bustling, changing place.

A compact man of medium height and girth, Logue has deceptively calm, wide-set brown eyes and a shock of salt-and-pepper hair that has a tendency to stand up, Dagwood Bumstead fashion, when it is untended. His dress is nondescript conservative, but although it is easy to lose him in a crowd of middle-aged businessmen, he gives off an air of tremendous energy only partly suppressed by the demands of convention when he is confronted in his office. He is forever popping up to consult maps, charts, books, architectural sketches—mainly, one feels, because he needs to do something physically. He rolls about, tilts back and forth, constantly shifts position in his chair and it is not unusual to look and find Mr. President with his legs tucked underneath him, perching in that chair as if it were a tree branch and he were the leprechaun in "Finian's Rainbow."

Well, he is Irish, which may account for his political instincts and for his pugnacity (legend has it that he once threw a chair at a "Fed," though he claims the incident is grossly exaggerated; "I gave it a shove with my foot and the floor was slippery and it just kind of took off"). Uncomfortable with community-action people, dismayed by the average, time-serving public official, Logue fits in well with business people. The U.D.C. doesn't make a move without elaborately consulting with them and, often, as is the case with Mid-Hudson Patterns for Progress, getting them to put up some money to match U.D.C.'s financial commitment to a plan or project.

Drawing closer to Newburgh Logue points out that Patterns for Progress "represents a five county area—Columbia, Dutchess, Orange, Greene and Putnam—that is about to be intruded upon by a worldwide problem, that is, by the intensive pressure of population on urban or potentially urban land. At the moment, the whole area between Westchester County and Albany is actually underdeveloped. The problem for this region, right now, is housing for skilled workers in these old, ramshackle, rundown river towns. There is one very large employer—I.B.M.—and it skims the cream off the local labor pool, leaving the rest of industry to compete for the marginals. They've advertised for skilled workers outside the area, but they won't stay unless they can get decent housing." The present problem is, however, temporary. In a decade or two the region will begin to receive New York City's overflow population. So intervention by the U.D.C. now will give it—so Logue hopes—a role in the more complex problem-solving soon to come.

It was Newburgh that first brought the U.D.C. to the mid-Hudson region. Described by Logue "as an almost classic example of a city paying the unintentional price for progress," it was one of the first to reply to Governor Rockefeller's letter, addressed to every city in the state, inviting them to make use of the U.D.C. immediately after it came into existence in the spring of 1968.

What had happened to Newburgh was a bridge over the Hudson. Bypassing the city and rendering obsolete the ferry service that operated between it and Beacon, it caused an almost-instant shutdown of Newburgh's riverside business district. Today, the district is nothing but a collection of empty buildings, a couple of hundred altogether. One sees an occasional light burning where a small grocery or newsstand grimly hangs on, an occasional movement where some black children play among the empty shells.

Logue does not believe Newburgh's sickness is terminal. The U.D.C. has put together a package that includes a bypass highway around the city, something the state's highway engineers have urged—against town opposition—for some time. As a trade-off, there will be a new road, along the river, leading into a completely new downtown development, planned by U.D.C., but eventually to be operated by private enterprise. Before that gets under way, however, the U.D.C. will have started a 300-unit housing project out on Lake Street, where a recently abandoned county home for the aged now stands. Over the years Logue has devised certain basic formulas for such projects. Ten per cent of its units will be for the elderly, who will be housed in a nine-story apartment building. Twenty per cent of the units are designated for low-income tenants, all the rest for middle-income groups. These will be two- and three-story structures, ranged around a pretty, if polluted, pond. The pond will be cleaned and the low- and middle-income apartments fronting it will have "rather more bedrooms than is customary in public housing," says Logue. The whole housing development is neatly tied in with an industrial site nearby.

What does a community like Newburgh sacrifice in order to bring in the U.D.C.? Autonomy, of course. The presence of the U.D.C. in a locality is a public admission that it cannot solve its own problems. On the other hand, it does not become, unless it wants to, a completely silent partner. According to the quite typical Memorandum of Agreement drawn up between Newburgh and the U.D.C., the former's city council had the right to reject the development plans of the U.D.C. when they were submitted to it and the right to reject any private developer the U.D.C. brings in to work on any stage of its construction. On its part, the U.D.C. reserves the right to walk out if any of its plans are thwarted—a powerful weapon, indeed, once hopes for progress have been raised at public hearings and in the press.

What a city gets from the U.D.C. in return for sacrificing some of its traditional prerogatives is a very fair compensation—expertise and economic resources it could not otherwise command, not to mention, when a project is finished, tax-producing structures. One could say that the autonomy

surrendered is roughly akin to that which a sick man gives up to a hospital. It may be annoying, but it does offer the possibility of curing what ails him.

That is the substance of Logue's message to the assembled members of Mid-Hudson Patterns for Progress. On his feet Logue turns out to be a crisp, not very exhortatory speaker. He gives a quick résumé of his own career and of the brief history of the U.D.C. He stresses the region's need for planned growth and the fact that his corporation "has taken the position that we will only work at the invitation of a locality. We're not looking for a mandate to go where we're not wanted. We're not going to try to run around end on you. But we do know how to do what needs to be done, how to meet the problems you have. If you want us as partners, we're very available. On your part, you have to decide that you have enough problems to want our assistance and that you can trust the kind of relationship that's being proposed here."

Implicit in all this is a quiet threat. Logue knows, and he flatters his hearers by assuming that they know, that conventional renewal programs are far too slow in operation. After this comes the kicker: "Twenty cities have entered into partnerships with us, others are not sure about what to do, others have said they don't need us. *That's O.K. with us—we have plenty to do without them.*"

In short, it's take-it-or-leave-it time, and the technique works beautifully. It has been explained that it will require about $360,000 merely to develop a plan for the region. U.D.C. will put up $100,000 and a foundation and the Regional Plan Association each have virtually committed themselves to matching that amount. But in keeping with Logue's insistence that he likes "to have local partners with a little cash invested," Patterns for Progress must come up with the remaining $60,000. A few pols get up to inquire of Logue about "fair representation" for their districts in the councils of Patterns for Progress. Translated, this means they want to make sure they get equal dipping privileges in what clearly looks to them like a handsome pork barrel.

After they are done getting on the record, however, the luncheon takes on the aspect of a revival meeting. There is much talk about how Newburgh, in its time of troubles, oversubscribed its $45,000 share of the planning money the U.D.C. required of it by $15,000—and in less than a week's time at that. The example is not lost on its neighbors and one by one the representatives of industry and of chambers of commerce rise to pledge their support. Cagily, no figures are mentioned, but it is quite clear that there's $60,000 present at the meeting and the air at adjournment is optimistic.

Logue makes no comment, but ducks as quickly as politeness allows into a closed meeting with two or three Newburgh people. It seems a private developer, who dreams of a container cargo port as part of the development plan, has been sniffing around, possibly contacting local officials. They don't like the idea: Newburgh has more pressing needs. Logue assures them the man is within his rights but that he probably lacks the wherewithal to bring the idea off. He must also reassure a black man, concerned that the local contractors who will undertake the Lake Street development may not hire black workers. Logue informs him U.D.C. will insist that blacks be employed no matter who wins the bidding. He exudes confidence, largely by taking his time, keeping his voice at its customary low pitch and telling half-humorous anecdotes about how he has faced similar problems in the past and defeated them. He is very much the experienced, knowledgeable, urbane expert casually placing his know-how at the service of the naive and troubled outlanders. It is a very reassuring performance.

As is his appearance before the Patterns for Progress board of directors which immediately follows. The directors must formally accept or reject the U.D.C. partnership now. Here he lays to rest a ghost that hovers, according to his associates, around all the U.D.C.'s operations outside the metropolitan areas, namely that it is in the business of exporting the city's problems to the countryside. "We are not trying to create large-scale public housing in the country," he says. "What we want is a plan that will serve as a development guide for the region, just as our master plan did for Boston." His pitch is firmly backed by a representative of the Regional Plan Association and by the time he leaves it is obvious the board will be going along with him.

He makes a whirlwind tour of the sculpture on the grounds of the museum—his entourage panting to keep up—pauses briefly in Newburgh to inspect both the blighted downtown area and the Lake Street site, and then, it being almost 5 o'clock, heads back to New York.

His companions are dragging by this time, but Logue is not. Despite his almost missionary belief in the efficacy of U.D.C. he is under no illusions about it. Stuart Polly, one of the brightest of Logue's bright young men, has put New York's urban problem succinctly: "One-fifth of the state's housing is substandard. It is estimated that more than two million people live in blighted areas. These blighted areas cover 100,000 acres." But in the 20 years since the Federal Urban Renewal Act was passed, only about 200 acres of renewal projects have been completed, another 300 acres are in advanced states of land clearance, another 1,200 acres await sponsors to redevelop them. Admitting the measurement "may be somewhat crude," the figures still indicate, says Polly, that "less than 3 per cent of the total problem has been reached."

"What is needed," Logue says, as his car rolls cityward, "is very simple. We need a serious national commitment to the goal of providing decent housing for everyone who needs it. Private enterprise can't do the job alone; the cities and the states can't do the job alone. Probably the best thing to do is scrap our present approach to the problem and start all over again. But so far neither the President nor the Congress has made a commitment to housing. They are not uninterested: it is just not very high on their priority list."

Logue has, through a decade and a half, created a vociferous band of critics. Some are irrelevant, like the Boston City Council member who fought him implacably and who claims he is nothing but "a Washington influence peddler." Some are hysterical and Logue acknowledges that you can find blacks "who think I'm a racist ——."

Some are purely political: John V. Lindsay, who invited Logue to prepare a housing-and-planning development program for his new administration in 1965, accepted most of its policy proposals and then had his feelings hurt when Logue rejected his offer to head a housing-and-renewal superagency. Logue reportedly thought he would not have enough authority to do the job and Lindsay, who was a classmate at Yale Law School later fought the U.D.C. legislation and was heard to comment, when Logue accepted its presidency: "I used Ed Logue as a kind of a part-time kibitzer. Maybe he'll have the same relationship with the state—Ed's very good at that." It is said that the Mayor's private statements about Logue are a much deeper blue than the colors of their alma mater.

Comments of this sort are the dismissible debris of a career in controversial public service, and Lindsay's administration has since gone into partnership with the U.D.C. on no fewer than eight projects. What is not dismissable at all is the near unanimity of the academic urbanists' disapproval. To someone like Herbert J. Gans, a sociologist who specializes in housing problems at M.I.T., Logue's basic past mistake was an unthinking embrace of the Federal Urban Renewal Act. The act is, he says, based on a faulty premise, namely "that you can keep the middle class in the cities, or even lure them back from the suburbs, by tearing down the houses of poor people who don't contribute anything to the city anyway. What's wrong with it is that it doesn't deal directly with the problem of poverty—all it does is push the poor around some more."

Says Frances Piven of the Columbia School of Social Work, "The result of Logue's work has been to paralyze and devastate the neighborhoods into which he has moved or threatened to move. You must remember that the Urban Renewal Act was designed to get rid of black ghettos which were obnoxious to other classes and which were beginning to develop some real political power of their own. You must also remember that the land on which they stand is potentially valuable. If you take it away from the blacks and give it to the business interests, you are, in effect, returning it to its state of highest economic usefulness."

As far as she can see, the U.D.C. will simply offer more of the same thing. "It will probably be part of the attempt to pre-empt Harlem because there is a lot of interest in taking Harlem, to develop it for beauty, for a higher degree of economic usefulness. Probably [the U.D.C.] will throw off some concessions as it does so." But, she adds, only 1 per cent of the building accomplished by Logue and others who have successfully pried money out of the Federal Government under the Urban Renewal Act has been housing for the poor.

Housing analyst Jane Jacobs says, "Logue tosses people and small businesses around ruthlessly. If you want to know what he does, ask the rioters in New Haven. To a great extent, urban renewal there was a process of Negro removal. The poor were rooted out, and many of their businesses were destroyed or relocated out in the country, in order simply to give the city a better image."

All Logue's critics believe that his elaborate consultations with communities before he goes to work are, in Mrs. Jacobs's word, "hypocritical." Says Gans: "Logue often set the middle-class blacks against the poor blacks. What you have to remember is that however bad the slums are, they at least provide people with places to live. That's why urban renewal is a dirty word in the ghettos now. And a dead issue with most people who know anything about housing . . . . With a man like Logue I never listen to what he says; instead, I watch what he does."

Chester Hartman, an urbanist at Harvard, is just as vehement, although he concedes that there is an element of personal hostility in his relationship to Logue. He also concedes that Logue is "a real doer, who has marshaled an extremely effective staff that reflects this kind of bull-like quality he has." But he, too, charges that Logue lacks interest in the community: "He never has participated with the community in planning, he has no concept of starting to plan with people. Oh, sure, he finds committees to work with, but they are without real power."

Moreover, he claims that in Logue's haste to get things constructed, he does not exercise sufficient control over his builders. In Boston's Washington Park renewal area, Hartman says, there have been "tremendous complaints about the original quality of the work and tenant committees have been established to improve conditions there."

Mrs. Jacobs points out that in Boston now, after a decade's experience with the B.R.A., people are beginning to band together to fight eviction. They are, she says, no longer quietly going to give up their homes to satisfy the city's need to improve its image. She notes that "Logue is magnificent at tak-

ing the glory and leaving the pieces for someone else to pick up. He's a big wheel, an important guy, and by the time the U.D.C. is obviously failing and the state sees it has a mess on its hands, he will have left—he has a great capacity for moving on at just the right moment."

Logue does not, of course, concede the validity of these criticisms. Except, possibly by his actions. His emphasis on speed in clearing and rebuilding land is surely an attempt to minimize some of the social costs of renewal. More important, the stress at U.D.C. is not on urban renewal as it has been defined. Rather the emphasis is on new alternatives. In Buffalo, for example, U.D.C. is planning a New Town that will be tied in with the new campus of the state university there. It will create far more housing than it will displace, enormously broaden the tax base of its locality and, quite important to Logue, who finds "a certain lack of dynamism" in the European New Towns, the university connection should make it a lively place to live.

The U.D.C.'s major projects in New York City—the New Town on Welfare Island and the Harlem River Park which will provide, when completed, a combined total of 6,500 housing units—will displace no present housing. That, according to Logue, is the essence of sensible renewal in a city where land and housing are scarce. The theory is that first you build the new housing, then you move people into it and then and only then do you destroy or renovate the places where they previously lived.

All over the state that is what U.D.C. is doing—looking for vacant and, hopefully, publicly owned land on which to build New Towns. The 6,500 new units of housing will not cure the city's ills. Nor will the 4,770 other, smaller developments that the U.D.C. is planning to add to this total. But it could be "the beginning of a chain" of developments, stretching over the next two decades, that might substantially relieve the pressure here. Logue does most firmly believe that U.D.C. "can create a new pattern for development" with New Towns and New-Towns-in-Town like Welfare Island. "The magic thing about Tapiola [a New Town outside Helsinki, Finland] is that it works."

But the New Towns will not work here unless they can attract the middle class. Logue is convinced that no one will be able to resist their obvious advantages. But Logue himself, who lived in the Yale Club for a year while selecting a place for his family to live in New York City, lives at One East End Avenue. He does not live on the West Side, where he could easily enjoy rubbing shoulders with members of another class. (Similarly, he believes the flight to the suburbs could be halted if the middle class would stay in the cities and fight for good public schools there. But he sends his two children to Dalton, excusing this abandonment of principle on the grounds that his kids have "made plenty of sacrifices because their father is a public servant, and they are entitled to compensations.")

One does not criticize Logue for this behavior. He is a man who has worked devilishly for success and is, perhaps, entitled to its rewards. The writer of this piece is an East Sider and a Dalton Daddy, after all. Still, if Logue will not do what he asks others to do, the New Towns are in trouble—unless, as someone has suggested, George Plimpton can be persuaded to move to Welfare Island to give it some chic.

These points, raised late in the day as his limo threads its way through the rush-hour traffic, do not ruffle Logue. He is a tough man who knows what he thinks he knows. ("How do you like Ed Logue?" a lady journalist who profiled him once was asked. "About 80 per cent," was the reply—and there *is* a hard warmth-resistant, protective core to the man.)

On the other hand, his impatience, his anger at inefficiency, his no-nonsense ability to speak plainly, in the vernacular, about what he's for and what he's against (consider his unfashionable admiration for another doer, Robert Moses), his really amazing sense of urgency about the job at hand in the cities, are in refreshing contrast to standard official style these days. Just at the moment, no matter what his critics say, it may be more important to do something—anything—in the cities that is quickly visible than it is to study the problem to death. It may even be that plain old-fashioned action is more to the point than community action, which is often merely obstructionist, sometimes irrational. The efficacy of this new political style cannot, at this point, be considered objectively proved. It is, in short, an attractive academic theory that has made a scandalous amount of trouble in the streets.

In any case, asked about his relationship to Governor Rockefeller, Logue reveals a good deal of his own best self when he happily replies: "The guy is tough when he leans on somebody." He pauses to muse for a moment and adds: "He's an enthusiast, and I'm in favor of that. What this ——— country needs is more enthusiasts."

With which the car pulls up in front of his building and he bounces enthusiastically out to face the night's homework. Watching him go one recalls a statement of his long-time associate, Allan Talbot, who lists his assets as "a sense of drama and urgency, a huge capacity for work and a great love for cities," plus his greatest gift—"making a picture of a puzzle."

There is also a statement by Arthur Drexler, curator of architecture and design at the Museum of Modern Art, to weigh in the balance: "I'd be inclined to give him the benefit of the doubt. Sure, without a real Federal commitment to the cities, something like U.D.C. is just a great big Band-Aid. And I suppose it's all very well for you and me to sit back and take a historical point of view about it and about men like Logue. But that doesn't mean everyone should sit back and wait for someone else to do the job. People like Logue have to keep trying—if only for humanitarian reasons."

LITHUANIAN INDEPENDENCE

Mr. PERCY. Mr. President, on February 15, 1970, the Honorable Petras P. Douzvardis, Consul General of Lithuania, addressed the Lithuanian Independence Day commemoration meeting at the Maria High School auditorium. Lithuanian Plaza, Chicago. He expressed the pride of Americans of Lithuanian descent and of Lithuanians everywhere in the accomplishments of the years of Lithuanian independence between 1918 and 1940. He also expressed the determination of all free peoples that Lithuania shall one day regain her freedom, a sentiment which I heartily share.

I commend the Consul General's remarks to my colleagues and ask that they be included in the RECORD.

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

ADDRESS OF PETRAS P. DOUZVARDIS

On February 16th, Lithuania's Independence Day, we rejoice that Lithuania had regained her independence and had taken her rightful place among other independent, sovereign states. We express our gratitude and respect to those who were instrumental in restoring independence of Lithuania.

We take joy and pride in the organization, performance and accomplishments of the State of Lithuania, in her rapid progress and her commendable representation of herself in the world. This is confirmed by the reaction of the free world to Lithuania's misfortune: by the non-recognition of the Soviet Union's seizure of Lithuania.

For this great and significant legal-political support of Lithuania's rights, Lithuanians express their profound and sincere thanks to the United States of America and to all freedom-loving and law-respecting states.

As we reiterate our appreciation to Lithuania's friends and respecters of law and justice, we denounce the enslavers of Lithuania, the violators of agreements and international law and disseminators of falsehoods, and demand restoration of freedom to Lithuania.

President Nixon (October 24, 1968) characterized the conduct of Lithuania's enemy and occupant as follows:

"In committing aggression against the Baltic countries—Lithuania, Latvia and Estonia—the Soviet Union violated not only the spirit and letter of international law, but offended the standards of common human decency."

Bearing in mind that aggression is an international crime, and that the Soviet Union committed this crime for which it is condemned by its victims and the just world, as actual victims of Soviet aggression and oppression, it is up to the Lithuanians and others of the same fate to speak out more loudly and forcefully and to demand a righting of the wrongs inflicted by the Soviets—to free Lithuania and its people.

This demand is made in accord with the United Nations Charter and the Soviet Union's own demands upon others. Here is the latest (September 19, 1969) Soviet proposal to the United Nations:

"All States-members of the United Nations have assumed under the Charter the obligation to settle their disputes by peaceful means, to refrain from the threat or use of force against the territorial or political independence of *any state* . . . it is necessary above all, to insure, without delay, the withdrawal of troops from foreign territories occupied as a result of action by the armed forces of some states and against other states and the people defending their independence and territorial integrity, and to abide in international relations by the principles of sovereignty, equality, territorial inviolability of each State—non-interference in internal affairs and respect for the rights of all people freely to choose their social system."

Shortly before that, on July 10, 1969, Foreign Minister of the Soviet Union Andrei Gromyko had stated:

"It is impossible to keep foreign areas seized as a result of aggression . . . they should be returned . . . to whom they belong."

We are in agreement with the above-stated principles and expressed ideas. Guided by these ideas and by international law, we demand that the Soviet Union abide by its avowedly noble principles, solemn statements and obligations, that the Soviet Union restore Lithuania's territory to the Lithuanians with all the rights set forth in the Lithuania-Soviet Peace Treaty. As long as the Soviet Union does not do so, it will remain a hypocrit, an imperialist, the enslaver of Lithuania and other states, an enemy of freedom and justice.

SENATOR WILLIAMS URGES PRESIDENT TO PREVENT A REPETITION OF THE TRAGEDY OF VIETNAM IN LAOS

Mr. WILLIAMS of New Jersey. Mr. President, last year the Congress clearly and unequivocally declared America's intention not to allow the war in Vietnam to spill over into Laos. Congress barred the use of American ground troops in

Laos and Thailand. This action, of course, was consistent with the Geneva accord of 1962.

It is now apparent that both North Vietnam and the United States are violating the 1962 accord.

Furthermore, it is now reported, in every day's newspapers, that the congressional intent is being violated and frustrated. It is reported that hundreds of former U.S. special forces have joined the CIA forces in Laos. Daily, B–52 sorties are now being flown over Laos, not just to interdict shipments over the Ho Chi Minh Trail, but to fight the battle for the Plain of Jars, to participate in what is apparently a civil war in northern Laos. We are spending over a quarter of a billion dollars yearly there. Some 200 American airmen have reportedly already been killed, as well as 20 CIA agents. And now, the North Vietnamese have reportedly built up their forces in Laos to 50,000 regular troops.

The situation is deteriorating rapidly. And yet, we in the Congress must get our news from unconfirmed press reports.

On November 3, President Nixon stated:

> I believe that one of the reasons for the deep division about Vietnam is that many Americans have lost confidence in what the Government has told them about our policy. The American people cannot and should not be asked to support a policy which involves the overriding issues of war and peace unless they know the truth about that policy.

Despite these unequivocal words, the administration has refused to release for publication testimony on Laos presented to the Foreign Relations Committee over 4 months ago.

If Congress is to fulfill its legislative responsibility it must have the facts; and if the people of this country are to intelligently determine the course of their future, the truth about our involvement in Laos must be disclosed.

Over and above his responsibility to keep America informed, the President has the obligation to assure America, by his statements and by his conduct, that he will not permit the tragedy of Vietnam to become the tragedy of Laos and of all Southeast Asia.

UKRAINIAN INDEPENDENCE

Mr. GOODELL. Mr. President, I wish to join my fellow Senators in marking the 52d anniversary of an independent Ukrainian State. These brave freedom-loving Ukrainians have long endured oppression from the outside—first under the hands of the czar and now under Communist rule.

Fifty-two years ago, last month, the Ukrainians—immediately following the Russian Revolution—proclaimed an independent nation-state. Unfortunately, the newly created Bolshevik regime in Moscow did not allow them their independence long. In 1920, only 2 years later, the small Ukrainian Republic was attacked and overrun by the Red army, and incorporated into the Soviet Union, as it remains today.

On this 52d anniversary of Ukrainian independence let us jointly express our hope for freedom for the people of Ukrainia.

A TRIBUTE TO CHARLES ABRAMS

Mr. PERCY. Mr. President, in memory of a warm and vibrant friend, Charles Abrams, who died on February 22 in New York City, I would like to review in a few, obviously inadequate words something of his contribution to our understanding of the changing world about us.

Perhaps more than any other person I know, Charles Abrams was able to analyze the forces which underlie urbanization not only in the highly developed nations of the world, but also in the newly developing nations. He was admired for being able to point out the obvious—a valuable accomplishment in an age of complexity and blinding specialization.

A prolific author, Mr. Abrams was at the same time able to combine positions as an official with that of consultant to private, governmental, and international agencies and that of university lecturer. He lectured at MIT, held the post of chairman of the Division of Urban Planning at Columbia, and most recently served as Williams Professor of City Planning at the Harvard Graduate School of Design.

Characterized by a remarkable energy, a spontaneous good cheer, and a facility with words, which often took the form of an irrepressible play on words, he maintained a native shrewdness about the basic workings of the housing market which gave him an extraordinary advantage over the ordinary scholar.

His interest in housing and planning began in Greenwich Village through the practice of law and the ownership of property. Among the many city positions which he held were a post on the city's slum clearance committee beginning in 1934, counsel to the State joint legislative committee on housing and multiple dwellings beginning in 1946, and chairman of the State commission against discrimination in the late 1950's. In this latter job in which he worked with his usual energy to reduce discrimination by landlords, employers, and others, he was charged as a zealot—a charge which the then Gov. Averell Harriman turned into a compliment.

In 1965 Mr. Abrams was appointed by Mayor Lindsay as chairman of a task force to draft recommendations to meet the deterioriating condition of housing in New York City. As a result of the proposals of this task force, the city housing and development administration was created.

Charles Abrams was also interested in worldwide problems. As a consultant and as a member of the United Nations housing missions, he advised many countries in South and Central America, the Caribbean, Africa, and the Far East, as well as Turkey, Pakistan, and India. He was also consultant to the International Cooperation Administration and for the Pan American Union.

Mr. Abrams' book, "Man's Struggle for Shelter," opened the eyes of many to the worldwide phenomenon of explosive urbanization. His experience in the United States and abroad made it clear to Mr. Abrams that relocation must precede slum clearance to avoid adding fuel to the fire of the two evils of overcrowding and exorbitant rent levels.

In his book, "The City Is the Frontier," Mr. Abrams called for a new philosophy which must "acknowledge that the central city and the suburb are an entity." He called for a clarification of responsibility between the State and Federal Government for responsibility for welfare and asserted that citizens must have the "right to live where they choose."

Finally, I would like to mention his strong emphasis on the need for a new philosophy to insure that "low-income families are entitled to the opportunity to own homes and to own them without fear of losing them when unemployment, illness, or death supervene." I have myself worked hard to accomplish this aim and take comfort from the fact that homeownership provisions were enacted within the lifetime of Mr. Abrams.

Mr. Abrams leaves us with a warning on the need for adequate housing—a need which has been partially accomplished—but on which more work needs to be done. May we not forget the dream he had of a life which reached out to people everywhere, and follow in his dream.

SOLID WASTE MANAGEMENT

Mr. GOODELL. Mr. President, the time is past for contenting ourselves with studies, models and pilot projects in the field of solid waste management. The Federal Government must act.

In testimony this morning before the Air and Water Pollution Subcommittee of the Senate Public Works Committee, I recommended an agenda for Federal action in the field of solid waste. My recommendations included:

The establishment of mandatory Federal standards for solid waste disposal, with rigorous Federal enforcement procedures;

Federal grants for construction of solid waste management facilities;

Federal incentives for regional solid waste planning; and

The creation of a system of user charges against specified industries that produce a high volume of solid waste, the proceeds of which would be placed in a trust fund to finance construction and operation of modernized solid waste disposal facilities.

Mr. President, I respectfully request the insertion of my testimony this morning into the RECORD.

There being no objection, the testimony was ordered printed in the RECORD as follows:

SOLID WASTE MANAGEMENT

(Testimony by Senator CHARLES E. GOODELL before the Subcommittee on Air and Water Pollution of the Senate Committee on Public Works, March 4, 1970)

Mr. Chairman, municipalities and industrial operations generate over 190 million tons of solid wastes annually, and this figure is expected to rise to 340 million tons by the end of this decade. Traditional disposal of municipal solid waste is by land-fill and incineration, which often results in pol-

lution of land, water and the atmosphere. About 90 percent of the total disposal is in landfills, only a small percentage of which are satisfactory from the standpoint of pollution control. And in the areas where volume of solid waste is the highest, land for this purpose is becoming extremely scarce.

1. MANDATORY SOLID WASTE STANDARDS

There is no provision in Federal law requiring municipalities and industries to live up to any standards for their treatment of solid wastes. This is simply left to state and local regulation. As a result, the incentive for municipalities and industry to develop and implement adequate disposal procedures is small, indeed.

President Nixon has proposed a bill which would authorize the Council on Environmental Control to conduct studies in the field of reclamation and recycling of solid wastes.

Senator Muskie has recommended the establishment of Federal model standards for the collection and disposition of solid wastes. These model standards would be made available, on a voluntary basis, for adoption by state and local governments.

I believe, however, that the time is past for studies or model standards alone. The Federal government must act. It must establish national mandatory disposal standards. Until such standards—with rigorous enforcement procedures—are adopted, localities will simply lack the basis and the incentive to implement effective recycling and other procedures for disposing of solid wastes in a safe and sanitary manner.

President Nixon has proposed that the Clean Air Act be amended to provide the Secretary of Health, Education, and Welfare with the power to establish national standards governing air quality.

It is my recommendation that a similar approach be followed in the field of solid waste.

The Solid Waste Disposal Act should be amended to authorize the Secretary of Health, Education, and Welfare to establish national management standards.

The Secretary should delegate this power to the Bureau of Solid Waste Management, which hitherto has acted as a dispenser of research and demonstration grant funds in the field of solid waste.

The Bureau has already prepared for municipalities and industry operating guidelines for the use of incinerators, and is progressing in the preparation of operating standards for the utilization of landfill. The Director of the Bureau ought to be empowered to enforce those guidelines, presently just recommendations, as mandatory under the law. The Bureau ought to be preparing regulations on the interstate shipment of garbage, and on the disposals of sewage residues at sea beyond the three-mile limit.

The standards should aim at a reasonable degree of uniformity throughout the nation, with appropriate regional variations to reflect regional ecologic differences. Through such an approach, we can avoid creating unfair competitive disparities in different sections of the country, while taking into account disparities in regional ecologic needs.

The Secretary (and by his delegation, the Bureau) should be granted the authority to seek court injunctions for violations of the standards, as well as the power to issue cease and desist orders. In addition the Secretary should be authorized (but not required) to suspend further grants to an offending municipality under the Solid Waste Disposal Act.

2. GRANTS FOR CONSTRUCTION OF SOLID WASTE DISPOSAL FACILITIES

The Solid Waste Disposal Act of 1965 provides funds only for research and development and demonstration projects. No funds are made available for construction of municipal disposal facilities, as they are for municipal sewage disposal plants under the Clean Water Restoration Act of 1966.

Until the Federal government provides funding for modern and effective disposal facilities, municipalities by virtue of financial necessity will be forced to adhere to old and insanitary methods.

Senator Muskie's proposed Resource Recovery Act of 1969 includes authorization for Federal grants of up to 50% for the construction of solid waste disposal and resource recovery facilities. Federal grants of this nature provide the only effective method of upgrading municipal disposal techniques.

I strongly support Senator Muskie's construction grant proposal.

3. UTILIZATION OF GRANTS TO PROVIDE INCENTIVE FOR REGIONAL PLANNING

There has recently been a rush by state legislatures and city councils to legislate a prohibition against the dumping of solid wastes from outside political jurisdictions within their boundaries. Such legislation is quite contrary to the intention of Congress as expressed in the Solid Waste Disposal Act of 1966, for we intended to promote regional planning which would maximize the welfare of citizens of the entire country.

I propose, therefore, that the Solid Waste Disposal Act be amended to provide that, given limited funding, priority in the provision of planning, research and development grants shall be given to those planning and research and development proposals which involve intermunicipality, intercounty, and interstate planning and programing.

4. A POSSIBLE NEW SOURCE OF FUNDING: THE USER CHARGE

I recommend that this Subcommittee consider the establishment of a new system of user charges to finance a comprehensive solid waste disposal system.

The charge should be levied against specified industries—for example, the automobile, packaging and paper industries—that produce a high volume of solid waste.

The industries to be charged and the schedule of charges for each such industry should be set by Congress upon recommendation of the Bureau of Solid Waste Management. The Bureau is presently studying and codifying the costs and environmental effects of various types of solid wastes. The user charges recommended by the Bureau and set by Congress should reflect the actual costs of disposal.

The economic justification of a user charge of this nature is that it eliminates the disparity between the social cost of solid waste disposal and the private cost. There is little doubt that a user charge would act as an incentive to industry to minimize solid wastes, and that each industry would retain flexibility in choosing the means to do so.

Given our objective of maximizing recycling and reuse of products, we might reduce the charge proportionately with the number of predicted uses it might have. Thus a product reusable one would have its user charge rate cut by 50%, while one which can undergo 20 cycles would be cut by 95%. Thus industry would be provided with an economic incentive to produce recyclable goods.

Should the Subcommittee evolve a user charge proposal, moreover, it might want to include in it a provision that the manufacturer who uses recycled inputs, such as scrap iron instead of newly smelted iron, have his user charge reduced in accordance with the proportion of recycled inputs in any given product.

The Highway Trust Fund provides an excellent example of the utilization of funds gained from user charges to improve the facilities upon which those users depend. Similarly, the Subcommittee might want to consider the establishment of a Solid Waste Management Trust Fund, to be replenished by the income stream from whatever user charges may be levied upon producers of solid wastes.

Grants for construction and operation of local solid waste disposal facilities could then be made from this Trust Fund, which would be continually maintained without annual appropriation by the Congress.

Let me suggest, finally, that the government has the capacity to develop certain indirect incentives for better solid waste management. The General Services Administration might, for example, work into its formula for determining the low bid on any product sought by the government a discount rate which leads to the purchase of those products in which the use of recycled inputs has been maximized. A plethora of such incentives may be devised.

CONCLUSION

In short, gentlemen, if we are to make a beginning toward solving the problems of solid waste management, we cannot be content with endless studies, plans, and demonstration grants. We must provide instead the hard Federal cash, the effective financial incentives to industry, and the tough national standards requisite to making recycling a reality, and to making burnt-out auto hulks and splintered no-deposit bottle shards the discarded memory of a polluted past.

FRENCH SALE OF JETS TO LIBYA

Mr. WILLIAMS of New Jersey. Mr. President, last week I invited my colleagues to join me in requesting a meeting with President Pompidou for the purposes of discussing the situation in the Middle East and for the purpose of presenting to him a short declaration urging the cancellation of France's sale of 110 Mirage jets to Libya. Numerous colleagues in both Houses of the Congress joined me in the request and in the declaration.

On Thursday of last week, I sent to Secretary Rogers the request that he arrange such a meeting.

I ask unanimous consent that the request with the list of consigners be inserted into the RECORD at this point.

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

FEBRUARY 26, 1970.

Hon. WILLIAM P. ROGERS,
Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: You know of our grave concern over the deteriorating situation in the Middle East. We firmly believe that "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."

Recently, in an action which we strongly disapprove, the Government of France agreed to sell to Libya, 110 Mirage jets. The leadership of that country must be made aware of the intensity of the disapproval felt by most Americans and their elected representatives.

We, therefore, request that you arrange for a meeting between President Pompidou and a delegation of the signatories of this letter so that we may present to him a Declaration urging the cancellation of the sale of jets to Libya.

Your urgent attention and assistance is requested.

Sincerely,

HARRISON A. WILLIAMS, Jr.

COSIGNERS

The following have advised me they wish to be cosigners of this letter:

SENATORS

Howard W. Cannon, Democrat, of Nevada.
Hiram L. Fong, Republican, of Hawaii.
Charles E. Goodell, Republican, of New York.
Philip A. Hart, Democrat, of Michigan.
Abraham A. Ribicoff, Democrat, of Connecticut.
Richard S. Schweiker, Republican, of Pennsylvania.
Stephen M. Young, Democrat, of Ohio.

REPRESENTATIVES

Brock Adams, Democrat, of Washington.
Joseph P. Addabbo, Democrat, of New York.
William A. Barrett, Democrat, of Pennsylvania.
Jonathan B. Bingham, Democrat, of New York.
George E. Brown, Jr., Democrat, of California.
Phillip Burton, Democrat, of California.
Daniel E. Button, Republican, of New York.
James A. Byrne, Democrat, of Pennsylvania.
Frank M. Clark, Democrat, of Pennsylvania.
James C. Corman, Democrat, of California.
Don Edwards, Democrat, of California.
Joshua Eilberg, Democrat, of Pennsylvania.
Leonard Farbstein, Democrat, of New York.
Hamilton Fish, Jr., Republican, of New York.
Thomas S. Foley, Democrat, of Washington.
Samuel N. Friedel, Democrat, of Maryland.
Robert N. Giaimo, Democrat, of Connecticut.
Jacob H. Gilbert, Democrat, of New York.
Margaret M. Heckler, Republican, of Massachusetts.
Henry Helstoski, Democrat, of New Jersey.
James J. Howard, Democrat, of New Jersey.
Joseph E. Karth, Democrat, of Minnesota.
Edward I. Koch, Democrat, of New York.
Clarence D. Long, Democrat, of Maryland.
Richard D. McCarthy, Democrat, of New York.
David R. Obey, Democrat, of Wisconsin.
Richard L. Ottinger, Democrat, of New York.
Edward J. Patten, Democrat, of New Jersey.
Claude Pepper, Democrat, of Florida.
Otis G. Pike, Democrat, of New York.
Henry S. Reuss, Democrat, of Wisconsin.
Peter W. Rodino, Jr., Democrat, of New Jersey.
Benjamin S. Rosenthal, Democrat, of New York.
William F. Ryan, Democrat, of New York.
James H. Scheuer, Democrat, of New York.
Samuel S. Stratton, Democrat, of New York.
Charles A. Vanik, Democrat, of Ohio.
Lester L. Wolff, Democrat, of New York.
Sidney R. Yates, Democrat, of Illinois.

DECLARATION

We, the undersigned Members of the United States Congress, declare:

A just and lasting peace in the Middle East is essential to world peace.

Reliance by the Arab nations on a continual flow of sophisticated offensive armaments impairs the deterrent strength of Israel and impedes the prospects for peace in the Middle East.

The sale of 110 Mirage jets by France to Libya represents an unwarranted major escalation of the arms race in the Middle East and constitutes a real danger for peace.

It is in the interest of world peace for the government of France to cancel the sale of military aircraft to Libya.

SENATORS

Howard W. Cannon, Democrat of Nevada.
Hiram L. Fong, Republican of Hawaii.
Charles E. Goodell, Republican of New York.
Philip A. Hart, Democrat of Michigan.
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Charles A. Vanik, Democrat of Ohio.
Lester L. Wolff, Democrat of New York.
Sidney R. Yates, Democrat of Illinois.

Mr. WILLIAMS of New Jersey. The letter to Secretary Rogers was hand delivered Thursday evening, February 26. On Friday, February 27, I directed that telephone calls be placed in my behalf to both the Assistant Secretary of State for European Affairs and his deputy.

I have to report that 5 days have passed and still no word from the State Department. Is the administration so afraid that President Pompidou will discover that responsible Americans of both political parties view France's Middle East policy with grave concern?

I can only hope that the administration's efforts to persuade President Pompidou to cancel the sale of jets to Libya and thereby to reduce tension in the Middle East, are pursued with the same zeal as are our efforts to assure that the President of France thinks well of our manners.

Mr. President, this country has always prided itself on its treatment of visiting dignitaries. I can understand the concern of President Nixon that a visiting head of state receive a fitting welcome. However, President Nixon must understand the grave concern caused by France's unfriendly attitudes toward Israel.

For an eloquent statement of this concern, I urge all of my colleagues to read a statement printed in yesterday's New York Times and ask unanimous consent that it be inserted into the RECORD.

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

WE WOULD LIKE TO WELCOME PRESIDENT POMPIDOU, HOWEVER, THAT IS IMPOSSIBLE: HE IS NO FRIEND

We mean no discourtesy. We are admirers of France and its civilization. And we would have liked to hail its President on his visits to this country and this city. But in good conscience we cannot. He is no friend of the United States nor does he speak for the majority of the French people.

Many Frenchmen, including General de Gaulle—and even M. Pompidou who just spoke before the joint session of our own Congress—have not hesitated to criticize the official policy of our own government. We see no reason, therefore, why we should not voice our apprehension and concern with the policies of M. Pompidou. Why should he have it both ways?

But it appears that this is exactly the way he wants it. He wants American troops to stay on in Europe indefinitely and for France to be protected by the American nuclear umbrella. *But he would like to have this without cooperating in NATO's integrated military system.*

He is suspicious of any help and cooperation we extend to friendly governments in North Africa. *But he doesn't hesitate to rush into Libya to take over positions from which the U.S. was unilaterally and unceremoniously evicted.*

He wants to recolonize North Africa and the Middle East—calling it "France's Mediterranean Policy"—under the guise of protector of the Arabs. Thus he becomes wholesale supplier of the most dangerous sophisticated weapons to the most immature and irresponsible Junta, whose leader only a few days ago sought to justify the terrorism in the skies and the murder of innocent civilians.

We believe M. Pompidou's policy in the Middle East is undermining the efforts of our own government to introduce a sense of stability, international responsibility and peace in the Middle East. His policy is dangerous, reckless, and indefensible.

The facts are our most eloquent ally:

He has placed an embargo upon the State of Israel, and denied her weapons she requires for her defense and survival, weapons for which she has already paid.

He has sold 110 Mirage jets to Libya. What does M. Pompidou imagine Libya will do with 100 Mirage jets, spray her crops?

M. Pompidou indulges in the dangerous game of using an anti-Israel policy as bait for currying favor with the Arabs. And under the guise of anti-Israel accusations and slander, we see the re-emergence and spread of anti-Semitism once again in France.

M. Pompidou, it would appear, is ready to sacrifice the state of Israel in order to restore France's position in the Arab world.

His predecessor, Gen. de Gaulle, quoted by the French press, has shown him the way: he has "resigned himself" to the "historic" disappearance of the State of Israel, and with great sadness foresees "the people of Israel to once more become the Wandering Jew."

Does M. Pompidou also foresee this? Is he also saddened?

While General de Gaulle, and his successor M. Pompidou, were obsessed to free themselves from what they considered "shackles of American influence," they have by now become slaves of their Arab clients.

Furthermore, M. Pompidou does not represent the majority of the French people. The French press and the French poll-takers have proved it: The latest opinion poll, taken only

a few days before M. Pompidou left for this country, shows conclusively that the French people are opposed to their Government's policies in the Middle East.

19% of those polled approved of the sale of the Mirages to Libya; 56% condemned it.

20% approve of the arms embargo; 50% were of the opinion France should honor its contractual obligations and deliver the 50 Mirages that Israel has already paid for.

20% approve of the French policies in the Middle East; 44% disapproved; 36% had no opinion.

Even among members of the Gaulist Party (U.D.R.), whose leader is M. Pompidou, only 34% approved of his policy; and 34% were against. The rest preferred not to answer.

Among the voters for the Communist Party, a majority of almost 60% rejected the anti-Israel policy of Pompidou, despite the Communist Party's proclaimed anti-Israel attitude.

The French press was even more categorical in its condemnation of M. Pompidou's policy in the Middle East. What outraged the French newspapers most, was not only the sale of 110 Mirages to a nation with only 8 pilots but also the evasions, the tricks, the lies that surrounded this sordid deal. The French Premier M. Chaban-Delmas confessed that "there can be no confidence on the part of the nation if its Government does not tell the truth."

M. Pompidou's Government is accused of precisely that. The French press accuse their Government of misleading not only its American Allies, but also its own people. The leading French daily, *Le Monde*, in an editorial titled *"The Fear of The Truth"* (Jan. 11, 1970) accused the Government of M. Pompidou of deception and underhandedness, and protested against misleading the press by lies and evasion.

In yet another editorial (Jan. 23, 1970) on the same subject, *Le Monde* declared that what is so disturbing in the behavior of the French Government in this matter is its obstinate insistence that the sale of the Mirages to the Libyans would not affect at all France's impartiality in the conflict in the Middle East. The Editorialist would like to know whom the government is trying to kid? "Regardless how hard one tries," he writes, "one still finds it most difficult to conceive against whom the Libyans will eventually use these planes if not against Israel."

Many Frenchmen are convinced that this policy, far from being in the best interests of France, will in the long run prove self-defeating. So do many Americans.

The truth of the matter is that the French policy, as pursued by the government under the Presidentship of M. Pompidou, combines so many evil elements that it cannot but end in complete failure and, furthermore, constitutes a danger to world peace.

It is for these reasons that we cannot support the welcome of President Pompidou.

We take this occasion, however, to appeal to our own Government to counterbalance France's arming of the Arabs. It is time to speed up our Government's decision to sell the planes and other material so vital for survival to the besieged state of Israel.

We urge our Government to pursue its efforts to bring the warring parties of the Middle East to the negotiating table. Only in that way, through mutual give-and-take, can there ever be a just settlement.

We believe that public opinion in this country can tip the scales in favor of peace and stability in the Middle East. We believe it can encourage and strengthen this administration in its dealing with the other big powers to achieve a fair settlement.

Therefore, we appeal to you to support our campaign for peace in the Middle East, and let us know that you agree with this message.

Your voice is a contribution for peace.

PRETRIAL DETENTION

Mr. GOODELL. Mr. President, last September I introduced a bill, S. 2920, that seeks to lower the level of violent crime by authorizing with carefully drawn safeguards the pretrial detention of certain offenders who have been repeatedly charged with crimes of violence.

The public is properly outraged that today the law cannot operate to detain this category of repeat offenders who, by any standard of commonsense, poses a very serious danger to the community in which he lives. And of course, that community is usually a ghetto community where most crime goes unreported. My bill would accomplish these purposes without violating the rights of an accused.

The bill would authorize the preventive detention of persons who have been admitted to bail or placed on probation or parole, and charged or convicted as the case may be, with a particular kind of felony and who, during such period, are charged with a second felony of the same kind.

Both charges must be felony offenses "involving the use of a dangerous weapon or deadly physical force resulting in serious bodily injury to another." The operative elements of this key phrase are statutorily defined.

In my bill, the issue of pretrial detention must be resolved, by a three-judge panel of the U.S. District Court. Also, the bill gives the court authority, in lieu of imposing detention, to impose conditions upon the release of the defendant, including a condition requiring him to return to custody after hours.

My bill also deals with the first offender who is charged with a felony offense "involving the use of dangerous weapon or deadly physical force resulting in bodily injury to another." While pretrial detention is not authorized in the bill in this situation, there are conditions which may be imposed upon the release of the person charged, including a requirement that he report to a probation or parole officer or a U.S. marshal not more than once every 24 hours, disclosing his activities, whereabouts, associations, conduct, travel, and place of abode during the pretrial period.

The bill sets out appellate procedures, mandatory penalties for bail jumping and creates an additional offense for committing an offense while on release.

The bill specifically requires civil commitment of persons detained pursuant to this statute, and provides that the detention order expire within 30 days, with authority for a 10-day extension, for good cause shown. It recognized the principle that such persons must be guaranteed an expedited preference for trial.

Mr. President, Ronald Goldfarb, a leading authority in bail reform and author of the book entitled "Ransom: A Critique of the American Bail System," has written for the New York Times Magazine of March 1, an excellent article entitled "A Brief for Preventive Detention." The article ably makes the case for the necessity of limited form of pretrial detention, and for the necessity of strict constraints upon the scope of application of the detention power.

The article contains a most informative discussion of my bill and its rationale.

Mr. Goldfarb covers well the rationale behind my proposal, S. 2920, to amend the Bail Reform Act of 1966 by providing for preventive detention limited to those twice charged with felonies resulting in serious bodily injury to another.

Mr. President, I ask unanimous consent to have inserted in the RECORD the text of Mr. Goldfarb's article and of my bill.

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

[From the New York Times magazine, Mar. 1, 1970]

A BRIEF FOR PREVENTIVE DETENTION

(By Ronald L. Goldfarb)

A 19-year-old drug addict with a long criminal record—his initials are P. D.—robs a savings and loan association in Washington, D.C., with the aid of two companions. As they leave, there is a gun battle with police and a bystander is wounded but not killed. Several blocks away, the getaway car crashes into a bus and the three men are captured. Arrested on assault and armed robbery charges, P. D. posts a $5,000 bond and is released while awaiting trial. Eleven days after that a local liquor store is held up, a janitor recognizes P. D. and he is rearrested at a friend's home. At his presentment a few days later, bail is set at $10,000; again P. D. is able to get a bond and goes free.

Before he comes to trial on any of the charges, he attempts to rob a neighborhood gas station at gunpoint, but an off-duty policeman who happens to be present subdues him after a struggle. This time, bail is set at $25,000. But P. D.'s lawyer pleads that his client cannot afford it and therefore will be incarcerated just because of his poverty. He also argues that P. D. has good ties in the community—for example, he is employed locally and has lived there all his life—and that he has never failed to show up in court when ordered in the past. Moreover, members of P. D.'s family and a clergyman appear to say that they will assure his presence in the future. Bail is reduced to $15,000, which P. D. can afford, and he is released.

Less than a month later, two men stick up a bank; when an alarm goes off, they panic and shoot into the crowd of customers, killing one person and wounding two others. Photographs taken by the bank's concealed camera identify P. D. as one of the robbers and he is arrested once again. Now, since he is charged with a capital offense, P. D. is denied bail and, during a court appearance, an angry judge tells him: "It is a disgrace that my colleagues on this court have had their hands tied and were unable to lock you up before this. Untold and unnecessary ravage has been wreaked upon this community as a result of our impotence."

Exaggerated as it may sound, this kind of case has happened countless times in just about every American city. It illustrates a problem which has been occurring in American courts with increasing frequency and which has provoked a passionate debate about criminal law reform that is likely to be resolved in Congress this year. The problem is the commission of repeated crimes (increasingly involving violence) by men already charged with other crimes and free on bail awaiting trial. The issue is whether to solve the problem by adopting some scheme of preventive detention, a loose and provocative term used to describe procedures under which defendants deemed dangerous could

be incarcerated during the time between their arrest and trial.

In July, 1965, I was asked to testify before a Senate subcommittee which was holding hearings on bail reform. On the morning of my appearance, a subcommittee lawyer cornered me outside the hearing room to ask if I would discuss preventive detention when I testified, along with the other points I wished to make about the money bail system. No one else was willing to go on record regarding this touchy subject. Today, the subject is no longer taboo. Not only has the Nixon Administration submitted a bill to authorize consideration of danger to the community in setting conditions of pretrial release or as a basis for denying release, but so have Senators Charles Goodell, Joseph Tydings, Robert Byrd and Roman Hruska, and Representative William McCulloch, each joined by other colleagues. Chances are that one of these bills will be passed in 1970.

The subject is an explosive one and there has been considerable critical reaction. But the line-ups of opponents and proponents is full of surprises. For example, along with the Nixon Administration, the major advocates in the Senate of preventive detention are Maryland's Tydings—a young, liberal, Kennedyesque legislator who has been a brave advocate of progressive legislation—and the present darling of the doves, New York's Goodell. Leading the opposition with the American Civil Liberties Union is Senator Sam Ervin, Jr., of North Carolina, a conservative who is one of the Senate's leading spokesmen on constitutional matters. (Such straight-shooters as New York County District Attorney Frank Hogan have also come out against the procedure.)

No doubt, one reason for widespread, instinctive reactions against preventive detention is that it sounds like something it is not meant to be. Other countries that practice an inquisitorial form of criminal investigation condone a police practice of arrest for investigation (called in some places preventive detention) which is anathema to the sense and spirit of our accusatorial criminal justice system. Senator Ervin made this haunting comparison when he described recent proposals as reminiscent of "devices in other countries that have been tools of political repression" and a "facile police state tactic."

The preventive detention legislation that recently has been proposed in this country would vest the power to detain not in the police but in the courts, and, at that, would subject it to limitations and protections which make it different in kind from the foreign practices. A better label could probably be found which might more correctly reflect the content of the proposals and avoid emotional comparisons.

A problem which most perplexes the critics of preventive detention is that it would allow people's liberty to be taken away precipitously on the basis of predicted behavior. The inexact and unscientific nature of all prediction, they argue, militates against using such an inquisitorial technique. Furthermore, it is feared that cautious judges will over-predict danger to play it safe—and innocent men will inevitably go to jail without trials.

Suppose you are a judge confronted with this situation: A man is before you charged with committing a violent crime; he pleads not guilty and asks to be released until his trial. Your investigative report convinces you that he has ties in the community and will appear for trial. However, there is persuasive evidence indicating that if he is released, he would be likely to commit another violent crime. Thus the community would be in danger. You know that the traditional law of pretrial criminal procedure has been clear: The only proper purpose for denying a defendant his freedom before trial is to deter flight, not potential criminality. You are aware that the time between arrest and trial is critical to a defendant. With court delays of sometimes a year or more, a defendant obviously wants to be free to live with his family, earn a living and prepare his defense.

What do you do? Do you allow the defendant to go free because your judicial hands are tied by law? Or do you stretch your legal powers and restrain him because, by your own lights, you think he endangers public safety? Why should a judge not take into consideration a defendant's danger to the community in deciding what to do with him? It seems a natural and commonsensical step.

Former Supreme Court Justice Robert Jackson explained why not in a venerable dissent: "The practice of admission to bail, as it has evolved in Anglo-American law, is not a device for keeping persons in jail upon mere accusation until it is found convenient to give them a trial. On the contrary, the spirit of the procedure is to enable them to stay out of jail until a trial has found them guilty." And, in another case two decades ago, Justice Jackson wrote: "Imprisonment to protect society from predicted but unconsummated offenses is so unprecedented in this country and so fraught with danger of excesses and injustice that I am loath to resort to it. . . ."

Yet, as a practical matter, judges often keep certain defendants whom they consider dangerous in jail. They do so by setting bail at such a high figure that the defendant cannot possibly pay it, or by denying him bail altogether. In both instances, the judge exceeds his lawful authority. Nevertheless, according to Prof. Abraham Goldstein of Yale Law School, this technique for pre-trial detention "has been so widespread that fewer persons are released on bail in most of our states, where there is nominally an absolute right to bail, than in England, where there is no such right."

Recent developments have highlighted the need for reform. Studies done in the early sixties demonstrated that money bail, as it has been administered in American courts: inherently discriminates against poor people and prejudices their subsequent trials and sentencing; allows judges to manipulate bail to punish, to proselytize, and for other ulterior purposes; sloughs off responsibility for pre-trial justice to bondsmen, who accumulate undue power and have a corrupting influence on justice officials; is less effective than simpler, fairer techniques for insuring against flight.

As a result of these disclosures, a Federal law—the Bail Reform Act of 1966—*required* Federal judges to release defendants before trial except in capital cases; henceforth, they could establish conditions for pre-trial release, but they could not deny it. While the Act only applied in the Federal Courts, its supporters hoped that, if it worked, it would be a prototype for the states to adopt.

The act applied justice more evenly, but did not do anything about dangerous defendants and left the old, covert methods for dealing with the problem uncertain. By failing to authorize judges to consider potential danger to the community as a reason for denying pre-trial release, many observers feel that the Bail Reform Act focused on the problem with a hand over one eye. The blind spot, moreover, was nowhere more evident than in the Government's own back yard.

Because Washington, D.C., is governed by Federal law, because 40 per cent of all Federal offenses occur there, and because its crime rate receives nationwide attention, the new act had a particularly alarming impact in the District. Washington's able Chief of Police, Jerry V. Wilson, relates this telling episode of modern urban history:

Shortly before the beginning of 1969, armed robberies in the District had become a critical problem; they were occurring at a rate of about 700 a month. Only 11 days after his Inauguration, President Nixon promised in a message on crime that he would recommend legislation to permit preventive detention of hard-core recidivists. Shortly after that announcement, the number of armed robberies in the capital suddenly dropped off to around 300 a month. This steep slack lasted for several months.

Then, in April, the United States Court of Appeals for the District of Columbia noticed an upsurge in the number of appeals from high bail by defendants who had been imprisoned before trial because they could not raise the money; four times the usual number had been filed within a few months. Ruling in one of these appeals—*U.S.* v. *James E. Leathers*—the appellate court recognized the disquiet of trial judges who feel that the Bail Reform Act gives them no way to protect the public safety. Nevertheless, the court ruled that they must follow the letter of the law and assure pre-trial release.

Thereafter, armed robberies in the capital rose as precipitously as they had dropped four months earlier, reaching an all-time high in September of over 800 a month.

"What this suggests to me," says Donald Santarelli, an Associate Deputy Attorney General, "is that the trial judges, who had been critical of the Bail Reform Act, followed the President's endorsement of preventive detention and took a tougher stance on releasing defendants before trial in serious violent crimes." Santarelli, who framed the Administration's preventive detention bill, continues: "This resulted in many more detentions before trial of violent offenders through the setting of high money bonds—a practical evasion of the Bail Reform Act. It was followed by a significant reduction in armed robbery offenses during the following four months. But the Leathers decision in April resulted in the sharp rise because release of this type offender was ordered."

Judge Charles W. Halleck of the District's General Sessions Court agrees with this interpretation. According to Halleck, "a few judges effectively cut armed robbery rates about 40 per cent in a few months simply by denying pre-trial release to this predictable category of offenders."

Judge Tim Murphy of the General Sessions bench describes what happened this way:

"Before the Leathers case, there was a concentrated effort by the judges to 'sock it to 'em,' which we rationalized on our interpretation of the law and our reading of the recidivism problem. Leathers caught us between the eyes and took away our arguments, so we began to do our best to obey the law as it was laid out for us. We could no longer deny bail on the pretext of fear of flight. Nor could we justify high bonds by the section of the new law that allowed us to take into account the nature of the offense in determining pre-trial release." (This provision meant only that the judges could force men to report to the authorities each day, give up their driver's licenses until they appear for trial, or satisfy other, similar "conditions.")

Judge Murphy is not alone in believing that, despite the Bail Reform Act, Federal judges in other parts of the United States (as well as state court judges all over) continue to detain defendants through the subterfuge of setting high bail or simply denying it outright, on the ground of risk of flight or danger. Most judges feel they must. Says Judge Murphy: "There are widows and orphans in this city who plague my conscience because I try to follow my oath of office and adhere to the Bail Reform Act strictly, even when releasing certain defendants violates my common sense, reason and experience."

Statistics on the dimensions of the problem are inconclusive. They are interpreted in different ways by friends and foes of preventive detention.

In 1966, a Presidential commission study-

ing crime in the District of Columbia found that out of 2,776 defendants who were released on bail before their trials, 207 of them were later charged with committing another crime while they were free; of these, 124 were accused of violent crimes. The District of Columbia Police Department conducted a study of robbery holdups, the category of offense which is central to the present dispute. Between July 1, 1966, and June 30, 1967, the department found, 130 individuals were released on bond after being indicted on this charge. Of this group, 45 defendants—just short of 35 per cent—were reindicted for at least one additional felony while free on bond.

In testimony before the House Judiciary Committee last October, Attorney General John Mitchell referred to a study by the United States Attorney's office in D.C. showing that of 557 persons indicted in the District for robbery in 1968, 345 were released prior to trial and 242 of these—or 70 per cent—later rearrested.

Those who oppose preventive detention point out that these figures relate to unproven charges, and not convictions. They claim, moreover, that the percentages are low and the problem therefore minimal. The pro's point out that the statistics include only reported crime, estimated to be about 50 per cent of the true picture, and cases in which police believe they have enough evidence to bring someone to trial (in the armed robbery category, this is a mere 14 per cent). Whatever the percentages, says Senator Tydings, "it is no consolation to the dead, the robbed, wounded, maimed or terrorized citizens against whom these crimes have been committed that this experience is part of what some people would call a 'statistically insignificant number of crimes.' "

Of the bills now before Congress that provide for some form of preventive detention, the most likely to survive are the Administration bill, the Tydings bill and the Goodell bill. Here is how all three would work: In prescribed cases, the prosecutor could request the court to detain a dangerous defendant until the trial. He would have to demonstrate that the case meets the criteria spelled out in the law. Prior to any detention there must be a hearing immediately or within a few days, a record, a high standard of proof (clear and convincing), the right to appeal and to have counsel—all of which are more than defendants get under the present unofficial system. Each bill prefers conditional release when it is appropriate, and they all allow—not require—detention only in limited categories of cases. The two Senators' bills pertain only to felonies and repeaters, while the Administration bill covers some misdemeanors and first offenders. Only Senator Goodell's bill is limited to crimes involving actual force and not mere threats.

The Tydings bill would apply to the District of Columbia only, while the Goodell and Administration bills would reform the 1966 Bail Reform Act and affect all Federal jurisdictions. The Tydings and Administration bills cover more crimes and leave preventive detention in the hands of the appropriate "judicial official"; the Goodell bill would empower only a three-judge district court to order detention (a cumbersome, expensive procedure that would be impossible in many areas). Each bill requires a speedy trial (within 60 days under the Administration bill, 30 days under the Tydings and Goodell bills) for people preventively detained.

Senator Goodell argues that any preventive detention bill should be tied to court and correctional reform. He criticizes the Administration bill as "sloppily drawn and unconstitutional." He attempted to meet one key problem by including a provision requiring civil commitment of those detained—meaning they would be confined in some place other than an ordinary jail or prison. This element is important, since one of the most perplexing questions about any preventive detention scheme is how to rationalize throwing men into inadequate correctional institutions with hardened convicts before their guilt or innocence is determined. The civil commitment required by the Goodell bill would be similar to the procedures for confining a drug addict, a chronic alcoholic or the mentally ill in an institution.

The Tydings bill implies such a provision; the Administration bill suggests it, but does not require it. None of the bills provide financial compensation for those detained and then acquitted, the Administration bill gives credit on sentencing for time in jail before trial.

The logic of the foes of such legislation is sometimes hysterical. One civil liberties spokesman said during a recent conference on preventive detention that he would prefer the present money bail system's dishonesty and higher rates of detention to "this pernicious doctrine."

The standard argument made by opponents is that preventive detention would not be necessary at all if the time between arrest and trial could be shortened. The courts can only move so quickly, however; there will always be some period of time before trial—and many a defendant needs such a delay to prepare his defense. The preventive detention legislation proposed so far, moreover, requires the prosecution to go to trial within a specified time period, which is in all the proposals far shorter than normal delays.

Simply to say that speedy trials generally are the answer ignores the frustrating reality that trial delay is one of the most elusive and critical contemporary problems in the administration of justice. While reform of the whole trial system will take a very long time, a preventive detention statute inextricably tied to a speedy trial requirement is itself a way of accelerating trials in one of the most pressing categories or cases.

Opponents also argue that better alternatives exist. They say that it would be preferable to bring bail-jumping, contempt or other separate charges against defendants who commit crimes while free on bail or to punish them by adding to their sentences if they are convicted of the original offenses. But would more punishment be as humane as preventive measures aimed at cutting crime rates? Street-wise criminals take advantage of trial delays and other vagaries of the criminal justice system, and prosecutors often drop charges or recommend concurrent sentences for repeated crimes in return for guilty pleas. Once indicted for a robbery, many offenders feel that have nothing to lose by committing other "free" ones.

Others contend that preventive detention is an anti-Negro measure, that it is part of a scheme to permit summary jailing of militant blacks for political reasons. Yet, it is the poor and black community in urban ghettoes who are the most common victims of crime and who would be prime beneficiaries of preventive detention. Senator Tydings points out: "A Negro woman is three times more likely to be raped, a Negro man five times more likely to be burgled and three and one-half times more likely to be robbed than a white person."

William Raspberry, a Negro who is a reporter for the Washington Post and an urban expert, says that while he personally does not like the idea of preventive detention, he has little doubt that the black people residing in Washington (but not their leaders) would be in favor of locking up known criminals who victimize them. "Their reactions to this problem are not philosophical, they are practical," says Raspberry. "The poor people in the central cities react to this problem like 'the silent majority.' They are basically conservative, single-minded and prepared to make assumptions about guilt."

Black people in Washington, according to Raspberry, are as "alarmed and disgusted as whites at the increased frequency, audacity and viciousness of local crime." This impression was corroborated by six District grand juries which have already written to the Justice Department complaining about "the imbalanced pre-trial procedures which are concerned only with release and not at all with protection of the community." In Washington the majority of grand jurors are Negroes; on two of the grand juries that made this complaint, 36 out of 46 members were Negroes.

Advocates of preventive detention feel strongly that it would jail fewer people before trial—and also "the right ones"—than the unofficial, backdoor system now widely used. One experienced official calculated from recent surveys that 40 per cent of all felons indicted in the United States District Court for Washington, D.C., in 1965 (before the Bail Reform Act) were detained prior to trial; in 1967, the first full year after the new act, 26 per cent of the same class of defendants were detained, and in 1968 the figure rose to 34 per cent. In contrast, a Justice Department survey of cases brought by the United States Attorney in the D.C. General Sessions Court during a recent two-week period (including misdemeanors and most felonies) discovered that pre-trial detention would have been possible in only 10 per cent of the cases under the Administration's proposed preventive detention law. (Since some serious felonies were not included in these figures and since misdemeanors, which are for the most part excluded from the Administration's bill, compose roughly half the cases in General Sessions Court, a figure a little over 20 per cent would probably be a better projection.)

Those who favor some sort of legislation deny that permitting a judge to imprison a man on the basis of a prediction of future behavior is an egregious procedure.

However chancy it may be, they argue, humans engage in predictions in all of their affairs; if society fretted about the imperfect quality of its speculation, it would not dare to make progress. The criminal justice system especially is dependent on human estimates, such as are frequent in deciding guilt or innocence, sentencing, probation and parole. Indeed, under the present system, the judge may jail a defendant whom he fears may flee—and this, too, involves a prediction. Experienced trial judges argue that anyone familiar with the arraignment process can make very educated and generally correct judgments about the kind of defendants whom the authorities would want to detain. One judge recently stated the case this way:

"When a man with a long criminal record admits he has a $50-a-day narcotic habit and no job, and I have seen him arrested and released previously, and he comes before my court on a burglary or a robbery charge on Christmas Eve and is released, and then comes before me on New Year's Eve for another burglary, I can make a damn good prediction that if I do not lock him up, he is going to go out and commit another burglary or robbery pretty damn soon."

Whether prediction is possible or not, critics argue that preventive detention would be unconstitutional. They say that (1) it would deprive a man of his presumption of innocence; (2) it would deny due process of law by subjecting people to imprisonment without indictment and jury trial, and (3) it would violate the Eighth Amendment's guarantee against excessive bail.

There are readier answers to the first and the last objections than to the second.

The presumption of innocence—a sacred American value not mentioned in the Constitution—puts the burden on the prosecution to prove its case at trial; it is not an absolute demand that the judicial system always must act contrary to the strongest dictates of common sense in exigent circumstances.

Whether there should be an absolute right to bail is doubtful. Actually, preventive detention is traceable to ancient Anglo-American legal history: In his "Commentaries," Blackstone referred to detaining men "not of good fame" as an example of preventive justice. One legal historian—Prof. Caleb Foote of the University of California, Berkeley—recently has stated that there are English antecedents that support the theory of an absolute right to bail. But this country has never proceeded as if that were so. In the United States, bail always has been a qualified right withheld by law in capital cases (where recidivism is relatively low), commonly refused during appeals of criminal cases and, in fact, denied unlawfully in many other cases through manipulation of the money bail system.

The most challenging argument against pre-trial detention is the one that says incarcerating a man without the traditional criminal trial protections of the Constitution is dangerous and threatens cherished guarantees. Indeed, any such practice must be limited to a bare minimum of cases, to situations where there is the strongest demonstrable need, surrounded by the most careful procedural protections and administered under extraordinary conditions. With such restrictions, the procedure will be very demanding. Without them, preventive detention would no doubt be deemed unconstitutional.

In my opinion, a pre-trial procedure would pass constitutional muster only if it were limited to cases involving repeated, violent offenses, if it required compelling proof of potential danger and could be imposed only as a last resort, if there were tight time limitations on confinement before trial, if special facilities were planned for these defendants to minimize the harm and inconvenience to them, if time in jail before trial were subtracted from any subsequent sentence and was compensated for when followed by acquittal.

Let us see how this proposed procedure would have worked in the case of P.D., whose escapades I described at the outset of this article. After the initial holdup of the savings and loan association, P.D. could not have been detained—thus demonstrating to opponents of such a measure that it will not result in confinement of masses of first offenders.

But pre-trial detention would have been likely after the liquor store heist that followed P.D.'s first arrest. Taking away P.D.'s freedom at this point would thus have averted the gas station holdup and probably the bank robbery and felony murder that eventually led to his detention before trial anyway. In addition, P.D. would no doubt come to trial far sooner than if he were not confined under this kind of statute.

With the features that I have suggested, pre-trial release would properly be liberalized in the great majority of cases, while society would be afforded a method of self-protection. The procedure need not lead to what some fear would be the frightening extreme of imprisoning all allegedly dangerous people summarily. Quite the contrary. If allowed only in specific cases, and no others, the result would seem to lead to less pre-trial detention.

Such a statute, moreover, would not permit Gestapo-like arrests or the jailing of political dissenters, as so many people fear. One result of it would be to eliminate the very possibility of defendants being confined solely because of the personal predilections and unsubstantiated fears of judges and other officials. If a judge could not make a case for detention under the strict terms of the statute, he would have to release the defendant under the appropriate conditions of the Bail Reform Act.

The critical point remains that we already have an expansive and abusive, though informal, practice of preventive detention. The issue which needs to be faced is not whether, but how best to do it.

In his New Yorker series on the Justice Department in the sixties, Richard Harris described the strange political alignments in the preventive detention battle: "In the scrimmage over the issue," he said about the positions taken by liberals and conservatives, "the participants' jerseys became so muddied that it was difficult for spectators to tell who was on which team." But labels are less important than realities; and the symbolism of this battle is important for future treatment of the over-all crime problem." Many responsible people with good liberal credentials feel that in the very proper search for equal justice during the sixties, the concern over crime and law enforcement has been wrongly belittled as the paranoia of the far right. In Senator Tyding's words: "Liberals have to be realistic and credible in coming forward with programs to check crime and violence in this nation. We cannot vacate law enforcement to extremist groups. Such a difficult problem needs the best minds and not tricky cliches. Preventive detention can be one such commonsensical, partial solution to the crime problem if it can be handled in a cautious and a constitutional way."

S. 2920

A bill to amend the Bail Reform Act of 1966 to authorize consideration of danger to the community in setting conditions of release, to provide for pretrial detention of dangerous persons, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3146 of title 18, United States Code, is amended—

(1) by deleting in subsection (a) (5) thereof the following: ", including a condition requiring that the person return to custody after specified hours";

(2) by deleting the third and fourth sentences of subsection (d) thereof; and

(3) by deleting in subsection (e) thereof the following: "or in the release of the person on a condition requiring him to return to custody after specified hours".

SEC. 2. (a) Chapter 207 of title 18, United States Code, is amended by adding immediately after section 3146 thereof the following new sections:

"§ 3146A. Pretrial detention in certain noncapital cases

"(a) Whoever, after having been admitted to bail on a felony offense involving the use of a dangerous weapon or deadly physical force resulting in serious bodily injury to another, or after having been placed on probation or parole following conviction of any such offense, is charged with another such offense committed subsequent thereto may be the subject of a pretrial detention order in accordance with the provisions of this section.

"(b) Upon motion of the United States attorney, the arraignment of any person described in subsection (a) of this section shall be referred to a three judge panel of the United States district court (hereinafter referred to as the 'court'), which shall make the determination required by section 3146 of this chapter, and shall hold a hearing in accordance with the provisions of subsection (c) of this section for the purpose of determining whether such person should be released conditionally or detained pending trial.

"(c) Any person may be ordered detained pending trial if it is determined by the court at a hearing that—

"(1) there is clear and convincing evidence that such person is a person described in subsection (a) of this section;

"(2) the pretrial release of such person will pose a danger to any person or to the community;

"(3) the nature and the circumstances of the offense charged dictate that conditional release pursuant to the provisions of subsection (d) of this section will not reasonably assure the safety of any other person or the community; and

"(4) there is clear and convincing evidence that the person charged committed the alleged offense.

"(d) (1) In lieu of pretrial detention as authorized by subsection (c) of this section, the court may impose any one or more of the following conditions on the release of such person—

"(A) a condition requiring that the person be placed in the custody of a designated person or organization agreeing to supervise him;

"(B) a condition placing restrictions on the travel, associations, activities, conduct, or place of abode of the person during the period of release;

"(C) a condition requiring that the person return to custody after hours; or

"(D) any other condition deemed reasonably necessary to assure that such person will, if released, not pose a danger to any other person or to the community.

"(2) A court in authorizing the release of a person under this subsection shall inform such person of the penalties applicable to violations of the conditions of his release and shall advise him that a warrant for his arrest will be issued immediately upon any such violation.

"(e) Whenever it is determined that a person shall be detained pending trial pursuant to subsection (c) of this section, or detained during specified hours pursuant to subsection (d) (1) (C) of this section, the court shall issue an order of detention which shall provide that—

"(1) such person be committed civilly to such place, other than a State or Federal prison or local jail regularly used for the incarceration of convicted offenders, as the court may deem proper;

"(2) such order will expire on the thirtieth day following its issuance, unless the trial on the charge is in progress or the trial has been delayed at the request of the person charged, or upon motion of the United States attorney, for good cause shown, the court in its discretion extends the order for an additional ten days; and

"(3) the person charged shall be afforded reasonable opportunity for private consultation with counsel and, for good cause shown, shall be released, upon order of any judge of the United States district court, in the custody of the United States marshal, or other appropriate person for limited periods of time to prepare defenses, or for other proper reasons.

"(f) A pretrial detention hearing held pursuant to the provisions of subsection (c) of this section shall be conducted in accordance with procedures designed to guarantee that—

"(1) the person charged is represented by counsel and allowed to present evidence, to testify, and to present and cross-examine witnesses;

"(2) evidence may be received without regard to the rules governing its admissibility in a court of law; and

"(3) testimony of the person charged given during the hearing shall be admissible in proceedings pursuant to sections of this chapter, in perjury proceedings, and as impeachment in any subsequent proceedings.

"§ 3146B. Pretrial conditional release in certain noncapital cases.

"(a) Whoever is charged with a felony offense involving the use of a dangerous weap-

on or deadly physical force resulting in bodily injury to another shall, upon his initial appearance before a judicial officer, be subject to the provisions of subsection (b) of this section.

"(b) Whenever it is determined by a judicial officer that the pretrial release of a person described in subsection (a) may pose a danger to any person or to the community, the judicial officer may impose, for a period not to exceed sixty days, any or all of the following conditions upon the release of the person charged—

"(1) require that such person report to a probation or parole officer, to a United States marshal or to any other designated person, periodically, but not more than once in any twenty-four hour period, disclosing his activities, whereabouts, associations, conduct, travel, and place of abode during the pretrial period;

"(2) require that such person be placed in the custody of a designated person or organization agreeing to supervise him: *Provided*, That such custody shall not involve total restraint or detention unless the person charged agrees to the same;

"(3) impose restrictions on the travel, associations, activities, conduct, or place of abode of the person during the period of release.

"(c) A judicial officer authorizing the release of a person under this section shall inform such person of the penalties applicable to violations of the conditions of his release and shall advise him that a warrant for his arrest will be issued immediately upon any such violation.".

(b) The analysis of chapter 207 of title 18, United States Code, is amended by adding immediately after

"3146. Release in noncapital cases prior to trial."

the following new items:

"3146A. Pretrial detention in certain noncapital cases.

"3146B. Pretrial conditional release in certain noncapital cases.".

SEC. 3. (a) Section 3147 of title 18, United States Code, is amended to read as follows:

"§ 3147. Appeals from pretrial detention and conditional release orders in lieu of bail and as an alleged dangerous offender

"(a) A person who is detained in lieu of bail after review of his application pursuant to section 3146(d) or section 3146(e), and a person who is determined to be an alleged dangerous offender and is released on a condition requiring him to return to custody after specified hours pursuant to section 3146A(d)(1)(C) of this chapter, by a judicial officer, other than a judge of the court having original jurisdiction over the offense with which he is charged or a judge of a United States court of appeals or a Justice of the Supreme Court, may move the court having original jurisdiction over the offense with which he is charged to amend the order. Said motion shall be determined promptly.

"(b) With respect to any person who is determined to be an alleged dangerous offender and is the subject of a pretrial detention order pursuant to section 3146A of this chapter, and any person who is detained in lieu of bail after (1) a court denies a motion under subsection (a) to amend an order imposing conditions of release, or (2) conditions of release have been imposed or amended by a judge of the court having original jurisdiction over the offense charged, an appeal may be taken to the court having appellate jurisdiction over such court. An order so appealed shall be affirmed if it is supported by the proceedings below. If the order is not so supported, the court may remand the case for a further hearing, or may, with or without additional evidence, order the person released pursuant to section 3146(a)."

(b) The analysis of chapter 207 of title 18, United States Code, is amended by deleting

"3147. Appeal from conditions of release."

and inserting in lieu thereof

"3147. Appeals from pretrial detention and conditional release orders in lieu of bail and as an alleged dangerous offender.".

SEC. 4. Section 3150 of title 18, United States Code, is amended to read as follows:

"§ 3150. Penalties for failure to appear

"(a) Whoever, having been released pursuant to this chapter or prior to surrender to commence service of sentence, willfully fails to appear before any court or judicial officer as required, shall, subject to the provisions of the Federal Rules of Criminal Procedure, incur a forfeiture of any security which was given or pledged for his release, and, in addition, shall (1) if he was released in connection with a charge of felony, or while awaiting sentence or pending appeal or certiorari or prior to surrender to commence service of sentence after conviction of any offense, be imprisoned not less than one year or more than five years, or (2) if he was released in connection with a charge of misdemeanor, be imprisoned for not less than ninety days or more than one year, or (3) if he was released for appearance as a material witness, shall be fined not more than $1,000 or imprisoned for not more than one year, or both.

"(b) Any failure to appear after notice of the appearance date shall be prima facie evidence that such failure to appear is willful. Whether the person was warned when released of the penalties for failure to appear shall be a factor in determining whether such failure to appear was willful, but the giving of such warning shall not be a prerequisite to conviction under this section.

"(c) The trier of facts may convict under this section even if the defendant has not received actual notice of the appearance date if (1) reasonable efforts to notify the defendant have been made and (2) the defendant, by his own actions, has frustrated the receipt of actual notice.

"(d) Any term of imprisonment imposed pursuant to this section shall be consecutive to any other sentence of imprisonment."

SEC. 5. (a) Chapter 207 of title 18, United States Code, is amended by adding immediately after section 3150 the following new sections:

"§ 3150A. Additional penalties for crimes committed while on release

"Any person convicted of an offense committed while released pursuant to sections 3146, 3146A or 3146B of this title shall be subject to the following penalties in addition to any other applicable penalties;

"(1) a term of imprisonment of not less than one year and not more than five years if convicted of a felony committed by such a person while released; and

"(2) a term of imprisonment of not less than ninety days and not more than one year if convicted of a misdemeanor committed by such person while released.

"The giving of a warning to the person when released of the penalties imposed by this section shall not be a prerequisite to conviction under this section.

"Any term of imprisonment imposed pursuant to this section shall be consecutive to any other sentence of imprisonment.

"§ 3150B. Sanctions for violation of release conditions

"(a) A person who has been conditionally released pursuant to sections 3146, 3146A or 3146B of this chapter and who has violated a condition of release shall be subject to revocation of release and an order of detention and to prosecution for contempt of court.

"(b) Proceedings for revocation of release may be initiated on motion of the United States attorney. A warrant for the arrest of a person charged with violating a condition of release may be issued by a judicial officer and such person shall be brought before a judicial officer in the district where he is arrested. He shall then be transferred to the district in which his arrest was ordered for proceedings in accordance with this section. No order of revocation and detention shall be entered unless, after a hearing, the judicial officer finds that—

"(1) there is clear and convincing evidence that such person has violated a condition of his release; and

"(2) based on the factors set out in subsection (b) of section 3146 of this chapter there is no condition or combination of conditions of release which will reasonably assure that such person will not flee or pose a danger to any other person or the community.

"(c) Contempt sanctions may be imposed if, upon a hearing and in accordance with principles applicable to proceedings for criminal contempt, it is established that such person has intentionally violated a condition of his release. Such contempt proceedings shall be expedited and heard by the court without a jury. Any person found guilty of criminal contempt for violation of a condition of release shall be imprisoned for not more than six months, or fined not more than $1,000, or both.

"(d) Any warrant issued by a judge of the District of Columbia court of general sessions for violation of release conditions or for contempt of court, or for failure to appear as required, may be executed at any place within the jurisdiction of the United States. Such warrant shall be executed by a United States marshal or by any other officer authorized by law."

(b) The analysis of chapter 3 of title 18, United States Code, is amended by inserting immediately after

"3150. Penalties for failure to appear."

the following new items:

"3150A. Additional penalties for crimes committed while on release.

"3150B. Sanctions for violation of release conditions."

SEC. 6. Section 3152 of title 18, United States Code, is amended (1) by deleting the word "and" following the semicolon in paragraph (1); (2) by deleting the period at the end of paragraph (2) and inserting in lieu there of a semicolon; and (3) by adding at the end thereof the following new paragraphs:

"(3) the term 'felony offense' means any offense for which a sentence to a term of imprisonment in excess of one year may be imposed;

"(4) the term 'dangerous weapon' means any loaded weapon from which a shot, readily capable of producing death or other serious physical injury, may be discharged, or a knife, or blackjack, or any instrument, article or substance which, under the circumstances in which it is used, attempted to be used or threatened to be used, is readily capable of causing death or other serious physical injury;

"(5) the term 'deadly physical force' means physical force which, under the circumstances in which it is used, is readily capable of causing death or other serious bodily injury;

"(6) the term 'serious bodily injury' means physical injury which creates a substantial risk of death, or which causes death or serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ; and

"(7) the term 'bodily injury' means impairment of physical condition or substantial pain.".

SEC. 7. If any provision of any amendment made by this Act is held invalid, all provisions which are severable shall remain in ef-

fect. If a provision of any amendment made by this Act is held invalid in one or more of its applications, the provision shall remain in effect in all of its valid applications.

TRAINING AND REHABILITATION OF NARCOTICS ADDICT

Mr. GOODELL. Mr. President the Federal Government must redesign its facilities and programs of narcotics control to give greater emphasis to the training and rehabilitation of narcotics addicts.

The medically oriented "cold turkey" programs, now widely used by the Federal Government, have demonstrably failed. Moreover, detoxification with hospital confinement and psychiatric treatment has incurred far too high a cost—both in tax dollars, expended for medical professionals and drugs which provided no long-term help at all to the addict, and in time, in the wastage of an irredeemable portion of the addict's life. The net result has only been readdiction at a temporarily lower tolerance level which will cost the addict less.

What we must do is to change the motivational structure of the addict, to concentrate on saving the preaddict in high addiction areas, to maintain through after-care the new motivational strength of the ex-addict. What we must do is to examine the concrete results which our programs bring about—the number of addicts lastingly helped, the estimated number of addictions prevented through community programs—and not just content ourselves with voluminous studies and legislation which go to naught.

The Drug Abuse Services and Marihuana Study Act of 1969, which I have introduced, would initiate on the Federal level a radical new concept in addiction control: treatment of the whole person. The act would provide funding for preventive programs organized by local community groups, for programs of public education on addiction and on preventive measures, for treatment programs which are to utilize ex-addicts as staff wherever possible, and for after-care programs which will give the cured ex-addict psychological, educational, and job-finding support so that immersion in his old environment will not bring about readdiction.

The act provides for and funds addiction rehabilitation centers in State and local prisons, thus providing counseling, medical treatment, educational, and job placement services for addicts who presently receive no effective treatment in prisons at all, and therefore are an immediate menace upon their release.

Funds under the act could be used for work-release programs in conjunction with prisons or treatment centers, so that toward the end of the addict's stay they could in effect become supportive halfway houses to help adjustment back to the outside world. Treatment of addicted patients might also include a program of conjugal and family visits.

In essence, I advocate, and the act provides for, a rehabilitative effort aimed at affecting the whole person, his affliction, so that the "cured" addict will remain free of his affliction, and not just the physical manifestations of his addiction.

My program dovetails well with the just-announced program of the State of New York. Under the Governor's program, for example, the State education department is to be reorganized to upgrade the narcotics education function, and 10,000 teachers are to be trained in addiction problems. Funding under my bill would well complement the Governor's objectives. The treatment programs for which the State is to provide 50 percent funding under the Rockefeller proposal would be aided by complementary funding under my bill.

Moreover, the comprehensive sweep of funding under my plan is matched by the comprehensive therapeutically oriented treatment program of New York City's Addiction Services Agency. The city's prevention program, which concentrates upon mobilizing members of addiction-prone communities to help teenagers remain unaddicted, may be funded by my bill.

If results under my proposal are to be maximized, there must be tough-minded Federal supervision of the grant program. The Department of Health, Education, and Welfare must establish guidelines which are to be met prior to funding of local programs. Some of those standards might be:

First. A prevention program must be part of the proposal;

Second. Educational and job development and placement services must be provided for all those under treatment;

Third. An after-care program must be included and,

Fourth. Ex-addicts must be used as staff.

These are just exemplary of the main point—that there should be strict Federal monitoring of local programs to which grants are made, to insure that addicts are actually and lastingly helped, not deceived with the vain hopes of the past.

THE NUCLEAR POWER INDUSTRY

Mr. HART. Mr. President, earlier today the very distinguished senior Senator from Vermont (Mr. AIKEN) addressed himself to a subject that has long concerned him. I wish I could claim the same depth of interest over as long a period, but it is an interest and concern that I, too, share. Those efforts have been made by the Senator from Vermont in his attempt to focus public opinion on the necessity for maintaining many competitors in our system of energy utilization.

Studies by the Senate Antitrust and Monopoly Subcommittee have shown both the encroaching danger of industry concentration and the resulting damage to social goals. For this reason I share the Senator's concern that no portion of the energy industry be permitted to fall into the hands of a few monopolists. Having many utilities to service the growing needs is essential if the public is to share the advantage of low cost electricity. Our demand for electricity has been doubling every 10 years or less. Energy forecasters project that this increased demand makes it mandatory that atomic energy be used to generate electric power or we will face a depletion in our fossil fuel resources of coal, oil, and gas. Yet, history shows that the public needs will be satisfied only if our energy industry is competitive. Senator AIKEN's analysis in this area raises serious questions as to whether under present circumstances this competitiveness can remain.

It is clear, of course, that competition is explicitly expressed in the fundamental national policies on atomic energy. The Atomic Energy Act requires the AEC to develop the use of atomic energy so as to "strengthen free competition in private enterprise." Monopoly is to be allowed only to the extent necessary, and competition to be preserved wherever feasible.

I believe serious consideration should be given to applying antitrust policies to uses of nuclear fuels when those uses are licensed. This seems especially important when, as in the case here, an industry is developing or changing shape. Also, I believe, applying antitrust policies at licensing will minimize the uncertainty facing companies now expending time and money to plan plants.

Senate Antitrust and Monopoly Subcommittee hearings on the competitive aspects of oil shale development showed that in 1967 the majority of the top 20 petroleum companies, by assets, held properties not only capable of producing oil, but natural gas, oil shale, and uranium. Several companies also held coal-producing lands. Witnesses suggested that because of the interchangeability of fuels we had come to the point where we must think in terms of total energy sources and requirements and not of the more narrow product lines. If this is true, then we must concern ourselves with the question of whether or not total energy sources are in danger of being concentrated in the hands of a few. In a recent floor speech the senior Senator from Tennessee (Mr. GORE) cautioned that the proposal of President Nixon for the sale of our nuclear fuel plants to private interests would pose a serious threat because of the probable control of these plants by consortiums made up of oil companies. If the oil companies which already have a large degree of control over the sources of all raw fuel also would control our only uranium fuel fabricating facilities, these companies would indeed seem to have a lock on our sources of energy.

Added to that are recent developments which I believe show the intent of the large utility companies to exclude the municipal, rural cooperative and smaller private utility companies from access to electricity generated by the nuclear powerplants. This is the basis for my fear that the public may become sujected to the type of competition normally associated with monopoly control. The antitrust implications of what will happen if the smaller utilities continue to be rejected in their efforts to obtain access to nuclear generating facilities becomes clear, I think, in a situation recently brought to my attention. A municipal utility company which served its area for

a number of years attempted to procure electricity generated by a nuclear powerplant owned by a consortium of large investor-owned utilities. The request was refused. In consequence, the municipal was forced to merge with one of the investor-owned utilities in the consortium. Is this an isolated instance? I am told it is not.

What would be some of the important issues to be examined at this time? This is an industry in which economies of scale are not only possible but likely, and where the larger operations will be more efficient and reliable in many cases. Of course, these are important considerations. But, it is imperative that there be no undue economic concentration. It is important also that innovation not be suppressed and that arrangements which allow healthy rivalry not be throttled. While monopoly may be necessary in many cases, it should not be extended unnecessarily. Certainly the opportunities for development of the uses of this new energy form should not be appropriated to a few, but rather should be made available, within the bounds of practical considerations, to the entire industry.

I should think that one of the most important problems will be the terms of access for small utility systems to these new, low-cost energy sources. These plants will provide much of the power growth in this country in the foreseeable future, so the problem assumes great importance. It will arise often in terms of access to wholesale power on reasonable terms by a company controlling the only practicable source of this energy requirement.

There are several questions in this area: Will the small and municipally owned companies be given the same opportunity to obtain the low-cost power for the same uses as the larger systems? How much low-cost power will be available to competitors? What rules should apply in working out these formulas? I suggest, Mr. President, that while these problems must be worked out by the agencies involved—AEC and the Department of Justice, in particular—Congress would benefit from an examination of the issues at this time.

In the past, I have expressed the thought that the regulatory agencies were meant to assist competition and should not act either as a substitute or a deterrent. I am convinced it is time we determine whether or not the policies of the various regulatory agencies act as a deterrent to competition in the nuclear energy industry. We also must determine whether or not our antitrust laws are operating to control anticompetitive practices in this industry. For these reasons, I answer "yes" to the request of the distinguished senior Senator from Vermont to review the competitive aspects of the atomic energy field. To this effort, I have instructed the staff of the Senate Antitrust and Monopoly Subcommittee to commence such a study.

Not too incidentally, this will be my second foray into the general area. For a short time ago the Commerce Subcommittee on Energy, Natural Resources, and the Environment, which I chair, began hearings on the impact on the environment from these nuclear plants.

The problems before both committees are impressive, and I hope the work of the subcommittee will be constructive.

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

Mr. HART. I yield.

Mr. AIKEN. In view of the very apparent efforts of a few giant corporations in the United States to obtain a monopoly over all forms of energy which are required by this country, and for the apparent purpose of eliminating municipal distribution systems, cooperative distribution systems, and a great many of the small corporate distribution systems, I just cannot express my appreciation sufficiently to the Senator from Michigan, who is chairman of the Antitrust and Monopoly Subcommittee of this body. I know he will do a thorough job. I know it is extremely important that the people of this country understand the effort which is being made to control the sources of the energy which is required by our country, the need for which, as the Senator has said, is doubling every 10 years. I think in some parts of the country, including my State, it doubles every 7 years. So it is extremely important that we protect the supply and also protect the municipal systems and the rural electric cooperatives which serve as a yardstick not only for the price but the quality of the service.

I know that under the leadership of the Senator from Michigan there will be a real, thorough, worthwhile investigation made of the effort to obtain such a monopoly, which would be one of the worst monopolies we could have in this country.

Mr. HART. I hope we shall not disappoint the Senator from Vermont. The staff of the subcommittee is an able one. I can make that statement because most of it was assembled before I became chairman of the subcommittee. It is a devoted staff. I hope they will assemble facts that will prove to be of benefit to the Senator from Vermont, the Senator from Michigan, and others who are concerned lest there emerge a nation whose energy source is found to rest in the hands of just too few people. This would, as the Senator from Vermont has said, represent perhaps the most threatening of all economic concentrations that one could imagine.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The additional time requested for the continuation of morning business has expired. The unfinished business is now before the Senate. The Senator from North Carolina has the floor.

VOTING RIGHTS ACT AMENDMENTS OF 1969

The Senate continued with the consideration of the bill (H.R. 4249) to extend the Voting Rights Act of 1965 with respect to the discriminatory use of tests and devices.

Mr. ERVIN. As I stated a moment ago, section 1 of article 2 of the Constitution has been uniformly interpreted to mean just exactly what it says; namely, that the power to prescribe the qualifications of those who serve as presidential and vice-presidential electors resides in the legislatures of the States, and not in Congress.

Amendment 10 of the Constitution provides:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

There is not a syllable in the Constitution which grants to the United States the power to prescribe qualifications for voting in State elections. So this provision of the Constitution has been uniformly interpreted to mean that the power to prescribe the qualifications for voting in State elections, such as length of residence and age, is reserved to the States by the 10th amendment.

The last word of the Constitution on this subject is found in the 17th amendment. The 17th amendment provides for the popular election of Members of the Senate of the United States, and contains a provision prescribing who is eligible to vote for Senators in exactly the same words as appear in section 2 of article I relating to those who are eligible to vote for Representatives in the National Congress. This provision, as it appears in the 17th amendment, reads as follows:

> The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

This clearly means exactly what it says, and that is that the power to prescribe the qualifications for voting for U.S. Senators belongs to the States of the Union, and not to Congress.

So we have here four provisions in the Constitution which say, and have been uniformly interpreted to mean, that the Senate and the House of Representatives of the United States have no power to prescribe the qualifications for voting for presidential electors, vice presidential electors, members of the House of Representatives, U.S. Senators, or any of the elective officers of any State in this union.

The power of the States to prescribe qualification for voting in Federal and State elections are subject to only three prohibitions; namely, the States can not prescribe race or sex as a qualification and cannot violate the equal protection in establishing qualifications. Manifestly a State law establishing a qualification based on age, which applies in equal manner to all persons of the age specified within the State, does not affront any of the three prohibitions.

I must confess that during my service in the Senate I have been somewhat shocked to ascertain the low esteem in which the Constitution is held, not only in the courts, but at times in the legislative branch of the Federal Government. I thought I had gotten to the point where I could not be shocked by anything proposed in a legislative body, but I must confess that I am rather shocked by the proposal that the Senate undertake to pass a statute attempting to prescribe a qualifications for voting based on age.

I agree that the youth of today are exceedingly well informed at the age of

18; and the Congress might well decide to submit to the States a proposed constitutional amendment which would confer upon them the right to vote if that constitutional amendment were ratified by three-fourths of the States. But I cannot agree that there are two roads to travel to this objective and that one of those roads is by a statute. I say this because the Constitution puts up four separate warnings that Congress has no power under the Constitution to confer upon persons of any age the right to vote, either for presidential electors or for vice presidential electors or for Senators or for Representatives in the House of Representatives or for any State-elective official. That is a power which belongs to the States.

I invite the attention of the Senate at this point to the provisions of article VI of the Constitution:

> The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution . . .

Every Member of the Senate and of the House of Representatives has taken a solemn oath or made a solemn affirmation that he will support the Constitution of the United States, which in four separate sections says to the Senate and the House of Representatives, "You have no power to confer the right to vote on 18-year-olds, because that power belongs to the States."

The question comes down to this: Are we going to strive to have an indestructible Union composed of indestructible States, or are we going to attempt to destroy, in an unauthorized manner, in an unconstitutional manner, that Union by usurping for the Congress the powers reserved to the States to prescribe the qualifications for voting?

This may seem a trivial matter to some people. It may seem to some to be of no consequence whether we are paying any attention to the Constitution of the United States or not, even though we have taken an oath or made an affirmation to support it. But I say to the Senate that in the absence of faithful observance of the Constitution by the President, by the Supreme Court, and by the Members of Congress neither our country nor any person within its borders will have any protection whatever against tyranny on the one hand and anarchy on the other.

I sincerely hope that the Senate will not support any statutory amendment which undertakes to usurp and exercise power denied to Congress by the Constitution of the United States.

Mr. GRIFFIN. Mr. President, what is the pending business?

The PRESIDING OFFICER (Mr. EAGLETON in the chair). The amendment of the Senator from Pennsylvania to H.R. 4249, amendment No. 544.

Mr. GRIFFIN. Under the previous order, does the Senator from Alabama have the floor?

The PRESIDING OFFICER. That is correct.

Mr. ALLEN. Mr. President, may I inquire of the Chair whether the clerk gave the signal for the laying down of the unfinished business? I do not recall the buzzers ringing.

The PRESIDING OFFICER. The unfinished business has been laid before the Senate, and no signal was given. The morning business had been extended.

Mr. BAKER. Mr. President, will the Senator from Alabama yield?

Mr. ALLEN. Mr. President, I am happy to yield to the distinguished Senator from Tennessee (Mr. BAKER) at this time, without in any way losing my right to the floor.

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

Mr. BAKER. Mr. President, the Senate is considering two alternative proposals both of which are designed to strip away conditions to full participation in the electoral process. These measures share the same fundamental purpose; that is, to enforce the guarantee of the 15th amendment to the Constitution that the right to vote shall not be denied on account of race or color. The debate today centers on the approach to be used, not the objective to be achieved.

As I understand the proposals, there are two basic differences between the House-passed administration measure and that offered by Senators SCOTT and HART and others. First, the Scott-Hart substitute would retain that section of the 1965 act that permits the appointment of Federal examiners and election observers only in those areas of the country that in 1964 had fewer than 50 percent of voting-age persons registered or voting. The administration measure, on the other hand, would empower the Attorney General to send Federal examiners and election observers into any county in the country without a court order if he determines that their presence is necessary to protect the right of citizens to vote.

Second, the Scott-Hart substitute would also retain that section of the 1965 act that requires those areas of the country that in 1964 had fewer than 50 percent of voting-age persons registered or voting to obtain the approval of the Attorney General prior to instituting any change in its voting qualifications or procedures. The administration proposal would alter this procedure by authorizing the Attorney General to seek an injunction before a three-judge Federal court against the enforcement by any State, not merely those covered by the 1965 act, of any discriminatory voting qualification or procedure.

With regard to the second basic difference, I have no strong feelings as to whether the Attorney General should continue to be given the authority to disapprove a discriminatory voting law or whether instead he should be given merely the authority to make application to a three-judge court for issuance of an injunction. I can see both considerable merit and administrative problems under either approach.

I strenuously object, however, to the application by the Scott-Hart substitute of the two sections to only those areas of the country that in 1964 had fewer than 50 percent of voting-age persons registered or voting. The practical effect of this language is to restrict application of these sections to six States and parts of three others, not including the State of Tennessee, I hasten to add.

Those who contend that these sections should be thus restricted do so on the theory that voting discrimination exists primarily in six or seven Southern States and that to extend application of these sections nationwide would dilute or vitiate enforcement of these provisions.

Mr. President, I say that this argument is patently false and that it should be rejected out of hand.

There is an obvious distinction between the applicability of a civil rights statute nationwide and the enforcement of such a statute nationwide. A civil rights statute, like a criminal statute, is enforced only against those who are committing the wrong that the statute is intended to prohibit. In other words, even though the Congress writes a statute that applies to all people in all States, it is enforced only against those people in those States that are believed to be in violation of it.

The proponents of the Scott-Hart substitute contend that voting discrimination exists primarily in six or seven States. Assuming that to be the case, the Attorney General will be called upon to enforce the statute only in those six or seven States even if the statute is written to apply to all people in all States. To extend application of all sections of the act nationwide would clearly under these circumstances not dilute enforcement of these provisions.

In the event that voting discrimination does occur either now or in times to come in Minnesota or Pennsylvania or Tennessee or any other State or parts thereof, then this Congress should not preclude the Attorney General from moving to end that discrimination. Obviously, voting discrimination is just as wrong in Minnesota and Tennessee as it is in Georgia and South Carolina, the former two States not being subject to the existing act or to the applicability of the Scott-Hart substitute, and the latter two States being subject to the existing act and being target States within the purview of the Scott-Hart substitute. For these reasons I cannot support any amendment or substitute that is not nationwide in its application.

Mr. President, there are two other major provisions, which I very much favor, that are contained in both the administration House-passed bill and in the Scott-Hart substitute. The first of these sections provides for the nationwide suspension of literacy tests. Some 20 States retain laws making the ability to read and write a precondition for registering to vote. In my opinion, there is no longer any justification for denying illiterates the right to vote.

Most States do not have, in fact have never had, a literacy test. Yet, the experience in such States does not indicate detrimental effects from granting the franchise to illiterates. The same is true with respect to those jurisdictions whose tests have been suspended by virtue of the Voting Rights Act of 1965.

Commonsense dictates that the impact of literacy requirements, even when fairly administered, falls most heavily upon minority groups and upon the poor.

Yet such persons are just as much affected by the acts of elected officials as their well-educated neighbors. I believe that it is unfair to compound the penalty which lack of education entails in our society by denying those who cannot read the opportunity to participate in the electoral process.

The second major provision common to both the administration bill and the Scott-Hart substitute provides that no citizen of the United States who is otherwise qualified to vote in a national election shall be denied that right to vote by reason of the fact that he has changed his residence from one State or political subdivision to another. I previously introduced a joint resolution to this effect and have also cosponsored other measures submitted by other Senators, including an amendment offered by the distinguished junior Senator from Arizona (Mr. GOLDWATER) which the Senator from Pennsylvania (Mr. SCOTT) has now accepted as a modification to his pending substitute.

The Goldwater amendment not only carries out the intent of the House-passed bill and the Scott-Hart substitute, but also provides for voting rights to many citizens not otherwise covered by the original language. The Goldwater's proposal completely abolishes the waiting period for registration, expressly covers movement from one political subdivision to another within the same State, and provides for absentee registration and balloting opportunities to all citizens, including not only transients but also long-time residents. I am most hopeful that the Goldwater modification will prevail.

As we all know, the citizens of our country are increasingly mobile. The Bureau of the Census has estimated that up to 20 percent of our citizenry is in a state of transition. In fact, it has been estimated that, during a presidential election year, several million citizens are today denied the privilege of voting because they move into a new State too late to comply with residence qualifications.

All States have established qualifications for voting, with most including a residence requirement of 6 months to 2 years. No one seriously questions that the States should claim certain reservations concerning the right of any citizen to vote in local elections, on the ground that new citizens do not have sufficient knowledge of local issues and local candidates to draw meaningful conclusions or to cast an informed vote. But a far different situation prevails in national elections, in which a citizen, regardless of his residence, may become well informed on the programs and policies of each candidate seeking the office of President and in which the issues are national in scope. In this situation, no citizen should be denied the right to vote because of a State residence requirement. This is a patently unjust impediment, and it must be removed.

In conclusion, I urge that we consider sufficiently what we are about, and that we refrain from the temptation either to perpetuate or initiate and pass legislation which has a patent discriminatory effect by reason of its statutory intent.

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

Mr. BAKER. I yield.

Mr. SPONG. Mr. President, I commend the Senator from Tennessee for his remarks in the Senate today, and particularly so because the State of Tennessee is not under the present Voting Rights Act. The Senator has told the Senate very clearly that any legislation enacted, whether in the form of a substitute or the pending bill, should be national in its application.

The State of Virginia is in a rather unique position in so far as the pending legislation is concerned.

On page 102 of the 1961 report of the Civil Rights Commission, the Commission reported that Virginia evidently had no discrimination in so far as voting rights are concerned.

Since the enactment of this law, there has been no instance of Federal registrars or election observers being sent into the State of Virginia for any reason; nor has there been any complaint that would justify their being sent in. Yet, if the substitute is agreed to without amendment, Virginia will be one of those States that would be under this law despite the fact that in the 1968 election, the percentage of eligible voters participating was sufficient to have removed it from the special provisions under the original criteria.

I thank the Senator for his remarks. Again I commend him and join him in urging the Senate that any law enacted be national in application.

Mr. BAKER. I thank the Senator from Virginia. I do, indeed, recognize that his State is in a unique category. As he points out, there is not a single case of the applicability of the 1965 act to any voting situation in Virginia of which I have notice or knowledge; and the fact that the 1968 election returns would not bring Virginia under the provisions of the 1965 act points out to me the impropriety of using 1964 results as the trigger year instead of the next preceding election.

However, aside from that, and at the risk of repetition, I wish to make clear for my part I could not care less whether the Attorney General has the trigger or whether application is made to the Federal judiciary, as long as it is handled in a reasonable way. I only care that all the people of the United States are effectively guaranteed the right to vote. I think there is patent statutory discrimination in perpetuating this against target States, including Virginia, but not, I might add, Tennessee.

I thank the Senator from Alabama for yielding for these remarks.

Mr. ALLEN. Mr. President, I thank the distinguished Senator from Tennessee for his contribution to the discussion. I would also like to thank the distinguished Senator from Virginia for drawing attention to the fact that the great State of Virginia has never been accused of adopting discriminatory practices to hinder or prevent voting.

As he called attention to the fact that no Federal registrar and no vote observer, since the enactment of the Voting Rights Act of 1965, has been sent to the State of Virginia, I would like to call to the attention of the Senator from Virginia that even if every single person in the State of Virginia 21 years of age or over were registered to vote and if every single person registered to vote had voted in the 1968 Presidential election, that still would not have been sufficient to take Virginia out from under the operation of the Civil Rights Act of 1965 or the Scott amendment thereto.

Mr. President, yesterday I spoke at some length with respect to the Voting Rights Act of 1965. I think it might be well to consider at this time the circumstances under which the Voting Rights Act was enacted and how it happened that this act applies automatically only to the seven Southern States. We speak loosely of renewing or extending the life of the Voting Rights Act. Actually the Voting Rights Act is a permanent piece of legislation. It embraces 19 sections and all sections except sections 4 and 5 apply throughout the country, throughout all 50 States. Sections 4 and 5 are an automatic triggering device which, through the use of a predetermined and predesignated mathematical formula, automatically convict the seven Southern States of discrimination, of using a device to prevent or to hinder voting.

The remaining 17 sections of the act apply throughout the country, the difference being that in all States outside the seven States triggered by sections 4 and 5, actual proof of discrimination must be made to trigger the provisions of the act against those States.

That has been referred to as a pocket trigger, but there the State involved would be entitled to present its defense; it would be entitled to say it is not guilty of discrimination; that it is not doing anything to bar or to prevent people from registering and voting; and it would take proof of discrimination before the act would be triggered against the remaining 43 States of the Union.

Yes, in 1965 it was predetermined that the Voting Rights Act would be automatically triggered to apply against the seven Southern States. Now, how to make it apply against the seven Southern States without spelling out the States involved. They might just as well have done that because one could take a pencil and paper and refer to the Census Bureau figures and figure out immediately which States would be covered, automatically indicted and convicted without a trial. They decided they would use the November 1, 1964, registration figures or the November election figures in 1964; and say that those States having what they call devices that prevented or discouraged or discriminated against registration or voting, and in which States fewer than 50 percent of the voting age population was registered or actually participated in the November elections—that if both of these two conditions occurred the act would be automatically triggered against those States.

And so it happened—and it was not just a "happen so," as it was predetermined and predesigned—that the act applied its punitive force and effect toward those seven Southern States which actually did have devices—literacy tests—that is what they refer to by the word

"devices." When we are speaking of devices, the 1965 Voting Rights Act formula to cover the seven Southern States is, in fact, a device itself. It is a device supposedly to end devices. So Congress adopted a device to eliminate so-called devices in the South, such as a literacy test. The Southern States having literacy tests and not having 50 percent of their voting population registered or actually voting in the November elections were automatically covered. The remaining 43 States are covered potentially; the act is there, available to be applied against them if the charge of discrimination, or if the charge of improper practices to discourage voting is alleged and proved. Then, the act becomes triggered against them.

But the seven Southern States covered by sections 4 and 5 are automatically indicted and convicted; and Federal registrars are sent into those States and Federal vote observers are sent into those States.

Those States are convicted and, if their State legislatures want to amend any of their laws with respect to voting or registering, they must go to Washington, present the matter to the U.S. Attorney General or to the district court in Washington, and get approval by the Attorney General or the district court of that proposed or actual enactment of the State legislature.

That provision of the 1965 act was so severe, it was so unconscionable, that it caused Mr. Justice Hugo Black, who certainly has been a most outspoken activist on the U.S. Supreme Court, to say that he could not accept any such provision as that as being constitutional. He held, in a dissenting opinion in the case of South Carolina against Katzenbach, that that portion of section 5 of the act is unconstitutional. In that opinion, he compared it with the grievances expressed in the Declaration of Independence by the Colonies and by Thomas Jefferson, who made the indictment against King George III in the Declaration of Independence. He charged that the Crown was requiring legislative and judicial bodies in the Colonies to go to far and distant places far removed from the places where they kept their public records with the thought in mind that he would wear out the colonists and make them yield to his will.

Mr. Justice Black saw that parallel between the provisions of section 5 and the Declaration of Independence containing the indictment made by Thomas Jefferson against George III.

Let us consider the pending bill and the pending amendment, and let us see just where we stand from a parliamentary point of view. In the first place, there is no need whatsoever for any bill of any sort, to continue the life of the Voting Rights Act, and there is no provision saying that sections 4 and 5 shall automatically expire or die on August 6, 1970, which is 5 years after the effective date of the Voting Rights Act of 1965.

Those sections do not expire, although all of us have loosely referred to those sections as expiring. All that is provided by section 4 in that connection is that any State or political subdivision that has been found by this formula to be guilty of discrimination in the matter of voting can go into a three-judge Federal court in Washington and petition for the right to come out from under the provisions of the act.

If the court, when it finally gets around to considering that petition, the Attorney General acquiescing, finds that the State or smaller political subdivision inside the State has not for a period of 5 years used a device to prevent or discourage voting, the court can enter an order releasing the State or other political subdivision from the automatic provisions of the act. It does not release them from the act itself as applied to all 50 States. They are still under it even if they come out from under it at the end of 5 years. But after that judgment is entered showing that during the last 5 years—and it takes proof showing that for 5 years prior to the filing of the petition—the State has not engaged in unfair practices with respect to the discouraging of voting, the court retains the jurisdiction of that case for 5 additional years. And if the court finds, during those 5 years, that the State or political subdivision is using some device to discourage voting or prevent voting by anyone, it can reinvoke the automatic provisions of the act.

The Scott amendment would increase the period during which those seven States are covered by the automatic provision from 5 years to 10 years. It would require that a State wait for 10 years; and I assume that would be construed to be 10 years from the effective date of the original act. I would hope so. If not, it would be an additional 5 years. But the Scott amendment would increase that period to 10 years, requiring then that the State wait for 10 years before coming into a Federal court and asking to be relieved from the automotive punitive provisions of this act.

Then the court would retain jurisdiction for still another 5 years, which would make 15 years of coverage, still using the 1964 figures, still using the figures that were used in 1965, looking back retrospectively to a definite state of affairs as of 1964. It would not give the States any opportunity to register people, to remove any barriers, if there were any, but it would look back to the November 1964, election and freeze that situation in.

If the Scott amendment is adopted, it will freeze these States into automatic coverage for a period of 15 years, counting the 5-year probationary period.

As the distinguished Senator from North Carolina said yesterday, a State is not merely a political subdivision of the Nation; it is not just the State government; it is not only the territory within the boundaries of the State; it is the people of the State.

When this formula is set up and it is said that Alabama and the other six Southern States are guilty of discrimination, it is not just our State government, not just the political subdivisions within the State, that are indicted without a trial, without a hearing, without any opportunity to be confronted with witnesses. Those States are indicted and convicted, as in a bill of attainder, for discrimination and unfair and illegal procedures and activities. I resent that very much.

On the floor of the Senate last month, much discussion was had on the matter of equal protection of the laws and the uniform application of the Federal public school policies with regard to desegregation. The Senate, by an overwhelming vote, agreed to the Stennis amendment, which seeks to have the Federal Government apply uniformly whatever policy it has with respect to our public schools in the 50 States of the Union. I was very much encouraged by that action, because all that we in Alabama want, all that we in the South want, is the equal protection of our laws. We are not asking for special privileges; we are not asking for special treatment. We feel that this Nation is one Nation, under God, indivisible, with liberty and justice for all. We are simply asking for justice.

We are asking to be treated, in Alabama and in the South, just as citizens of other States are treated, and we feel—after all, the Constitution says so—that we are entitled to the equal protection of our Nation's laws.

That is all we are asking. Our people are willing to live under the provisions of the Voting Rights Act of 1965 in so far as it applies to the entire Nation. We are willing to abide by it. We have no choice, but aside from the matter of choice, if it applies throughout the country, we are willing to accept it.

We do not want the people of Alabama and the people of the South charged with discrimination without one shred of evidence, without one witness bringing in his complaint—just automatically, because of a situation that existed in November 1964, by saying, "Well, you did not have 50 percent of your people voting, and you have got a literacy test; that's all it takes to convict you."

What kind of rule is that? Is that due process of law? Is it due process of law to say to an entire people, "You are guilty of discrimination, you are keeping people from voting by using devices," just because you have a literacy test and just because fewer than 50 percent of your people voted, whereas in the North you have to come in, I say the North; the 43 other States of the Union not covered—and prove guilt.

That is what I resent. It singled out these 7 States, decided on them in advance, and then figured out a way to convict them by use of this device.

Yes, Congress used a device, the device being this vicious formula, this formula that the Scott amendment seeks to freeze into the law.

Why not change this to 1968, if you say that 50 percent is a desired result, a desirable number of your people to have voting?

There again, another element of unfairness that I have not suggested before is the fact that, in our general elections in Alabama and in the South, there are fewer votes cast than in the primary in the spring. Yet it has to be 50 percent of, I assume, the lesser of the two—50 percent of those registering, or of those voting—because it is stated in the alternative in the act.

But just because, back in 1964, we had fewer than 50 percent of our people

registered to vote or participating, we are singled out, humiliated, judged, and convicted of discrimination.

As I said yesterday, I believe it was the great English patriot, Edmund Burke, who sided with the colonies during the time of the American Revolution, even though he was a distinguished member of Parliament in England, in the matter of England carrying on the war against the colonies, and that great man said, "You cannot indict a whole people." He said that England could not indict every single person in America and hope to win such a war.

This Voting Rights Act of 1965, in effect, indicts all of the people of the seven Southern States—not only indicts them but convicts them. Conviction by act of Congress; that is what this is. We are convicted of discrimination by act of Congress.

Yes, we are supposed to have equal protection of the law, but are we getting it? No, we are not; and we do not like it.

The Scott amendment, as I have stated, seeks to make this period 10 years before you can go into the Federal court and seek release from the automatic coverage of the act. Then there is a 5-year probationary period—it does not so refer to it there, but it is just like a criminal being put on probation by the court: as long as you keep the terms of your probation, everything is fine, but they make us wait 10 years to go in and seek to get out from under that provision, and put us on probation for another 5 years—15 years in all.

So I say there is no need whatsoever for any of these bills. The administration bill—I believe the history of that is that over in the House of Representatives, they were coming forward with a 5-year extension of the full provisions of the act, which means automatic coverage of the South and potential coverage of the North, and a substitute was adopted over there which would make a voting rights act nationwide in scope.

I believe we are losing sight of the fact that the present act is nationwide, provided discrimination is proved. Let us get under that phase of it. That is where we want to be, and that is where it is fair for us to be, because 43 States have that provision.

So the Scott amendment is unnecessary. They put in this residence requirement Presidential elections as a sort of sweetener, to pick up a few votes here and there. I do not know that that is going to be successful. And it bans literacy tests throughout the country. Is that not a great bill, a great provision? It is going to ban literacy tests throughout the country—in areas where they say there is no discrimination in their use. Why should anyone want to ban a literacy test? That is what the Scott amendment would do.

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

Mr. ALLEN. I yield.

Mr. BAYH. I do not want to interrupt the Senator's very eloquent remarks, but the Senator from Alabama asked an important question, I think.

Mr. ALLEN. It was a rhetorical question.

Mr. BAYH. I thought that perhaps the Senator was seeking an answer, and I was prepared to give it to him.

Mr. ALLEN. I know the Senator will take his turn and make his answer, but any question I asked is rhetorical, I say to the Senator from Indiana.

The Senator from Indiana, I am sure, is going to voice his views in this matter. The Senator is rapidly becoming a great national leader, and I feel sure that his scope and his thinking are going to be national in nature. I am sure that he will want to see a Federal law applied uniformly throughout the country. I believe that with his national thinking, he will want to see the South put on the same basis as the other sections of the country.

I believe he is going to see the fairness of rejecting this iniquitous Scott amendment—the Scott iniquitous amendment, I should say, because I do not mean the word "iniquitous" to apply to the distinguished Senator from Pennsylvania, whom I admire very, very much.

I am sure that when the final vote is held, we are going to find the distinguished Senator from Indiana adopting a national outlook on this matter, and saying, "Yes, we want to see that those fellows down there, those good Democrats down South, those good Alabama Democrats, are protected in this matter, and we are going to apply the same law to them that we are seeing applied throughout the rest of the country."

Another thing: We have so many approaches to this bill, and I am going to enumerate several of them in a moment, that I think this bill and all its pending amendments should go back to the Committee on the Judiciary, from whence it came; because the commitment to bring the bill out by March 1 was exacted, shall I say—it was agreed upon, at any rate—and it had to come back to the Senate without being fully considered by the Judiciary Committee and its outstanding Subcommittee on Constitutional Rights, headed by the distinguished Senator from North Carolina (Mr. ERVIN).

Senators will observe that there is no committee report with respect to this bill. On the desk of each Senator is a very fine report—and when I say "fine," I refer to the minority views, the separate views of one of the Members. It is the House report. We do not have a Senate report, because they were not able or allowed to fully consider the bill, even though there was no disposition whatever to bottle the bill up in committee. The request was made, possible not on the floor, but I know it was made, to give another month of study for the committee. We have no committee report, and we have numerous separate and distinct proposals that have been made with respect to the bill.

So I feel that the bill and all its pending amendments should go back to the Committee on the Judiciary, so that that committee can study the various proposals, and that it will come back with a bill that can be agreed upon and that a majority of Senators will be willing to support.

The bill under consideration is H.R. 4249, and it is the so-called administration bill. As the Senator from Alabama recalls, this bill, as I stated a moment ago, was substituted, I believe, for the plain 5-year extension bill. There, again, I say it is not necessary to extend it, because it will be there until it is repealed. It will continue to be there. It will not get away if it is not repealed. It still will be the law. All the sections, even section 4, which contains the 5-year provision, are still in the law. It does not lapse.

The administration bill—and it is much to be preferred over the Scott amendment—provides for national coverage, national application, of the Voting Rights Act. But I say that this is unnecessary, because we already have a Voting Rights Act that applies throughout the country—on proof of discrimination outside the South, without proof of discrimination inside the South. That shows the difference in application of the same law, applied differently.

Let us now examine the 50 percent requirement, back in 1964, and the use of the 1964 figures for the test now. That is patently unfair. It gives no credit for the leaving off of the literacy test in the various States as required by Federal statute. It gives no credit for the increase of one million people who were registered in these States in the last 5 years. It gives no credit for that.

Le me suggest this with respect to the original 50 percent: A State with a literacy test which has 50 percent of its voting age population registered and voting did not come under the automatic provision. That would be the case even if every single one of that 50 percent, every single registrant, every single voter, was white or every single voter was black. It did not take into account how many were white or how many were black.

I say again that under the terms of the Scott amendment, if every single person in Alabama 21 years of age or over is in fact right now, or back in November 1968, was registered and is registered to vote, still under the terms of the Scott amendment we would automatically be convicted of discrimination in allowing people to come in and register.

Mr. BAYH. Mr. President, will the Senator from Alabama yield for a question?

The PRESIDING OFFICER (Mr. SCHWEIKER in the chair). Does the Senator from Alabama yield to the Senator from Indiana?

Mr. ALLEN. I am happy to yield to the Senator from Indiana, so that he may continue his discussion.

Mr. BAYH. I thank the Senator from Alabama. I shall be brief. I do not wish to interrupt the Senator's comments.

Mr. ALLEN. That is quite all right. I know that the Senator is upset about the unfairness of the act and he wants to add his thoughts to it.

Mr. BAYH. I am upset about the fact that my distinguished colleague from Alabama is upset. I am concerned for him and——

Mr. ALLEN. I appreciate the Senator's concern.

Mr. BAYH. I should like to find some way in which he might be able to reconcile himself to the criteria, and to that end I would like to add a few points and ask a few questions.

I, for one, as one of the cosponsors of the Scott-Hart compromise, and as one who prefers the extension which I think makes it a better bill——

Mr. ALLEN. Excuse me—I hope the Senator will elaborate on that word "compromise." I would not regard any bill agreed to between the Senator from Pennsylvania and the Senator from Indiana as being any compromise because I feel that they are both on the same side. So, Senator, kindly elaborate on the word "compromise," a little bit, if you will, please, sir.

Mr. BAYH. I am proud to be associated with just about everything the Senator from Pennsylvania says and thinks. I do not know whether that would indict him, or suggest that he agrees with everything the Senator from Indiana does and thinks, since I think there can be some reasonable difference.

The thrust of the whole program, I think, was incorporated in the earlier remarks of the Senator from Alabama, in which it was suggested that the most expeditious way to deal with years of success in putting 1 million voters on the voting rolls in the affected States was to extend the act and put 2 million voters on who have not been on before. But there could not be agreement with the House, and the administration did not agree. It was therefore thought that we might compromise between those who wanted to extend the 1965 Voting Rights Act and those who wanted the registration and the literacy test provisions of the administration bill, and that the three could be put together. Thus, as the Senator from Alabama knows, they are incorporated in the so-called Scott-Hart compromise.

Now as to the concern that was voiced by the distinguished Senator from Alabama over the criteria, the formula, for triggering, I as one cosponsor of the pending business am not necessarily wed to those uniqe criteria.

I respectfully take issue with the Senator's analysis of how the criteria were arrived at. I was wondering whether the Senator would be willing to change the criteria and say that he would include in the provisions of the act those States that refused to put black candidates' names on the ballot, or those States that abolished offices when black candidates announced their intention to run for such office, or those States that extended the term of a white official when he was challenged by a black opponent in a district where the majority of the voters were black, or those States that suddenly abolished councilmen districts and went to at-large election when it became obvious that black councilmen were going to be elected, or those States that changed the criteria for holding office and established different criteria in black counties from that in white counties, or those States that made it more difficult for candidates to get on the ballot at the precise moment that black people began to have majorities in those areas.

If the Senator would say that we should follow such criteria, I would say, fine, let us do that, because we are not trying—those of us who support this act—to do what concerns the Senator from Alabama. We are not trying to indict a people, or to indict a State. What we are trying to do is to indict those unscrupulous few who resort to the tactics I have just mentioned, to deny to large numbers of people the opportunity to run for office and to vote.

Is this some common ground we might arrive at between my friend from Alabama and the Senator from Indiana?

Mr. ALLEN. I appreciate very much the brief and succinct question propounded by the Senator from Indiana. In answer to him, I will state, in the first place, that he referred to a situation where black candidates had been left off the ballots. I know that the Senator is making reference to that today because on yesterday he made reference to it, feeling that he might, possibly, embarrass the junior Senator from Alabama because that situation took place allegedly——

Mr. BAYH. If the Senator will just look at the RECORD of yesterday, he will see that I especially removed the Senator from Alabama from any such intention. And I do not think that is accurate.

Mr. ALLEN. The Senator alleged on yesterday that that situation took place in the State of Alabama with respect to Greene County, Ala., where the black citizens of Greene County, who constitute a majority of the people in that county and who constitute about a 2-to-1 majority of qualified electors in Greene County, did win all the county offices that were up for election in the election, I believe, in 1968.

The Senator stated at that time that the names of the black candidates were left off the ballot. I would like to suggest, because I do not believe the Senator from Indiana realizes how that took place, that it was not leaving off the black candidates as such, it was leaving off the candidates of a political party which was not formed until after the Democratic primary had been held, and was not formed until after the deadline in Alabama for candidates making known their intention to run for office.

Alabama has a statute requiring every candidate in an upcoming primary or general election, in a primary or general election year, and prior to March 1 of that year, to file with the Secretary of State of Alabama a declaration announcing his intention of seeking office in a primary or a general election subsequent thereto. The individuals named by or referred to by the distinguished Senator from Indiana did not comply with that section, which applies to everyone alike. The junior Senator from Alabama complied with that section, because the law required it. All other candidates were required to comply with that section.

The individuals referred to by the Senator from Indiana did not comply with that section and ran in the general election. They took their case to the Supreme Court of the United States, and the Supreme Court, as it has done in many cases, issued a ruling, with which the Senator from Alabama does not agree, requiring that a new election be called. That invalidated the previous election, even though the judge who called for the election and the printing of ballots felt that the law of Alabama was applicable to white and black. That is how that situation happened. Certainly, no one was discriminated against in any way.

I wanted to answer the Senator's question further by stating that if he has any illustrations of this sort—and the Senator enumerated a number of alleged instances averring some type of discrimination—he should state them.

What the Senator from Alabama insists is that if the people of Alabama are guilty of discrimination, the Senator from Indiana should be able to make those charges, prove them, and give the other side an opportunity to confront witnesses and to be heard. If we are found guilty of discrimination, then trigger the provisions of the act against us. But do not, in advance of any hearing, and merely because we did not comply with some population figures back in 1964, say, as a matter of law, that we are guilty of discrimination.

Mr. LONG. Mr. President, will the Senator from Alabama yield?

Mr. ALLEN. I yield to the Senator from Louisiana.

Mr. LONG. What I should like to ask is, Why are some Senators unwilling to do equal justice, to treat all Americans fairly? Why would Senators be unwilling to permit our citizens to have the same rights as citizens in other States? I would like the Senator from Indiana to hear this, because I think my folks were Democrats in Indiana before his. My folks were Democrats in Indiana and carried the flag for Bryan when Bryan had very few votes.

And we are proud of it. They could not find much democracy in Indiana. So they moved to Louisiana, where they found what they were seeking and became strong advocates of true participatory democracy in our part of the country.

If I do say it myself, I have always felt that it is wrong for people to deny anyone the opportunity to vote if the person is qualified. It is wrong to discriminate in any way. I come from a State where it has not always been popular to hold that viewpoint. It might be popular to do so in Indiana, but I rather doubt it.

I recall one time, as assistant majority leader, I was invited to appear on a "Meet the Press" program. I was asked the question, "Senator, you know, as a matter of fact, you could not vote for a civil rights bill. Is that not right?"

I said, "Not at all. I would be glad to vote for one, providing it would treat everyone the same way and did not punish those who were doing no wrong."

I say to the Senator that the Ku Klux Klan called an emergency meeting and had a petition to impeach me right then and there. And so did the White Citizens Council. After my having said that, what sort of a voting rights bill did our courageous administration bring in?

The administration brought in a bill that would not, for example, include Texas, the President being from Texas. Texas is composed for the most part of former Louisianians who learned their politics in the same way we did.

We said that they must draw the line to include Texas. But there were those who insisted, "Oh, no. Under no circumstances must Texas come under the law. Virginia must come under the law."

Virginia is one of the first States of the Union. The author of the Declaration of Independence came from Virginia. It is a State that went to war to save us from the British troops. A State like that must come under the law.

Looking at that kind of situation, I said, "Let us vote for whatever voting rights bill we think is fair."

Now we see a situation where 5 years later, we have experienced every kind of injustice the mind of man could conceive. They would go to a parish in Louisiana where there was no discrimination and none could be alleged. But somehow the authorities in Washington would feel that the Negroes had not been conspicuously enthusiastic in seeking their rights. So they would insist that they go there and put Federal registrars in those parishes and go out and seek registrants. They established precincts and voting places all around the community so that they would not have to come to the courthouse.

I do not think they went quite that far, but they did practically everything except go down the road and register every one they could drag out of the house.

Having done that, and having registered all these people—and I am glad to see them registered—we now ask the question, "If it is good for Louisiana, why would it not be good for the State where my mother was born, the State of Indiana, the State where my grandfather married my grandmother, the State of Indiana, the State where they found so little democracy they had to migrate to Louisiana to seek it?"

If it is good for the goose, why is it not good for the gander?

Having seen the situation where these fine people would be registered, I would ask the question as one whose forebears came from Indiana, "Why would the Senator from Indiana deny his citizens the rights he would demand for those in Louisiana? Why would he deny the citizens of Indiana the rights he would have citizens enjoy in Alabama?"

Does the Senator find that difficult to understand?

Mr. BAYH. Would the Senator be more specific?

Mr. LONG. As a Senator whose forebears came from Indiana, and as a Senator who has seen people go to great extremes to register those who are not registered in Louisiana—and going to great pains to do so—and to register a lot of people who did not have the urge to register, why should not the people in Indiana have the opportunity to receive the same treatment? If it is right, if one thinks it is fair, if one thinks that if the people will not go to the registrar's office, the registrar ought to come to them, if one entertains that view, why should he not accord the citizens of his State the same opportunity?

Mr. ALLEN. Mr. President, I find it difficult to understand. If we figure out some formula—and I daresay that we can do it—by which an indictment is made and a conviction had against the fine people of Indiana, does not the Senator from Louisiana think that the distinguished Senator from Indiana would come in and help the distinguished Senator from Louisiana and the Senator from Alabama fight that measure, as the Senator knows we would do?

Mr. LONG. Mr. President, it seems to me fair, honorable, and right that if it is a good idea to do this in Louisiana, it ought to be equally as good for the citizens of Indiana.

I am not against the State of Indiana, but my folks did not find it too good up there. That is why they moved to Louisiana. That is why I am a Louisianian.

I do not understand why the Senator should not permit those who stayed in Indiana to enjoy the same benefits he seeks to impose upon Louisiana.

I am in favor of anyone who is qualified to vote being able to vote. Why should not the citizens of Indiana have an opportunity to enjoy the same rights that we enjoy in Louisiana?

Mr. ALLEN. Mr. President, the junior Senator from Alabama thinks they should. I thank the Senator for his remarks. In just a moment, I propose to answer them.

Mr. LONG. Mr. President, would the Senator yield for an additional moment?

Mr. ALLEN. I yield.

Mr. LONG. Mr. President, the State of Louisiana by voluntary contributions from its citizens—$1 contributions, $2 contributions, $10 contributions—can raise unlimited amounts of funds in a State of 3 million people, one of the poverty States, just to tell our story to people from wealthy States how unjust and unequal people are treating us with regard to the schools.

We have sought in vain to obtain television time in a great number of areas. We are now trying to obtain television time in Washington. We have sought television time on stations that have urged that we are guilty of all sorts of discrimination; we have sought time just so that we might tell our story.

I am happy to say that the Washington Post, which owns a television station, has permitted Louisiana to buy an ad in the Washington Post to explain how unjustly, unfairly, and unequally we are being treated.

I would challenge anyone to read this ad and, as a fairminded man, to answer this question: Can you not understand why good people find differences with other good people; and how can things like this happen in America?

This is something that people of the State of Louisiana paid for with their own money. The Governor of my State tells me that he made a television program and invited people to send in contributions to pay for the expense of telling the people throughout this country how unjustly the people of Louisiana are being treated. So much money came in that he had to ask them to stop sending their contributions.

I would suggest to the Democratic Party, which now seems to be struggling for funds: Why does not the party offer to be the agent which would tell the Nation, without saying the Democratic Party agrees to it, about what is happening in just one little State. Should that happen, I would be willing to make a sporting proposition that the State of Louisiana would pay off that party deficit, including the primary deficits.

Mr. President, I ask unanimous consent to have printed in the RECORD this ad——

The PRESIDING OFFICER. Is there objection?

Mr. LONG. Mr. President, I had not described the article. I think it should be described for the RECORD.

The ad in the Post was paid for by small contributions by the people of Louisiana. There would be thousands of contributions of $1, $2, and 50 cents from little people in our State, Negroes and whites alike, who would be happy to pay what is necessary to see the message delivered. If the Democratic Party cannot pay off its debt, my suggestion is a real prospect.

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

FULL PARTNERSHIP

Louisiana faces one of the darkest hours in its history.

The destruction of our system of public education—without which no state can survive—is now imminent. Capricious and arbitrary decisions of the Department of Health, Education and Welfare and the Federal Courts have resulted in unbelievable and drastic disruptions for our schools, our teachers, our children—both black and white.

Louisianians respect and obey the law of the land. We have attempted, in good faith, to live up to the provisions of the Civil Rights Act. And we have gone much further than the requirements of the Civil Rights Act.

During the six years I have been Governor of Louisiana, we have led the way among all the states of the Union in bringing our Negro citizens into the mainstream of life. I was elected Governor with the acknowledged support of the Negro people of our state, and received the vast majority of votes of white and black citizens alike. We have brought our Negro citizens—rightfully so—into state government itself, without coercion and without even being asked to do so. We took these and other steps because it was right and just to do so.

We have integrated our state, and we are proud of it, not just because it is the law, but because it is the *American* way. We recognized long ago that segregation was dead forever, that integration is the law of the land. We have implemented that belief not only in our public schools and in our systems of higher education but throughout every aspect of life in our state. White citizens have joined with black in electing Negroes to public office. Appointive offices also have been filled without regard to race. At the 1968 Democratic National Convention, our delegation included—voluntarily—one of, if not the largest percentage of Negro delegates of any state in the Nation.

We are proud that within our state we have achieved justice and equality.

But now we come to the rest of the nation to plead for the same sort of treatment within our Union for Louisiana. We ask for justice and equal treatment for Louisiana.

In January of this year, the Department of Health, Education and Welfare and the Federal Courts abruptly and arbitrarily ordered the *complete, numerical* balancing of the races in less than thirty days for many of our schools. (These schools were *not* segregated by law, but by residential patterns which resulted in "unbalanced" racial attendance.

Any Negro student had the *right* to attend the school of his choice, as did any white student.)

This sudden, drastic disturbance—in the *middle* of the school year—brought distress and hardship to white and Negro citizens alike. With complete disregard for the fact that schools are just halfway through the year, with callous indifference to the child's attachment to his school and his classmates, with careless disdain for the relationship established between teacher and child—whether white or Negro—students of all ages have been coldly ordered, shuffled and transferred. This sudden, drastic disturbance brought distress and hardship to white and Negro citizens alike. Where these rulings have been put into effect, in many instances one or the other ethnic group is boycotting the schools. HEW-inspired and court-approved plans have required the bussing of children twenty to thirty miles from their homes, when neighborhood schools are within walking distance. These precipitous and unwarranted mandates equate no justice to the welfare of the child, the parent, the teacher, or the survival of public education. We ask, "Why?" Why should these extreme steps be ordered in Louisiana, a state which has demonstrated repeatedly its good faith, its sincerity, its compliance with the law and its adherence to America's democratic principles? Why should one rule apply for us and other states in the South and another for the rest of the nation? Again, we ask, "Why?"

Louisiana's citizens believe in America. We believe in justice—in equality—in freedom. *We believe in civil rights.* We believe that a child should be able to go to the school of his choice. But we equally believe that civil rights are violated when a child is forced to go to a school he does not want to attend! Civil rights are violated when parents see their children forcibly torn from their community and scattered great distances to strange surroundings, merely to achieve conformity with a governmental master plan for numerical "balancing"!

Is this the America we fought for? Is this the America we believe in?

For years we have complied with the Civil Rights Act. But to dispel any doubt as to our intentions, to make it clear we were not merely attempting to circumvent the law of the land nor trying to preserve segregation, we turned to the State of New York, perhaps the most liberal state in the nation, for the model of legislation to adopt for ourselves. On February 22, 1970, the Louisiana Legislature in Extraordinary Session enacted into law Chapter 342 of the New York Laws of 1969. Copied verbatim by us, this New York law guarantees that "No person shall be refused admission into or be excluded from any public school in the state on account of race, creed, color or national origin." This law further provides that "no student shall be assigned or compelled to attend any school on account of race, creed, color or national origin" while not preventing "the assignment of a pupil in the manner requested or authorized by his parent or guardian."

That is the law in New York; it is now also the law of Louisiana. We ask no special treatment; we demand no concessions. But we *do* seek and expect to be treated the same as any other state in the nation!

We are confident that the overwhelming majority of Americans believe in equal justice under the law. *We are not getting equal justice,* despite our sincere attempts to live under the law just as do other Americans elsewhere in our nation!

We seek no preferential treatment. We do seek equal treatment. We seek to operate our schools *under the same laws as you*—without the interference of arbitrary edicts which will *destroy* our system of public education and inflame ill will.

We love our country, and we are loyal to it. We are confident that, knowing our cause is just, you will join with us and support us in our effort to achieve equal rights, and to save our schools from the crippling effects of unwarranted "numerical balancing."

We urge you—today—to write to your Congressman, your Senators, and your Governor. Tell them you want them to help Louisiana save her schools.

All we ask is *equal treatment* under the law; all we expect is *full partnership* in this great Union of ours.

Sincerely,

JOHN J. McKEITHEN,
Governor of Louisiana.

This ad paid for by voluntary donations from thousands of Louisianians and their neighbors, loyal Americans all.

Mr. ALLEN. Mr. President, the distinguished Senator from Louisiana (Mr. LONG) has discussed the reason why Louisiana in 1965, when the Voting Rights Act was under consideration in the Congress, having in the 1964 election 47 percent of her voting-age population participating in that election, and the State of Texas having only 44 percent of her voting-age population participating in the election, was placed by this formula under the automatic triggering provisions of the act.

I wish the distinguished Senator from Louisiana were still in the Chamber, because the planners or the perpetrators of the 1965 Voting Rights Act hit on a novel combination of factors in setting this formula. They first required that a State, to be covered by the automatic triggering provisions of the act, had to have a device, a literacy test, a device that discouraged voting and registering. The State of Louisiana at that time had a literacy test as a prerequisite to registering of voters. The State of Texas had none. So this novel combination of factors was agreed upon, and Texas was thereby left out of the automatic triggering provisions of the act. Louisiana, having a higher percentage, was included under this provision.

Of course, the fact that the President of the United States at that time was a Texan may possibly have had something to do with the reasoning behind agreeing on that type of formula. But it illustrates the fact that the target was decided upon and agreed upon in advance: "We will hit on seven Southern States—Virginia, North Carolina, South Carolina, Georgia, Alabama, Mississippi, and Louisiana—and put this novel provision in it—that if a State had the requisite 50 percent of the voting-age population registered and voting, but some of the counties in that State fell below the 50 percent, then the counties would automatically have the act triggered against them"; whereas the reverse of that was not allowed. If a State had fewer than 50 percent qualified and voting and some counties had more than 50 percent qualified and voting, still, because the State itself did not have the requisite 50 percent, the act was triggered against the entire State, including those counties that had more than 50 percent.

So there again, the unfairness, the discriminatory practice that the advocates and proponents of the act hit upon to include within the automatic provisions of the act the seven Southern States.

What progress toward registering our people have the Southern States made in that time, and what credit is being given by the Scott amendment to those amazing performances by the States involved?

Let me read some of the figures showing the registrations in that time. One would think, with the great progress that we have made in registering voters, that some credit would be given to the States for that performance. The criterion should be moved up 4 years, if the presidential year is to be used as the year.

Let us base this on what the situation was in 1968. If by then the States had come up to the formula, the 50-percent percentage set by the act in 1965 as the desired goal, let us let them out from under the automatic triggering device

As the Senator from Louisiana stated—and I certainly agree with him—the people of Louisiana and the people of the South are willing to abide by any law that applies to the entire Nation. I submit, as I have outlined, that if all of the pending amendments and all of these bills are defeated, we still have a nationwide Voting Rights Act. We still have an act applying to all 50 States, the only difference being that all sections of the country will have to have discrimination proved against them.

I will say this: If all of the pending bills are defeated, and the Scott amendment, the administration amendment, the amendments that will probably be offered to the various proposals—even if all of them are defeated, we still have a National Voting Rights Act of 17 to 19 sections—19 if we include sections 4 and 5, 17 if they are left out. But actually, section 4 would still be included. That is the section that would require the States to go into court and show that they had not been guilty of using a device, had not been guilty of discrimination, in the last 5 years. So they could start going through court, filing the petition, on August 7, 1970; but it would take time for the petition to be heard. It would take time for the court to get around to considering the evidence, and releasing the Southern States from the automatic provision.

Then I daresay, as I construe the terms of the act, the Southern States, even if they were released from the automatic triggering provisions, would be covered for 5 years in the court proceedings, because they are under that provision, and there is no way in the world for them to get out, except to go into court; and when the court released them, they would still be on probation for 5 additional years.

That would have us convicted, as the distinguished Senator from North Carolina (Mr. ERVIN) has said, by a bill of attainder, without due process of law; convicted by an act of Congress which is in clear violation of any reasonable or rational precept of Anglo-Saxon justice and law, where a man—and here we have a whole people—is presumed to be innocent until proved guilty.

But sections 4 and 5 do not go that route. It is not just the States that are involved. When we say Alabama or North Carolina, we think of the States, the State governments, or the land there,

but actually it is the people who are involved. This act, or a renewal of it, constitutes a bill of attainder against the people of North Carolina and the people of Alabama.

It convicts us without due process of law, without any opportunity to be heard, without any opportunity to be confronted by the witnesses against us; it denies us the equal protection of our Nation's laws, in clear violation of the Constitution, and we are being deprived of our rights without due process of law.

We feel that that is unfair, that we are being denied the equal protection of the laws. As the Senator from Louisiana (Mr. LONG) stated, if the law applies to the whole country, he is willing to go along with it and accept it. That is what would happen if we allowed all of the pending amendments and bills to be defeated, and relied on the 1965 Voting Rights Act, which, as I say, will still leave the Southern States in the humiliating, embarrassing bondage of a probationary sentence.

We have to go to court to get relieved of the provisions of the act, and we are put on probation for 5 years. The Federal Government can start the act up against us at any time and put us back under the provisions. We would still have a national law, but with discrimination still against the people of the South.

As I suggested a moment ago, the Voting Rights Act is supposed to eliminate devices that discourage voting. Yet, Congress uses this vicious device, this mathematical formula, the population formula, to trigger the law against the South.

What happens under the act? The Attorney General sends Federal registrars into Alabama and the other States of the South. They go out on the sidewalks and into the highways and byways. They register the lame, the halt, the blind, the illiterate. They register anyone 21 years old or over. They go out and seek them.

I was proud to be able to say to the Senator from Indiana (Mr. BAYH) yesterday, when he was asking me about the results of the registration in Alabama since the enactment of the 1965 Voting Rights Act, that the duly constituted Alabama registrars registered approximately three times as many new voters in their regular offices in the various courthouses than the Federal registrars did, swarming all over the State searching for people to register.

So there is no difficulty in getting registered in Alabama. We resent the implication, and not only the implication but the indictment and conviction of discriminating where there is no discrimination.

Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from North Carolina without losing my right to the floor.

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

Mr. ERVIN. Mr. President, I wish to discuss the matter of condemning either States or their people by a congressional bill of attainder.

Evidently, people of the present generation are losing some of their respect for constitutional principles. I made some remarks earlier today in which I said I had thought that I had reached the point where I could not be shocked by any proposal made in Congress. But I have to confess that I was shocked today by the proposal that the Senate adopt an amendment to the pending substitute bill which would undertake to usurp and exercise the undoubted constitutional powers of the States to prescribe the qualifications for voting by declaring that all boys and girls in the United States of the age of 18 should be made eligible to vote in all elections, both Federal and State.

One of the unfortunate things about the present day is that people are so impatient, and some public officials are so impatient, and they want to accomplish things, no matter how unconstitutional they may be, by unconstitutional methods, before the sun goes down each day. This impatience of our people is sometimes a great virtue. It enables us to span great rivers, to climb high mountains, and to do other things which are highly praiseworthy. But it has a tendency to tempt us at times to engage in acts which if continued in force will destroy the only protection our country and each individual in our country has against anarchy on the one hand and tyranny on the other, and that is the Constitution of the United States.

Every year this body goes through the ceremony of having read one of the most remarkable documents ever conceived by the mind of man, and that is George Washington's Farewell Address. He gives some sage advice about attempting to do things and changing the Constitution by usurpation. He said that if the people of this land ever become dissatisfied with any of the provisions of the Constitution, or any distribution of the powers made by the Constitution, let them change the Constitution by an amendment as provided in article V of the Constitution.

He said:

> Let there be no change by usurpation, or even though a change may seem good in one instance, usurpation is the customary weapon by which free government is destroyed.

I am compelled to say that the lack of respect which is entertained for the Constitution not only by the courts but also by our legislative bodies is threatening this country with the loss of its most precious heritage; namely, the right to be governed by a constitutional system of government.

(At this point Mr. DOLE took the chair as Presiding Officer.)

Mr. ERVIN. Mr. President, I mentioned the fact that we get impatient. For some strange reason, we have a peculiar political climate pervading America at this time. Several years ago, we had a drastic civil rights bill pending before the Senate and the distinguished former Senator, John Carroll, of Colorado, made a statement in the course of debate that the Civil War was over. I could not resist the temptation to rise and say that I wish we could say the same thing about reconstruction.

(At this point Mr. COOK took the chair as Presiding Officer.)

Mr. ERVIN. Mr. President, I think that the Voting Rights Act of 1965, which is sought to be renewed for another 5 years, is an example of oppression.

I think that any court which is faithful to the precepts of the Constitution would have adjudged that act unconstitutional, because it condemned all State election officials and all the people within the borders of five States, and all the State election officials and all the people within the borders of a number of counties in two other States, by what the Supreme Court itself impliedly admitted is a bill of attainder.

Mr. President, the Constitution abhors bills of attainder. Its abhorrence of bills of attainder is reflected in the fact that the Constitution, in article I, forbids both Congress and the States to pass bills of attainder.

Now I wish to read, if time at my disposal permits, what is the definition of a bill of attainder, in the case of Cummins against State of Missouri, a case handed down in 1866 and reported that same year by the Supreme Court.

I am glad that the Supreme Court which was then sitting had the patience to consider what was involved in that case and the threat imposed for the future of liberty in America.

I rejoice in the fact that it had the courage to stand up for what was right in an enflamed and emotional political climate.

I doubt that any State legislature ever undertook to do more than the Legislature of the State of Missouri undertook to do in that case. Its members evidenced the strangest kind of feeling of intolerance by the passage of a law that was involved in that case. Their action indicated they preferred that poor sinners should go to hell rather than for them to be saved by the preaching of the gospel by a man who happened to be a Roman Catholic priest who had been sympathetic toward the Confederacy.

This is an interesting case. I would like to read it to the Senate in the hope that Senators, when it comes to a question of whether we shall renew the Voting Rights Act of 1965, will have sufficient abhorrence for condemning people by a bill of attainder as the Supreme Court had when it handed down the decision in Cummins against the State of Missouri.

Now, as I said, the Supreme Court, in South Carolina against Katzenbach, made the astounding holding that the prohibition against passage of bills of attainder does not apply to the States. As the Cummings decision discloses, a bill of attainder is a legislative act which condemns either named persons, or identifiable persons of wrongdoing, without a judicial trial, and on that basis punishes them in some way, or denies them the power to exercise a right possessed by them. That is precisely what the Voting Rights Act of 1965 is. It condemns election officials and the people of five entire States, and parts of two other States, of having violated the 15th amendment without giving them a judicial trial, and on that basis, and that basis alone, suspending their right, their power, to exercise their right to prescribe a literacy test secured to them by four separate provisions of the Constitution.

It was certainly a far cry from the

Voting Rights Act of 1965 to the action under review in the most courageous and intelligent decision ever handed down by the Supreme Court of the United States—Ex Parte Milligan. In that case, in reversing the action of a military tribunal condemning a civilian to death—and incidentally, because of his sympathy for the Confederacy—Justice David Davis, who wrote the opinion for the Court, made this remarkable statement which I think is absolutely sound and absolutely true. He said in substance that no notion having more pernicious consequences was ever invented by the wit of man than the idea that any provisions of the Constitution would be suspended in any emergency. If the Constitution of the United States is to afford any protection to our land and its citizens, it must be an instrument whose provisions cannot be suspended under any circumstances.

Yet, that is precisely what the Voting Rights Act did by way of a bill of attainder. And when the Supreme Court was confronted with that fact, the only way it could adjudge that act constitutional was to hold that the prohibition upon bills of attainder does not apply to the States.

What are the States? Chief Justice Salmon P. Chase in the great case of Texas against White said that the word "State" as employed in the Constitution means the people residing within a certain territory and associated together for the purpose of maintaining and enjoying local government.

That is not the exact verbiage of his remarks, but that is precisely what they mean.

And so we have it laid down by the Supreme Court in South Carolina against Katzenbach that Congress can pass an act which can condemn State officials and the people of a State of violating the Constitution without giving them a judicial trial and, on that basis, suspend their power to exercise the rights conferred upon them by the Constitution—indeed, conferred upon them by four separate and distinct provisions of the Constitution.

I do not think that decision is sound law. I think that the constitutional provision forbidding Congress to pass a bill of attainder was written to prohibit such laws as the Voting Rights Act of 1965.

And the Supreme Court was confronted by another proposition in South Carolina against Katzenbach, and that was the fact that the fifth amendment provides that no person shall be deprived of his life, liberty, or property without due process of law.

Perhaps the most famous definition of due process of law in a procedural sense is that of Daniel Webster, acting as counsel for Dartmouth College in the Dartmouth College case.

Instead of calling it due process of law, he referred to it as the law of the land, which is the term by which it is referred to in the constitution of my State. And he said that the law of the land is a general law which proceeds upon the inquiry and renders judgment only after notice and a hearing.

The Voting Rights Act of 1965 renders judgment without any notice and without any hearing. And it deprived State election officials in seven States, or parts of States, of the power to exercise functions of their office, and the people of the States of the right to exercise their constitutional powers.

Yet, the Supreme Court ignored the fact that there is no such thing as just a State existing in this universe. The State consists of the State government, and it consists of the people of the State. And the officials are persons and the people of the States are persons.

Yet, the Court held in effect that if they happened to be State officials, or people in a State below the Mason-Dixon line, the due process law clause does not afford any protection whatever.

If that means what it says, it would make it possible for Congress to pass an act authorizing the Department of Justice to bring a suit against a State upon the allegation that the State had violated certain provisions of the Constitution or had done something else wrong and ask that the State be abolished and provide that the allegations made by the Department of Justice were the only things that were going to be considered by the Court in rendering a decree to abolish the State. And it could do all of this and secure such a decree without giving the State or its officials or its people any notice or any opportunity to be heard. That is, to my mind, a fearful decision.

I believe it is wrong. I do not believe that the Constitution of the United States is so puny that it does not protect State officials and the people of the States, who are persons, from such unjust treatment. I think the due process clause will prevent it.

Now, another thing. When this bill was before the Senate, I pointed out the effect of this provision closing the doors of all the courthouses in this universe against States or political subdivisions of States seeking restoration of their right to use their constitutional powers. I pointed out that this bill, when read in conjunction with the other law on the subject absolutely denied all of these States and subdivisions of States even the right to get compulsory witnesses to appear in the district court. The law had provided for witnesses in the district court of around only 100 miles from where the court sat. That was too bald, so they put in an amendment giving the district court discretionary power to issue subpenas to compel the attendance of witnesses of the States or subdivisions of the States. To my mind, that kind of an amendment did not cure the situation because it, too, was abhorrent to justice.

I say this because it made the right of the litigant to procure evidence through compulsory witnesses dependent upon the discretion of the court. That is a right in any fair system of justice that should belong to every litigant.

When Thomas Jefferson wrote the Declaration of Independence he gave as one of the reasons the Thirteen Colonies severed their bans with the mother country England was that George III was transporting Americans beyond the seas to be tried in courts of England rather than permitting them to be tried in courts in America.

Since the due process clause of the fifth amendment and the due process clause of the 14th amendment are designed to secure litigants a fair trial in Federal and State courts, I think that a provision of law which closes the doors of the nearest court and compels them to journey some 100 miles to 1,000 or 1,000 miles before they can get access to a court is a denial of due process of law and an affront to justice. Yet that is precisely what the sponsors of the Scott substitute for the administration bill are asking the Senate and the Congress to do.

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

Mr. ERVIN. I am delighted to yield to the Senator from Alabama.

Mr. ALLEN. Mr. President, I wish to commend the distinguished Senator from North Carolina for his observations and the reasoning he has advanced in respect of the unconstitutionality and inadvisability of the renewal of the Voting Rights Act of 1965.

I would like to ask specifically if this provision of section 5 requiring our States to come to Washington for the purpose of getting approval of enactments of our legislature and for getting released from the provisions of the Voting Rights Act of 1965 did not cause Mr. Justice Black to hold in a dissenting opinion in the case of South Carolina against Katzenbach that section 5 was unconstitutional and is unconstitutional.

Mr. ERVIN. The Senator is correct. He took that position in South Carolina against Katzenbach and he repeated it a second time in the Allen case. I believe it was Allen against the United States.

Mr. ALLEN. I thank the Senator.

Mr. ERVIN. These are iniquitous words in another iniquitous piece of legislation.

The Constitution provides in the 10th amendment that all powers not granted to the United States by the Constitution are reserved respectively to the States and the people of the States. That amendment and section 2 of article I of the Constitution and section 1 of article II of the Constitution, and the 17th amendment gave the States the power to pass laws, regulate elections, and prescribe qualifications for voting, subject to only three limitations: that their laws must not have any qualification based on race or sex, or any voting qualification which was applied in a different manner to people similarly situated. This has always been the practice, habit, and tradition. It is fair in any fair system of justice that an act of the legislature become effective either upon enactment or if the act specifies a certain date, on that date; and it is presumed constitutional and anyone who presumes it is unconstitutional has the burden to so prove in a court of justice where notice is given and witnesses are given a chance to be heard.

Yet under this provision the Voting Rights Act of 1965, these States and parts of States are condemned by this bill of attainder that no State law enacted by their legislatures to make any change in the election laws shall become effective until it has been approved either by the Attorney General or by the District Court of the District of Columbia. Justice

Black, as the Senator stated, pointed out in most eloquent language that that was the provision absolutely inconsistent with the Federal system of government.

I wish that those who sponsored the proposal to extend the Voting Rights Act of 1965 for 5 more years would read Mr. Justice Black's dissenting opinions in those cases.

Mr. ALLEN. I would like to ask the distinguished Senator another question. We speak loosely of renewing or extending the Voting Rights Act. The Senator from North Carolina and I oppose that effort. Others oppose it. But is it not true that even if no action is taken by the Congress, the Voting Rights of 1965 will not expire? No provision of it, not even sections 4 and 5, will actually expire? And it will be necessary for any State that desires to come out from under the provisions of the automatic triggering device of the act to come before a three-judge Federal court in Washington and prove that it has not used a device to discourage voting for the last 5 years. And if the Attorney General acquiesces in that, and a judgment is entered, still the State involved is subject to probation for an additional 5-year period?

Mr. ERVIN. Well, I am not quite certain as to what woud be the interpretation placed upon that if section 4 were removed from the act. I can say that there are enough Federal laws regulating voting to secure to any man of any race his right to vote in any Federal or State election if he possesses the requisite qualifications, and to put in jail any election official who willfully denies him that right.

Mr. ALLEN. I call to the attention of the distinguished Senator that the Scott amendment does not seek to remove section 4, and no effort is being made, so far as I know, to remove section 4, and nowhere in the present act does it call for the expiration of the provisions of that act.

Mr. ERVIN. The Scott substitute proposes that section 4 be extended. In fact, it proposes that all the inequities that are contained in that act be continued.

Mr. ALLEN. But even if it is not extended, does not section 4 provide that if a judgment is entered on proof of 5 years' nonuse of a device, the Federal court retains jurisdiction for an additional 5-year period, under the provisions of that act?

Mr. ERVIN. Yes; it so provides.

Mr. ALLEN. Then if the Southern States subject to the automatic triggering device come out from under the provisions of the automatic trigger and live out the 5 years' probation, will they still not be subject to the remaining provisions of the remaining 17 sections of the act?

Mr. ERVIN. There is no question of that, as well as under the provisions of a multitude of Federal laws on this subject. In other words, the Federal laws on voting, to use John Milton's colorful phrase, are as—

> Thick as autumnal leaves that strow the brooks
> In Vallombrosa.

Mr. ALLEN. Is it not true that if sections 4 and 5 are not extended for another 5-year period and the Southern States are subject, as all other States, to the remaining 17 sections of the act, where we would be having the equal protection of the laws we could live with that better than under an automatic conviction?

Mr. ERVIN. The proposal of the Scott substitute is that we be convicted again in 1970 on account of some election figures that originated in 1964; that that condemnation be visited upon us even though the figures arising out of the election of 1968 would show that whatever presumed inequity occurred in 1964 had receded into the past.

In other words, as I stated the other day, the sponsors of the Scott substitute suggest that they want to put us in the position of Esau. The Bible tells that Esau sought repentance, but found it not. They want to fix it so we cannot even search for repentance. In other words, they want to condemn us in 1970, and they would not seek a piece of legislation that would treat a crapshooter like this would treat these particular seven States.

Mr. ALLEN. I want to propose a hypothetical question to the Senator from North Carolina. If in the period between August 6, 1965, the effective date of the Voting Rights Act of 1965, and the present time there had been registered in the great State of North Carolina every single person, white or black, of voting age, would the State of North Carolina or some of the counties therein still be automatically subject to the punitive provisions of this act, under the Scott amendment?

Mr. ERVIN. Oh, yes.

Mr. ALLEN. And no matter what steps the State of North Carolina had taken to register its citizens, no matter what success it had had, it would avail it naught under the terms of the Scott substitute?

Mr. ERVIN. Absolutely. Of course, another grave offense which was committed against law and justice by the Voting Rights Act of 1965 and by the upholding of that act by the Supreme Court lies in the violence it did to commonsense and evidence. There is a rule of law relating to the creating of a presumption; that because of a certain fact existing, a certain inference should be drawn from that fact; that the inference which is to be drawn from that fact must be something under the control or management of the party against whom the inference is drawn; and where that relationship does not exist, the presumption is invalid.

That triggering device, if fewer than 50 percent of the persons of voting age, residing in a State or a political subdivision of a State, failed to vote in the 1964 presidential election, condemns that State or political subdivision of having violated the 15th amendment. A State can register every person within the borders of the State and make it possible for those people to vote if they would just exert enough energy to go to the voting booth; yet the State cannot compel a single one of them to exert that energy to go out and vote. So they condemn the States, insofar as the basic triggering device is concerned, on the failure of 50 percent of the people to go out and vote. They condemn the State on the basis of something the State cannot control and cannot manage and cannot do anything whatever about.

Mr. ALLEN. Suppose in one of those States, we will assume North Carolina, there was no evidence whatsoever that at any time prior to the enactment of the Voting Rights Act there had ever been any discrimination exercised by the State of North Carolina or any of its citizens, and it was freely and generally admitted that no such discrimination existed. Would North Carolina still be condemned by this act of being guilty of discrimination?

Mr. ERVIN. Oh, yes. If the 12 apostles had been operating the State government of North Carolina, they would have been condemned of violating the 15th amendment by this triggering device.

Mr. ALLEN. Does that offend the Senator's sensibilities?

Mr. ERVIN. It offends me to such an extent that I say that the Voting Rights Act of 1965 does not give the States affected by it the same protection which is afforded a crapshooter or a pimp or a prosititute under our laws. And I personally resent having my State treated that way.

Mr. ALLEN. Have we not heard a great deal in recent weeks here, a lot of breast-beating and professions and statements about a desire to have uniformity of enforcement in Federal laws and policies?

Mr. ERVIN. We certainly have.

Mr. ALLEN. Right here in this Chamber?

Mr. ERVIN. We certainly have.

Mr. ALLEN. Is this not an example of nonuniform enforcement of Federal law?

Mr. ERVIN. Yes. Another fundamental constitutional principle which is offended by the 1965 Voting Rights Act is the principle that all States of the Union enjoy an equality within the Union. Yet, in this remarkable opinion in South Carolina against Katzenbach, Chief Justice Warren stated that the doctrine of equality of the States operated only at the precise second that a State was admitted to the Union; and that just as soon as the State was admitted to the Union, Congress could convert the States into as many varieties of States, with different powers, as there are varieties of Heinz' pickles.

Mr. ALLEN. That is an unusual doctrine, I would say.

Mr. ERVIN. And the strange thing is that the best case on this question of equality of the States is the Coyle case, which originated in Oklahoma.

Someone had some influence with Congress in the drafting of the statute admitting Oklahoma into the Union, and whoever it was wanted the State capital of the State of Oklahoma to be located at a certain place in Oklahoma, and persuaded Congress to insert a provision that the people of the State could not change that place as the State capital after it became a State of the Union.

There was nothing in that case that talked about the equality of the States existing only at the precise second they were admitted to the Union and not existing thereafter. In fact, the entire rationale of the case was to the contrary, because the Supreme Court in that case, the Coyle case, said that when Oklahoma

was admitted into the Union, Oklahoma acquired an equality of power with all of the other States already in the Union, and that nobody would suggest for a moment that Congress could deprive any of the original States of their power to place their State capitals where they desired.

In other words, when Oklahoma came into the Union, it did not just get an equality of rights with the other States at the precise moment of its entry, but it got the power thereafter to do what it pleased with reference to the location of its State capital, on the ground that nobody would ever have supposed that any other State could not change its State capital to any place it wished.

Mr. ALLEN. I thank the distinguished Senator.

Mr. ERVIN. So I would say the doctrine of the equality of the States had an apparent death in the case of South Carolina versus Katzenbach; but I think whenever it is hereafter applied to any States outside these seven States, we will find that it has been resurrected and rescued from the tomb.

Mr. ALLEN. Will the distinguished Senator yield further?

Mr. ERVIN. I yield.

Mr. ALLEN. Yesterday I made some brief remarks with reference to this Voting Rights Act, and I am not sure that the distinguished Senator from North Carolina was in the Chamber when I recalled the visit of the President of France, Mr. Pompidou, to the Nation's Capital. I stated at that time that, while I was not any great authority on the French criminal law, I understood that in France the accused is guilty until he is proved innocent, whereas the Anglo-Saxon or English common law entertains the view—which I much prefer, and I am sure the Senator does—that a person who is accused is presumed to be innocent until proved guilty.

Does the distinguished Senator from North Carolina understand that to be the difference in the explanation of this Voting Rights Act?

Mr. ERVIN. Yes. This Voting Rights Act is, in spirit, an affront to that proposition. It says that these States are guilty. It says that by a legislative act of Congress, without any judicial trial; and it puts so many roadblocks in their way that they really do not seem to be able to establish their innocence.

Mr. ALLEN. Well, you have to wait 5 years in the first instance to go into court, do you not, under the present law?

Mr. ERVIN. That is an ambiguous provision. They have to show they have not discriminated against anybody during the 5 years before they bring the suit, as I understand it.

Mr. ALLEN. Yes, that is correct. Then the Scott amendment would add another 5 years to that.

Mr. ERVIN. I might state that there is a county in North Carolina, Gaston County, the county seat of which is located 53 miles from my home, which came up here and tried to get relief from this act. Everybody in North Carolina knows that they have had no discrimination with reference to voting on account of race in Gaston County within the memory of any living person.

But the case was heard by a panel consisting of Judges J. Skelly Wright, Spottswood W. Robinson, and Oliver Gasch. The court sort of divided about 2-to-1, J. Skelly Wright and Spottswood Robinson being on the same side.

Everyone admitted that Gaston County had been applying its literacy tests in a fair manner, but the court made a finding of fact which would have been resented as an insult on the Negro race, or should be resented as an insult on the black race. They said that Gaston County had maintained segregated schools before May 1964, and then they went ahead and reached the astounding conclusion that a black person cannot learn to read and write, or has great difficulty in learning to read and write, when taught by a black teacher in a school attended by other black students.

I consider that an absolute insult to the black race. It is contrary to what all of us know. And yet that was a solemn adjudication by two of the judges of a three-judge court sitting in the District of Columbia, and it was affirmed by the Supreme Court.

I think it is, as I say, an insult to the Negro race, and it is an insult to Gaston County. We have a fairly liberal newspaper in North Carolina, the Greensboro Daily News, which has undertaken for years to try to defend the Supreme Court in all of its adjudications.

The Greensboro Daily News, in an editorial comment on the Gaston County case, said that this case had seriously impaired the capacity of defenders of the Supreme Court to defend it.

I happen to know Gaston County well. It has been in the congressional district in which I live most of my life. As a superior court judge, I held term after term of superior court there. I know the people and the officials of the county well; and, in common with everyone else who knows anything on the subject, I know Gaston County has practiced no discrimination in voting within the memory of anybody living in North Carolina. Yet it stands condemned, and, like Esau, it cannot find repentance even though it seeks it.

Mr. ALLEN. Does the distinguished Senator have an amendment that would update the criterion provided by this bill?

Mr. ERVIN. I have an amendment that would provide that we be judged in 1970 on the basis of our acts in 1968, rather than on the basis of the election of 1964.

I also have an amendment to open the courthouse doors of the South to Federal courts sitting in the South. The provision barring the exercise of jurisdiction by all the Federal judges except those sitting in the District of Columbia is based upon either the notion that southerners who happen to be Federal judges are not fit to occupy the office or that there is a peculiar species of wisdom in questions of this kind among some of the judges of the district court of the District of Columbia.

Mr. ALLEN. I ask the distinguished Senator if the existence of discrimination in a State is to be measured not on the basis of charges made or hearing held, witnesses presented, and opportunity given to the accused to present his defense, but on the basis of a mathematical formula, would it not be fairer that that mathematical formula—that is, the existence of a certain number or percentage of qualified voters in a county or State—would it not be more equitable and shed more light on the existing circumstances for that criterion to be established on conditions in 1968 rather than in 1964?

Mr. ERVIN. Yes. There is no doubt about it. With all due deference, I regret that the sponsors of the Scott amendment engaged in a course of conduct which would generate in cynical minds the thought that they are not interested in justice but are interested in condemning and continuing a condemnation in disregard of all the subsequent evidence on the subject of the nature used to condemn in the first place.

Mr. ALLEN. I thank the Senator.

Mr. ERVIN. The paradoxical thing about the Voting Rights Act of 1965 is that it professes to have as its objective the prevention of discrimination in voting. But it adopts a most discriminatory fashion in which to obtain that objective.

Mr. ALLEN. Yes. It is supposed to eliminate devices that a State uses to discourage voting or to set barriers in the way of voting. Yet, to do that, it uses a most vicious device itself, does it not?

Mr. ERVIN. It uses a device which has no foundation in rationality, as I pointed out earlier. There is no relationship whatever between the failure of 50 percent of the people to go out and vote and the conclusion that that resulted from discrimination, when those people are registered. Furthermore, another queer thing about this triggering device is this: In my State of North Carolina, 25 percent of our population is black and approximately 75 percent is white. The State could register every one of those people, and if 25 percent of the registered voters are black, and if they all went out and voted, and only 24 percent of the whites went out and voted, that would condemn North Carolina of discriminating against the 25 percent of the voters who were black and who went out and voted. That is how much reason and how much rhyme there is. But there is a precedent for this.

One of Aesop's Fables is about the little lamb that was trying to drink some water in a stream. The wolf accused the lamb of muddying the water, and the little lamb said, "I don't see how that could be, because you're upstream and I'm downstream. I can't be muddying your water." And the wolf seized the little lamb and devoured it.

The moral was, any excuse will serve a tyrant.

There is nothing more dangerous than the tyranny of the majority; nothing more frustrating to liberty.

I hate to say such a thing, but having read the opinion in South Carolina against Katzenbach many times, and having seen how it is inconsistent with the words of the Constitution and the interpretations which in times past have

been placed on those words, I am reminded of the story about a justice of the peace in my county who was trying a case one day in which a young lawyer represented the defendant. The young lawyer kept jumping up and saying, "I object, your Honor. That's not according to law."

The justice of the peace said, "Young man, sit down."

The young lawyer kept objecting and said, "I object, your Honor. That's not according to the Constitution."

The justice of the peace said, "Young man, you quit getting up and saying, 'I object to that. That's not according to law,' or 'That's not according to the Constitution.' You keep your seat or I'll punish you for contempt of court."

Well, the young lawyer, being very faithful to his client, jumped up again and said, "I object. That's not according to the Constitution."

The justice of the peace said, "Young man, sit down. I'll have you understand I'm running this court. The Constitution hasn't got a damn thing to do with it."

Mr. ALLEN. Would the distinguished Senator feel that the perpetrators—and I say perpetrators rather than authors—of the 1965 Voting Rights Act decided first——

Mr. ERVIN. I would put it another way. I would say "those misguided legislators who in a state of confusion so ignored fundamental rights."

Mr. ALLEN. The distinguished Senator is more charitable than I am. But, continuing with my question, does the Senator feel that these perpetrators or authors, as he chooses, first selected their targets—namely, the seven Southern States—and then devised a device by which to bring them under the automatic triggering provisions of the act?

Mr. ERVIN. I do not know whether they conceived this idea. I sort of suggested yesterday that the State of Texas had one of the worst voting records in the Union; that it has 25 counties; and that, if they had had some kind of formula like this applied to them, they would have been condemned. But they did not have a literacy test. I thought that perhaps the President, with the aid of his Attorney General, who was also a Texan, wanted to get some kind of device by which they could condemn our States and keep Texas, whose voting record was far inferior, free from any derogatory connection with the matter.

Mr. ALLEN. They did not want their State under the automatic provision.

Mr. ERVIN. Oh, no.

Mr. ALLEN. They did not want their State indicted and convicted without a hearing, did they?

Mr. ERVIN. No.

I think this was carefully conceived and brought about for the purpose of condemning these particular States and parts of States, because it contains a provision that the Attorney General can give consent to a judgment that will exonerate from the application of it any area that happened to fall under it. So far as I can determine, he exonerated from any liability under this act, by consent judgment, every State, such as the State of Alaska and every subdivision of every other State, except these seven States.

Mr. ALLEN. I thank the distinguished Senator from North Carolina. He has cleared up several matters in my mind.

Mr. ERVIN. Mr. President, it is apparent that I had intended to read the case of Cummins against the State of Missouri to the Senate, which is a case where the legislature of the State of Missouri decided it was better for poor sinners to go to hell than was the salvation of their souls through the preaching of the Gospel by a Roman Catholic priest who had been sympathetic to the Confederacy. This is an illuminating case on the way it constitutes a bill of attainder. I hope to be able to read that case to the Senate later as it is apparent—I do not know whether the majority leader wishes to call up some particular legislation at this point, but I will yield the floor back to the Senator from Alabama, and hope at some future time, during the course of this debate, that I will be able to read this case of Cummins against Missouri.

Mr. ALLEN (Mr. SCHWEIKER in the chair). I thank the distinguished Senator from North Carolina. I hope that he will feel free to break in at any time and gain the floor, because I think that the Senate will profit by hearing a reading of these decisions and will profit in addition by the remarks of the distinguished Senator from North Carolina.

Mr. MANSFIELD. Mr. President——

Mr. ALLEN. Mr. President, I would say to the distinguished majority leader that a number of Senators are in the Chamber at this time who were not here when I was discussing this bill on yesterday and I do want to have a full discussion of it and would be willing to yield——

Mr. MANSFIELD. No. If the Senator from Alabama wants to continue—I thought that after 3 hours on yesterday and 3 or 4 hours today that he would be through. I did not have any idea there was a filibuster in progress——

Mr. ALLEN. No, sir; this is not a filibuster so far as the Senator from Alabama is concerned.

Mr. MANSFIELD. I am sure of that. I would say, then, because there are more Senators in the Chamber now, that the Senator from Alabama continue, and when he gets through with his increased audience, we will take up the resolution from the Committee on Labor and Public Welfare.

Mr. ALLEN. I thank the distinguished majority leader. Mr. President, I appreciate the consideration of the distinguished majority leader in not seeking to bring up any other extraneous matters while we are discussing the Voting Rights Act of 1965 and the Scott amendment thereto—excuse me, I beg the pardon of the distinguished Senator from Michigan (Mr. HART)—the Hart-Scott amendment. I am sure that is a better way to refer to it; but in the reference by the Senator from Indiana to the effect that the Hart-Scott or the Scott-Hart amendment was a compromise amendment, looking over the authorship of the amendment, I do not see much basis for a compromise.

A compromise as between what?

I do not understand just what is being compromised, because I would have felt that the distinguished Senators whose names I saw on the amendment were of one mind with respect to the bill.

Now, Mr. President, we have discussed at some length the inception and origin of the bill and the vicious formula decided upon back in 1965 when the Voting Rights Act of that year was enacted. The junior Senator from Alabama was of the opinion that the seven States who are subject to the automatic triggering device of the act were chosen and decided upon, agreed upon, as being the targets of this legislation.

How then, to bring them under the provisions of the Act, without having an unconstitutional enactment?

I do not believe that the Supreme Court of the United States, as then constituted, or as now constituted, would have gone along with the provision in the bill naming the seven States of Virginia, North and South Carolina, Georgia, Alabama, Mississippi, and Louisiana, as being the only States subject to the automatic triggering device.

(At this point Mr. CANNON took the chair as Presiding Officer.)

Mr. ALLEN. Mr. President, how then, to bring them in? Why not use the voting strength of the States?

Let us look at that and see where they stand on voting strength.

All right. None of those seven States, with the exception of North Carolina, I believe, had as many as 50 percent of their voting age population qualified and voting in the November election of 1964.

All right. Now, let us apply it, then, in this way, that as the State has more than 50 percent, then those counties which do not have 50 percent, let us get them in.

All right, it was written in that way.

But, here is the State of Texas which has only 44 percent of their voting age population voting in 1964.

How to keep them out of the bill?

How to keep them out, because the President was a Texan and the Attorney General was a Texan? Some method would have to be devised in the formula to leave out Texas, because it does not apply to Texas.

I am glad they hit on a formula that left out Texas because I do not think any State should be condemned or indicted, convicted or discriminated against as a matter of law by congressional action.

So they decided that they would couple the voting strength of the States with the condition of the States having a literacy test. So they made those factors apply in order for a State to be governed by the automatic triggering device of the bill.

Thus, seven States were condemned. A whole people of a section in seven States were condemned of discrimination and the bill or the act was automatically triggered as against them.

They say they are trying to extend the Voting Rights Act. One can read the act from one end to the other and not a word is said about any provision of that

act expiring at any time. This act is not going to expire if it is not renewed. No renewal is necessary.

They speak of applying this nationwide. It is already applied nationwide, the only difference being that as to the seven Southern States, they automatically are convicted and the punitive provisions of the act are triggered against them, whereas as to the 43 States not under the automatic triggering, there has to be proof of discrimination, conviction on notice and a hearing, an opportunity to be heard, and an opportunity to be confronted by the witnesses appearing against them.

To be convicted by an act of Congress is depriving our people of the equal protection of the law. It is depriving us of due process of law. It is certainly an elementary precept that a person or persons are presumed to be innocent until proved guilty.

Such is not the case with the automatic trigger provided by the 1965 Voting Rights Act, because since they did not live up to the formula provided, they are automatically convicted and held to be guilty of discrimination. We have heard a lot in the Chamber in recent weeks about the uniformity of Federal law and Federal policies.

The Senate, by an overwhelming vote, voted that the Federal public school desegregation policies should be uniformly enforced throughout all 50 States. In the absence of sections 4 and 5 of the Civil Rights Act of 1964, the remaining 17 sections of that act apply throughout the country. So, if all of these amendments, the Scott amendment, the administration bill which is House bill 4249, and the bill providing for an extension for 5 years, if all of them are defeated, we will still have a voting rights law nationwide. We will still have a law applicable throughout the 50 States of the Union. But the difference between that situation and the present situation is that all States will be treated alike. All States and the citizens of all States will be given equal protection of the law and equal application of the law. And that is the difference.

As the junior Senator from Alabama construes the present Voting Rights Act, even if it is not extended—and I say again that it is not going to die, it is not going to cease to be on the statute books, it is not going to cease to apply—even if all of these bills and substitutes are defeated, then it will be necessary for a Southern State to go into the Federal court in Washington, a three-judge court, and prove that during the last 5 years it has not used any device for the purpose of discouraging voting in that State.

Then, if the Attorney General acquiesces in that, the district court, if it finds there has been no discrimination by use of a device, will enter a judgment releasing the State from the punitive enforcement provisions of the act.

The statute provides the court will retain jurisdiction for an additional 5 years. Then the Scott amendment would add an additional 5 years to the 5 years that the act already provides for proof of nondiscrimination, nonuse of a device. So, under the Scott amendment, if it is agreed to, the State would have to prove 10 years of nonuse of a device, plus 5 years of probation, making a total of 15 years during which these 7 Southern States are deprived of the equal protection of the law.

So, I believe that the first step should be to defeat the Scott amendment, then defeat the House bill, which is the administration bill, and leave the act just like it is and have a nationwide act applicable throughout the country, the only condition being that the Southern States probably would have an additional 5 years under which they are on probation after release under the order of the Federal court.

So, Mr. President, I hope that when a vote is had on the Scott amendment, this compromise amendment that has been offered by men of equal philosophy and thinking with respect to this matter, it will be defeated, the administration bill will be defeated, and that there will be no further extension of the Voting Rights Act of 1965.

Mr. President, I understand that the distinguished majority leader has a matter he wishes to bring up at this time, so I will yield the floor at this time in order that that matter may be taken up.

Mr. HART. Mr. President, I was about to suggest the absence of a quorum. Before doing so, let me say that the sponsors of the Scott-Hart amendment represent 10 members, or a majority, of the Committee on the Judiciary, so in that sense the amendment is the recommendation of the majority of the Committee on the Judiciary.

I suggest the absence of a quorum.

Mr. YARBOROUGH. Mr. President, will the Senator withhold his suggestion of the absence of a quorum for a moment?

Mr. HART. Yes.

Mr. YARBOROUGH. Would the Senator mind my obtaining recognition at this time, and then allowing me to suggest the absence of a quorum?

Mr. GRIFFIN. Does the distinguished chairman of the Committee on Labor and Public Welfare intend to speak on the joint resolution pertaining to the railroad strike?

Mr. YARBOROUGH. I am about to report an original joint resolution and to make very brief remarks.

Mr. GRIFFIN. I am sure that many Senators would like to hear what the distinguished Senator from Texas will have to say.

Mr. YARBOROUGH. It is for that purpose that I am seeking recognition.

Mr. GRIFFIN. I understand.

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that I may suggest the absence of a quorum without losing my right to the floor.

Mr. RANDOLPH. Mr. President, reserving the right to object—and I shall not object—I wonder if it would not be helpful if those who have charge of contacts with our offices by telephones in the respective cloakrooms were instructed to notify them during the period of the quorum call, so as to alert them to the seriousness of this subject matter.

Mr. GRIFFIN. Does the Senator from Texas desire a live quorum?

Mr. YARBOROUGH. No; I do not desire a live quorum.

Mr. President, is there objection to my suggestion of the absence of a quorum without losing my right to the floor?

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. YARBOROUGH. 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. YARBOROUGH. Mr. President, I ask unanimous consent that the pending business be temporarily laid aside.

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

THE RAILWAY DISPUTE

Mr. YARBOROUGH. Mr. President, I send to the desk an original joint resolution from the Committee on Labor and Public Welfare, which has had under consideration legislation dealing with the railway dispute, and ask for its immediate consideration.

Mr. MANSFIELD. Mr. President, I object. I would hope the Senator would withhold his request. Will the Senator yield to me?

Mr. YARBOROUGH. I yield.

Mr. MANSFIELD. I would like to suggest the absence of a quorum, and this will be a live quorum.

Mr. YARBOROUGH. May we ask for consideration of the measure first and then suggest the absence of a quorum, so that this will be the pending business?

Mr. MANSFIELD. It will be the pending business. The Senator can rest assured. The Senator from Texas can retain the floor but Senators should have notice.

Mr. JAVITS. Can we ask unanimous consent that he keep the floor?

Mr. MANSFIELD. Yes, he will have the floor. Attachés should advise Senators that this matter is coming up.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll and the following Senators answered to their names:

[No. 80 Leg.]

Aiken	Fulbright	McGee
Allen	Goldwater	McIntyre
Baker	Griffin	Moss
Bayh	Gurney	Pastore
Bible	Hansen	Pearson
Boggs	Hart	Prouty
Burdick	Hughes	Randolph
Byrd, Va.	Javits	Ribicoff
Cannon	Jordan, N.C.	Sparkman
Case	Jordan, Idaho	Spong
Cook	Magnuson	Symington
Cranston	Mansfield	Talmadge
Ervin	Mathias	Yarborough

The PRESIDING OFFICER. A quorum is not present.

Mr. MANSFIELD. Mr. President, I move that the Sergeant at Arms be instructed to request the presence of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion is agreed to, and the Sergeant at Arms will execute the order of the Senate.

After some delay, the following Senators entered the Chamber and answered to their names:

Allott	Goodell	Nelson
Anderson	Harris	Pell
Bellmon	Hartke	Percy
Bennett	Hatfield	Proxmire
Church	Holland	Schweiker
Cooper	Hollings	Scott
Cotton	Hruska	Smith, Maine
Curtis	Inouye	Stennis
Dodd	Jackson	Stevens
Dole	Long	Tower
Dominick	McClellan	Tydings
Eagleton	McGovern	Williams, N.J.
Ellender	Miller	Young, N. Dak.
Fannin	Montoya	Young, Ohio
Fong	Muskie	

MESSAGE FROM THE PRESIDENT

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

REPORT ON FOREIGN ASSISTANCE PROGRAM—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 91-248)

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

To the Congress of the United States:

It is my conviction that continued U.S. assistance to the developing countries is essential both for humanitarian reasons and for those of our own national self interest.

The challenges we face are both moral and practical in nature. We seek a stable and peaceful world in which all nations can cooperate effectively to improve the quality of human life.

The Annual Report on the Foreign Assistance Program for Fiscal Year 1969, which I transmit herewith, indicates the ways in which we have attempted to promote our interests in the developing world in the recent past. It also provides a preview of the new directions this Administration has charted for the future.

We have determined that a new emphasis should be placed on enlisting the energies and expertise of American private enterprise. As a first step toward doing so, I proposed the creation of an Overseas Private Investment Corporation to provide businesslike management of our incentives to private investment in the developing countries. I am pleased that the Congress has accepted this proposal.

We have also decided to give a strong new emphasis to technical assistance. The transfer of skills to the people of the developing world is vitally important to their future. Technical Assistance plants the seeds that enable developing countries to grow by themselves. To give practical expression to these concepts, we have established a new Technical Assistance Bureau within the Agency for International Development. The Bureau has been charged with the task of raising the quality of our advisory, training and research services.

These are only first steps, however. To assist me in determining the course of our international development programs in the 1970's, I named a task force of distinguished private citizens, headed by Rudolph Peterson, to review all U.S. foreign assistance programs. This task force is now at work, and its recommendations will provide a basis for my proposals for a new U.S. program for the years ahead.

To assure continuous management inspection of our program, the post of Auditor-General has been created in AID. The job of the Auditor-General is to make sure that AID's funds are used efficiently and for the intended purposes.

To make the AID dollar go further and to assist free market systems in the developing countries, I also eliminated some of the commodity-purchase requirements which were forcing some nations to employ regressive exchange, import or credit arrangements.

During fiscal year 1969, 87 percent of our economic aid was concentrated in the 15 countries which we believed could make best use of it: Brazil, Chile, Colombia, Guyana, Panama, Indonesia. Laos, Korea, Thailand, Vietnam, India, Pakistan, Turkey, Ethiopia, and Nigeria.

A record commitment of $45 million was made in the priority field of family planning, so essential for speeding the rate of economic and social progress in many of the developing nations.

Achievements in which our assistance played a pivotal role during fiscal year 1969 included:

—growth of the Korean economy at a rate of 13 percent;
—self-sufficiency in rice production for the Philippines;
—control of inflation in Indonesia;
—use of Food-for-Peace supplies in self-help food-for-work projects which employed 16 million people;
—assistance in providing nutritious diets for 50 million children in 105 countries.

These are substantial achievements. They can be surpassed in the future through our continued commitment to the proposition that development of the best in all nations provides the surest hope for security and dignity for all men.

RICHARD NIXON.

THE WHITE HOUSE, *March 4, 1970.*

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

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

H.R. 8020. An act to amend title 37, United States Code, to provide entitlement to round trip transportation to the home port for a member of the Uniformed Services on permanent duty aboard a ship overhauling away from home port whose dependents are residing at the home port; and

H.R. 15931. An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes.

ORDER OF BUSINESS

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

Mr. YARBOROUGH. Mr. President, I yield to the Senator from Montana.

Mr. MANSFIELD. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business has been temporarily laid aside, and there is no business pending at the moment.

Mr. MANSFIELD. There is no business pending before the Senate.

When we dispose of the business which will be pending, then will the legislation which has been set aside temporarily, once again become the pending business?

The PRESIDING OFFICER. It will come back automatically.

SENATE JOINT RESOLUTION 180

Mr. YARBOROUGH. Mr. President, I send to the desk an original resolution from the Senate Committee on Labor and Public Welfare, and ask that it be made the pending business.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A joint resolution (S.J. Res. 180), to provide for a temporary prohibition of strikes or lockouts with respect to the current railway labor-management dispute.

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

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

Mr. YARBOROUGH. Mr. President, the Committee on Labor and Public Welfare began hearings at 10 o'clock this morning on the railroad shopcraft emergency dispute. We heard from the Secretary of Labor, who gave us the benefit of the administration's views. We had letters from the Department of Defense, the Department of Transportation, and the Postmaster General, indicating that a strike of the Nation's railroads tonight at 12:01 a.m., as had been called for by the shopcraft unions, would create a national emergency.

We also had the benefit of the views of all the parties to the dispute, the four unions involved, represented by their negotiators, the machinists, the electrical workers, the boilermakers, and blacksmiths, and the sheet metalworkers, as well as the views of the representatives of the National Railway Labor Conference, which represents the 120-odd class I railroads of the United States.

The committee has decided that, in the time limitations which have been imposed upon it, it cannot, in good conscience, study all the implications and effects of a bill on the merits and report a bill to the Senate which would permanently solve this dispute.

I personally do not believe that action in 1 day by all the committees of one body and by both bodies of the Congress can be taken on the merits of so vital a matter and complete it by midnight tonight.

That opinion is ratified by numerous

conferences with Chairman STEIGER of the House of Representatives, as we have worked together to see what could be accomplished today.

Accordingly the committee is recommending to the Senate—and I hope the Senate will adopt it—a resolution which will extend the period in which neither party can change the status quo; that is, there will be neither a strike nor a lockout until April 11, 1970. During that time, I hope that a solution to this problem can be arrived at.

This resolution would not prohibit the parties from continuing their negotiations in their efforts to reach an equitable settlement. It would prohibit, though, the stoppage of the railroads and the transportation system of this country until April 11.

I believe in free collective bargaining and the right of labor and management to agree upon the terms and conditions of employment. I do not think that Congress should impose a settlement in an individual dispute—in this 1-day crash consideration—without allowable time to consider what should be done to settle this matter on the merits instead of by extension of time.

In the instant situation, the carriers and three of the four unions involved have agreed on a contract. Representatives of the fourth union, the Sheet Metal Workers, tentatively agreed on the same contract. However, the union membership failed to ratify this agreement when it was submitted to a vote. I should note that Mr. O'Brien, the vice president of the Sheet Metal Workers, who testified before the committee this morning, indicated that there were about 7,000 regularly employed sheet metal workers in the railroad industry. The number is not certain because, of the total of 8,800 union members, a good many are retired, but certainly there are over 6,000 working members, and of those, only 3,270 voted on the agreement submitted, 2,003 voting against ratification and 1,267 voting for. It seems that at least a majority of the members of a union who have been asked to determine whether they approve of the working conditions negotiated by their representatives would answer such a polling.

Congressional compulsion as to the terms and conditions of employment is the first step toward congressional determination of wages, prices, and the profits of our economy. Our country has grown to be the mightiest in the world based upon the free enterprise system. Neither management nor the workers under normal circumstances want congressional intervention. But a general railroad strike has been ordered tonight at 12:01 a.m.—only about 6 hours and 17 minutes from now—and in the absence of this action by the Congress it will take place. It seems that this is the only action that both Houses of Congress could agree to tonight; at least that is what we are advised by the House of Representatives.

I believe the action the Senate Labor and Public Welfare Committee has unanimously taken a few minutes ago will keep the transportation system of the Nation operating without prejudice to the rights of the railroads and the shop craft unions working for those lines.

Hopefully, the parties will continue their negotiations and reach a settlement of their labor-management dispute before the 37-day additional negotiating time provided by this resolution expires.

At the least, this resolution, if passed by both Houses and signed, will have the force of law, and require them to continue operations. I am hopeful they will settle this matter. At least this resolution, if passed by both Houses, will prevent a railroad shutdown tonight. At best, it will result in a settlement of the entire dispute before the 37 days expire.

If not, the matter will be back in the lap of Congress, and our committee has agreed that it will not wait until that 37 days has expired to give the matter further study.

There are five different ways this situation might be met, which were discussed by the committee. We will not take the time of the Senate to go into those five different possible solutions, since the only one involved here is the 37-day extension. But let me repeat, there has been constant communication between the House and Senate committees today, and they have assured us—in fact, this matter was negotiated as to the number of days. There was a long negotiation on how many days it should be put off. It was the sense of the majority of the Senate committee that it be less than 37 days. The House wanted 60 days, and this 37 days itself is the result of negotiation between the House and Senate committees.

I hope the Senate will agree to the resolution. I yield the floor.

Mr. JAVITS. Mr. President, the minority voted with the majority to report this 37-day standstill resolution. The Senator from Texas (Mr. YARBOROUGH) has reported the facts very accurately, but there are a few other items the Senate should know.

The administration last night, pursuant to a message from the President, offered its own prescription as to how this matter could be determined, and asked Congress, in a measure introduced by the Senator from Michigan (Mr. GRIFFIN), to put into effect a memorandum of understanding which had been subscribed to and ratified by three of the four unions concerned, the three unions representing almost 40,000 workers, as contrasted with the 8,000 represented by the union which did not concur or did not ratify through a vote of its rank and file.

The administration asked us to put this memorandum of understanding into effect on the ground that such a small number of workers should not be given the power to tie up the transportation system of the country.

Our committee felt that this measure of the administration's was by no means grossly out of line, though obviously all members did not agree on it; and, indeed, I felt it my duty, as the ranking member, to submit this resolution to the committee because the administration felt strongly that there should be a substantive settlement now. The committee, by an 8-to-6 vote, rejected it. Then we went on, because we had said we would, to adopt unanimously the resolution on extension.

Mr. President, the issues involved are very serious, both for the workers and for the railroad. There is retroactive pay involved in this memorandum of understanding which will bring every worker affected by it—some 45,000—about $500 in back pay, which has been accumulating since the first of January 1969, as this negotiation has been going on for 15 months.

As far as the railroads are concerned, it involves a revision of work rules which is of very great importance to them, because it represents a breach in what they consider to be measures that very materially hamper the efficiency and economy of their operation. In recognition of that fact, we had testimony this morning that the railroads gave up what they considered to be 17 cents an hour in compensation in order to bring about that rules change.

So the whole package had to hang together, or it would have been unfair, on the one hand, to the workers who have so much retroactivity involved, and on the other hand to the railroads themselves, which were bargaining for a very important change in terms of efficiency for them.

Mr. President, I must say that one can understand why we cannot legislate on a matter of this kind as quickly as the matter had to be concluded. Finally, I do not think anyone can be blamed for the shortness of the time in which we have to act. That is attributable to the fact that a decision was made by a judge of the district court here in Washington just 2 days ago that collective bargaining, under the Railway Labor Act, in good faith required that all railroads be treated the same, and that one single railroad may not be struck. Hence, it was all or nothing as far as both the unions and the railroads were concerned.

An appeal, Mr. President, the unions told us this morning, would have availed them nothing, because, again, time was running, and the retroactivity would not have been honored. It might take a year before they could finally get the thing adjudicated in the courts. So the unions felt there was nothing they could do, having been put in the all-or-nothing position by the court decision, except order the strike.

Really, they are all so powerless that the only power that can undo that situation created by fate is the U.S. Government; and that is the purpose of this resolution.

Our chairman, the Senator from Texas (Mr. YARBOROUGH) has assured us there is not anything he does not want to do; in fact, he wants very much to do it. But in the intervening period which is essential for us to give this matter the profound consideration it deserves, we will consider a substantive measure, and, at the end of the period, if the matter has not been settled by the parties themselves, we will bring in a substantive measure to resolve the dispute before the Senate.

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

Mr. JAVITS. I yield.

Mr. SCOTT. I was hoping that that was what the distinguished Senator from New York would say. When we are confronted by an emergency, we must act under emergency conditions. At the same time, the administration has submitted

proposals designed to prevent a national paralysis, designed to prevent inconceivable harm to thousands, perhaps millions, of people. Having that in mind, I am sure that the committee and the Senate will want to give the greatest consideration on the merits. Obviously, there has been no time today to go into all the merits that are involved in this problem.

I am told that one of the motor companies will have to shut down tomorrow unless an extension is granted, and the industrial paralysis and the loss of jobs will be much more than the 8,000 jobs affected by the one union which has acted as it has.

Therefore, we cannot permit this situation to occur. I hope the Senate will support the Yarborough resolution to continue railroad operations for 37 days. I do hope that in the interim we will give the most careful consideration to the administration's recommendations, and we can see whether they need any form of alteration or revision. Surely, it is high time that we did protect the whole body of the people of the United States.

Mr. JAVITS. I can assure the minority leader that, in my judgment, the committee is determined—they are not asking for a pledge—to deal substantively with the issue. It recognizes the paramount national interest in the operation of the railroads of the country. I have every deep faith and conviction that the committee will fully meet its responsibility and that this time—Senator EAGLETON was one who pointed that out, particularly—is for us, so that we may fashion a measure which is a proper and intelligent one.

We hope very much that patriotism as well as self-interest will move the parties to come to an agreement essentially upon this memorandum of understanding, which, incidentally, even for the union which did not concur, its own negotiator signed. It was the failure to ratify, as Senator YARBOROUGH has pointed out, which spilled the whole situation now into this Chamber.

But on both fronts, I would certainly address that appeal to the members of the Sheet Metal Workers Union, in the interest of what it means to the country and the influence upon the labor movement, if so small a group of workers can grind the railroads to a halt, in a situation in which it is very hard to claim any basic injustice or deep injustice inherent in it.

But we are hopeful that collective bargaining will yet prevail in this awning under which to operate, this interim of time, without the pressure of so serious a matter as a railroad stoppage in this country.

Mr. SCOTT. I should like to comment that I would hate to see the day come when the issue may come down to whether we must consider compulsion against some as against the paralysis of the many. I would not like to see that occur, and I do hope this can be worked out.

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

Mr. JAVITS. I yield.

Mr. YARBOROUGH. Lest there be any misunderstanding, I say to the distinguished Senator from New York that I have not pledged that this committee will reach any particular conclusion on anything. I cannot do that, with 17 dynamic and energetic Senators elected by their 17 separate constituencies. All we are pledged to do is to see that this matter will receive consideration and study.

There are many interested persons. That is why we have something here unanimously today.

As the distinguished Senator from New York, the very able ranking minority member of this committee, said, we face an emergency. That emergency is running now, and has approximately 6 hours and 5 minutes to run. If we are to avert great economic loss to the country at midnight, it is incumbent upon Congress to do something.

We have here a compromise not only with our committee of the Senate but with the other body as well. In the discussions, five different possible solutions to this matter were detailed by the distinguished Senator from Missouri (Mr. EAGLETON) which had been discussed by different witnesses. They were enumerated. I do not think it is necessary to go into them now, but it does point up the fact that there is not a unanimity of opinion as to what should be done.

I concur with the statement of the distinguished Senator from Pennsylvania (Mr. SCOTT), the minority leader. I hope we will not be confronted with a situation in which we are faced either with a national emergency in transportation or compulsory arbitration, with destruction of the free collective process by one of the unions. I hope this problem can be resolved in 37 days.

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

Mr. JAVITS. I yield to the Senator from West Virginia.

Mr. RANDOLPH. I think the statements of the able chairman of the Committee on Labor and Public Welfare, seconded by the able ranking minority member of that committee, the Senator from New York (Mr. JAVITS), represent in general the thinking of all the members of the committee. Basically, I think what has been said indicates the desire of the Committee on Labor and Public Welfare to act forthrightly and promptly in bringing to the Senate the measure before us as the most practical approach to a difficult problem at a late hour.

Mr. President, perhaps no single segment of our economy is more vital to our Nation than railroads. The impact of a railroad strike on our national economy and on the well-being of our people would be nothing short of disastrous.

Such a work stoppage would have its most immediate effect on the basic industries of my home State, such as coal, chemicals, steel, and glass, which depend most heavily on bulk hauling. All of these industries, and others, are extremely vulnerable to production shutdowns and worker layoffs when railroad services are not available.

In West Virginia, these basic industries are by far the largest employers of nonfarm workers. Literally thousands of them would be denied employment if the railroads stop running.

A nationwide railroad strike would cripple our State's coal industry, which produces one-fourth of the Nation's bituminous supply. Most bituminous coal production—approximately 6.6 million tons per week—is consumed by steam-electric generating plants and is shipped by rail for production of electricity, perhaps 90% of it by rail. The inevitable result of a rail shutdown would be critical power shortages in many sections of the country. My information is that the reliability of the electric industry's intertie grid—especially the eastern section—would be jeopardized, and "brownouts" in major cities, such as that which occurred in New York 2 years ago, would become a possibility.

Any protracted rail stoppage would wreak havoc not only on those industries directly dependent on railroad shipping, but almost every business and individual home requiring electricity.

Many coal-burning electric generating plants in the East and Midwest have critical coal stockpile problems already, because coal production has been unable to keep in balance with needs for several reasons. Among them is an already acknowledged shortage of coal hopper cars in some areas.

Approximately 16,400 railway hopper cars of bituminous coal are loaded and shipped each day—mainly to supply the 1,320,000 tons of coal needed daily for generation of electricity. Another 1 million tons of coal is shipped by rail each week to our ports for overseas shipment to our country's export markets. This is vital to our country's balance of payments.

To illustrate the already critical situation in coal supply for electric power production, the huge Tennessee Valley Authority is reported to have only a week to 10-day stockpile. Already, before the current rail crisis developed, TVA has started equalization procedures by not only buying as much coal as can be procured—some of it premium coal at premium prices—but also by shipping from the larger stockpiles at some plants along its system to other plants which are in short supply.

West Virginia produces about one-fourth of all the bituminous coal mined in the United States. The loss of upward to 40,000 mining jobs and 400,000 tons of coal production per day would be a staggering blow to my State's economy. Adding to the resulting economic chaos would be the impact of rail stoppages on the chemical, steel, and glass industries, equally dependent on rail shipping. The cost of cutting off the operations of complex chemical production units because there would be no regular railroad cars or tank cars to receive the products would add to the economic chaos. Economic loss and unemployment growing out of the forced banking of the fires of steel mill furnaces or shutting down glass plant tanks would be terrible to contemplate.

But these are things we can readily forecast if rail shipping is halted. Beyond the immediate damage, there can be incalculable harm done to the Nation in terms of shortages of food, medicines, and even all-important electric energy. And the public welfare would be seriously damaged.

Mr. President, regardless of the merits of this labor-management dispute which has been thrust on Congress, we must, above all, consider the public interest. Whatever our individual views, our sole responsibility in this situation must be directed toward the overall good of the American people.

There is ample evidence of the seriousness of the impact of a railroad strike on our national economy and on the well-being of people. This evidence dictates, it seems to me, that Congress act, as it assuredly will do, to extend by resolution the no-strike provisions of railroad law for the 37-day period prescribed in the pending business. Other possible legislative solutions must be considered and debated in this Congress with as much dispatch as possible while rail labor-management collective bargaining continues.

I think it is important to underscore the fact that the great Tennessee Valley Authority, with its vast system and tremendous resources, has a coal stockpile of, perhaps, only 7 to 10 days. This is a serious matter which could become aggravated and cause grave consequences if compounded by a rail transportation shutdown.

From the standpoint of West Virginia, one segment of our economy would be affected to the degree that we would have approximately 40,000 workers who would not be mining very little coal because very little transport would be available. West Virginia produces approximately 400,000 tons of coal a normal operating day. Every ton of this production is needed to meet energy demands at vital marketplaces. And the miners and related workers must lose their employment.

I again congratulate all the members of our committee on the action we have taken and hope that we can have the substantially united support of the Senate in this matter. Then we must work diligently for a better, more permanent solution to problems of the nature which this resolution is intended to ameliorate.

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

Mr. YARBOROUGH. I am happy to yield to the majority leader.

Mr. MANSFIELD. I am not at all happy about the 37-day extension, because I think it creates the impression that the Senate, at least, is not living up to its responsibilities, but is perhaps stalling or even dodging the issue.

I would have much preferred an extension of 15 days, if there was to be an extension at all. However, I am encouraged by the statement of the distinguished chairman, the Senator from Texas (Mr. YARBOROUGH) and the statement of the distinguished Senator from New York (Mr. JAVITS), the ranking Republican member of the committee. They have stated that if this proposal—a proposal unanimously reported by the Committee on Labor and Public Welfare—is approved tonight, it will mean that the committee will start immediately to face up to the underlying problem that confronts us in this situation—the resolution of a critical labor dispute. I would thus hope that the Senate would not again be called upon at the last minute, as was the case today.

Were it not for that assurance, frankly, I would have found myself in a position, very likely, in which it would have been difficult to vote for any legislation. I make that statement because of a very unhappy experience I had while I was a Member of the House during the late 1940's. At that time also the President of the United States was confronted with a railroad strike. He appeared before a joint session of Congress and suggested both Houses pass a joint resolution which would give him the authority to conscript strikers, and on that basis, keep the railroads running.

I was one of those who voted for that joint resolution, and I have regretted it to this day. Only 13 Members of the House voted against it. We did not have a joint resolution before us, we did not have anything else in our hands, and we were swept away in a moment of panic and emotion.

That resolution came to this body and Senator Robert Taft, Senator Burton K. Wheeler, Senator Wayne Morse, and others, held up their hands and said, "Stop, look, and listen." The result was that it was referred to a committee to give it the consideration it deserved—which any proposal deserves. Thus, I think all things considered, this may be the only possible way to face up to the situation which is developing.

I have one question. It is my understanding that the House will not act on this resolution today. What assurance do we have if the Senate acts this evening, there will be no strike at 12:01 tomorrow morning?

Mr. YARBOROUGH. It is my understanding that the chairman of the House committee hopes to get action in the House today.

Mr. MANSFIELD. Tonight?

Mr. YARBOROUGH. Tonight. I must say that they stated they could get no action on the resolution sent to the Congress by the President. On 37 Members, it was hopeless to get together. We have held extensive negotiations even as to the number of days. We negotiated for April 4. This 11 was taken in the hopes of agreeing with the House. Hopefully, this can be agreed upon today.

Mr. MANSFIELD. I am delighted that the House has started action. That answers my question.

Mr. YARBOROUGH. Let me ask the staff whether the House is in session. I suggest, Mr. President, that we pass this resolution and send it over to the House before they go out of session.

Mr. PELL. One obligation that is implicit in this measure, if we pass it, is that the two sides of the negotiating groups get together and work hard on a solution. More to the point would be that the sheet metal workers, who turned down this proposal when only 3,270 members, or a minority of the total membership, voted on it, take account of this and look at it and try to get a majority of their own workers to participate. For, other than the 2,003 sheet metal workers who voted against this measure, it is acceptable from the point of view of labor and management, and I would hope they would run off another election.

Mr. JAVITS. Mr. President, I have just been informed that the House has started limited debate of 1 hour on this resolution.

Mr. FULBRIGHT. Mr. President, I have received a number of urgent telegrams from my State emphasizing the significance of this matter, two from the main industries, poultry and rice; also a telegram from the general president of the Sheet Metal Workers.

I ask unanimous consent to have these telegrams printed in the RECORD.

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

THE ARKANSAS RICE GROWERS COOPERATIVE ASSOCIATION,
Stuttgart, Ark., March 4, 1970.

Hon. J. W. FULBRIGHT,
Senate Office Building,
Washington, D.C.:

Urge you to support legislation to prevent nationwide rail strike.

L. C. CARTER,
Executive Vice President and General Manager.

MALVERN MINERALS CO.,
Hot Springs, Ark., March 4, 1970.

Senator J. W. FULBRIGHT,
Senate Office Building,
Washington, D.C.:

Urge action today avert railroad strike. Affirm terms offered unions last December. They are reasonable.

H. C. HARLOW.

STUTTGART, ARK., *March 4, 1970.*

Senator WILLIAM FULBRIGHT,
Senate Office Building,
Washington, D.C.:

Urge immediate action on President's recommendations to avert rail strike. Agriculture cannot withstand a duplication similar last year's dock strike.

JAKE HARTZ, Jr.

MOUNTAIRE POULTRY CO., INC.,
LITTLE ROCK, ARK., *March 4, 1970.*

Senator J. W. FULBRIGHT,
U.S. Senate,
Washington, D.C.:

We respectfully request your support for legislation to prevent a nationwide rail strike scheduled to become effective midnight tonight. Our State ranks second in poultry production. We have approximately 4½ million birds which require 300 tons of feed per day to feed. We must depend entirely on rail service for our feed requirements and it is urgent that every possible action be taken to insure rail service. Thank you.

SANTO D. FORMICA,
Vice President.

ARKANSAS VALLEY INDUSTRIES INC.,
University Towers, Little Rock, Ark, March 4, 1970.

Hon. J. WILLIAM FULBRIGHT,
Senate Office Building,
Washington, D.C.:

Our firm has own feed at all times more than 12 million birds which require more than 1,000 tons of feed each day. As Arkansas is deficit in all feed ingredients we are entirely dependent upon rail transportation for feed ingredients necessary to sustain our flocks. Our firm is one of many poultry producers in Arkansas which as you know is second in production in the Nation. It is impossible for other modes of transportation to transport this tonnage. Rail transportation is the life blood of our industry and every action should be taken to insure services.

PAUL V. VAUGHN,
Director of Purchasing.

March 4, 1970.

Senator J. W. FULBRIGHT,
Washington, D.C.:

Sheetmetal Workers International Association vigorously protests proposal by President Nixon to resolve the current railroad shopcraft dispute by imposing on the 4 shopcraft unions without hearing the so-called-memorandum agreement of December 4, 1969, which has been repudiated by the membership of the sheetmetal workers craft on all the American railroads.

The proposal of President Nixon is an unprecedented and, we believe, unconstitutional attempt to impose a contract upon an unconsenting union whose membership decisively rejected it by a democratic vote and it is, moreover, wholely inconsistent with the letter and spirit of the 3 options contained in his Emergency Public Interest Protection Act of 1970, submitted to the Congress less than one week ago.

Our union respectfully requests that the Senate and House of Representatives reject this unjust proposal or at least, withhold taking any action thereon until hearings have been held before appropriate subcommittees before which our spokesmen have been afforded an opportunity to present our views.

EDWARD F. CARLOUGH,
General President, Sheet Metal Workers.

Mr. FULBRIGHT. Mr. President, let me commend both the Senator from New York (Mr. JAVITS) and the Senator from Texas (Mr. YARBOROUGH) for the untiring efforts in reporting this resolution because, as I understand it, it is in the interest certainly of my constituents and of the entire country, and I shall support it.

Mr. GRIFFIN. Mr. President, I shall, of course, vote for the resolution now before the Senate. I think we have no other realistic choice or alternative; but, like the distinguished majority leader, I am frankly disappointed that we are dealing with a resolution putting this matter off for 37 days.

I cannot help noticing that the 37 days seems, somehow, to be related to the Easter recess of the other body.

I would think that about 10 or 15 days would have been an adequate time for Congress to be able to deal with the President's proposal on its merits.

Perhaps the workers affected will be disappointed by this action, in postponing for 37 days their entitlement to retroactive pay which they would have received, if Congress had accepted the administration's proposal.

I realize that one day is not adequate time, but, unfortunately, we could not have agreed on 10- or 15-day extension and have given the administration proposal approval.

Mr. MANSFIELD. Mr. President, the Senate should get the matter of the Easter recess straight for the record. So far as the Senate is concerned, we are taking off for only 2 days. So far as the joint leadership is concerned, we would have been prepared to forgo even those 2 days, if need be, to face up to a problem of national significance which affects the welfare of all the people as well as the economy of the Nation as a whole.

I simply want the record straight.

Mr. HOLLAND. Mr. President, I have one question. I shall support the committee and vote for the resolution. Do we have any assurance that, if passed and signed by the President before midnight, the union which has refused to operate favorably under the agreement will recognize that and will continue work?

Mr. JAVITS. I am pleased to assure the Senator from Florida that the four representatives of the four unions were before us today and assured us—including Mr. O'Brien representing the sheet metal workers—that it is their profound conviction that their members will, in the main—they said there might be a small number here and there—who will honor a law passed by the United States. I asked them that specifically, and the operating managements of the unions gave us that same assurance as to a lockout.

Mr. DOMINICK. Mr. President, I think that this debate has shown one thing clearly and that is that the resolution that was long since offered by the Senator from New York, and one that was put in by myself, were to try and provide some permanent legislative mechanisms by which strikes in regulated industries can be ultimately controlled.

We tried to do that during the airline strike. We tried to do it before, but we could not get the previous administration or the Secretary of Labor to take any position on it at all. I hope that we can get going on it now, during this session, because otherwise we will continually be faced with temporary solutions, like the 37-day one now, which in my humble opinion will not do any good at all. We will be faced with the same problem all over again at the end of the 37 days. We will have to vote again to do something to stop a strike. But so far as solving this substantive problem is concerned, we will get nowhere. We will be just spinning our wheels.

I hope that we can get some prompt legislation passed before we are through.

Mr. JAVITS. Mr. President, the administration has now sent us this package. The distinguished Senator from Michigan (Mr. GRIFFIN) has introduced the bill. I am dedicated to trying to work it out and we will do our utmost to get prompt action, and finally, a substantive measure that has been passed on its merits. But we will take this interim step in order to give us the opportunity to deal with this matter with the sophistication and maturity which it obviously deserves. In the meantime, we will be averting what would be a national disaster.

The PRESIDING OFFICER (Mr. HUGHES in the chair). If there be no amendment to be proposed, the question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading, and was read the third time.

Mr. HOLLAND. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall the joint resolution pass?

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Mississippi (Mr. EASTLAND), the Senator from Tennessee (Mr. GORE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Montana (Mr. METCALF), the Senator from Minnesota (Mr. MONDALE), and the Senator from Georgia (Mr. RUSSELL) are necessarily absent.

I further announce that the Senator from Alaska (Mr. GRAVEL) is absent on official business.

I further announce that, if present and voting, the Senator from West Virginia (Mr. BYRD) the Senator from Mississippi (Mr. EASTLAND), the Senator from Tennessee (Mr. GORE), the Senator from Alaska (Mr. GRAVEL), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Montana (Mr. METCALF), the Senator from Minnesota (Mr. MONDALE), and the Senator from Georgia (Mr. RUSSELL) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Massachusetts (Mr. BROOKE), the Senator from Oregon (Mr. PACKWOOD), the Senator from Illinois (Mr. SMITH), the Senator from South Carolina (Mr. THURMOND), and the Senator from Delaware (Mr. WILLIAMS) are necessarily absent.

The Senator from California (Mr. MURPHY) and the Senator from Ohio (Mr. SAXBE) are absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Massachusetts (Mr. BROOKE), the Senator from South Dakota (Mr. MUNDT), the Senator from California (Mr. MURPHY), the Senator from South Carolina (Mr. THURMOND), the Senator from Illinois (Mr. SMITH), and the Senator from Delaware (Mr. WILLIAMS) would each vote "yea."

The result was announced—yeas 83, nays 0, as follows:

[No. 81 Leg.]

YEAS—83

Aiken	Fulbright	Montoya
Allen	Goldwater	Moss
Allott	Goodell	Muskie
Anderson	Griffin	Nelson
Baker	Gurney	Pastore
Bayh	Hansen	Pearson
Bellmon	Harris	Pell
Bennett	Hart	Percy
Bible	Hartke	Prouty
Boggs	Hatfield	Proxmire
Burdick	Holland	Randolph
Byrd, Va.	Hollings	Ribicoff
Cannon	Hruska	Schweiker
Case	Hughes	Scott
Church	Inouye	Smith, Maine
Cook	Jackson	Sparkman
Cooper	Javits	Spong
Cotton	Jordan, N.C.	Stennis
Cranston	Jordan, Idaho	Stevens
Curtis	Long	Symington
Dodd	Magnuson	Talmadge
Dole	Mansfield	Tower
Dominick	Mathias	Tydings
Eagleton	McClellan	Williams, N.J.
Ellender	McGee	Yarborough
Ervin	McGovern	Young, N. Dak.
Fannin	McIntyre	Young, Ohio
Fong	Miller	

NAYS—0

NOT VOTING—17

Brooke	McCarthy	Russell
Byrd, W. Va.	Metcalf	Saxbe
Eastland	Mondale	Smith, Ill.
Gore	Mundt	Thurmond
Gravel	Murphy	Williams, Del.
Kennedy	Packwood	

So the joint resolution (S.J. Res. 180) was passed, as follows:

S.J. RES. 180

Joint resolution to provide for a temporary prohibition of strikes or lockouts with respect to the current railway labor-management dispute

Whereas the labor dispute between the carriers represented by the National Railway Labor Conference and certain of their employees represented by the International Association of Machinists and Aerospace Workers; International Brotherhood of Boilermakers, Iron Shipbuilders, Blacksmiths, Forgers and Helpers; Sheet Metal Workers' International Association; International Brotherhood of Electrical Workers functioning through the Employees' Conference Committee, labor organizations, threatens essential transportation services of the Nation; and

Whereas all the procedures for resolving such dispute under the Railway Labor Act have been exhausted; and

Whereas the representatives of all parties to this dispute reached tentative agreement on all outstanding issues and entered into a memorandum of understanding, dated December 4, 1969; and

Whereas the terms of the memorandum of understanding, dated December 4, 1969, were ratified by the overwhelming majority of all employees voting and by a majority of employees in three out of the four labor organizations party to the dispute; and

Whereas the failure of ratification has resulted in a threatened nationwide cessation of essential rail transportation services; and

Whereas the national interest, including the national health and defense, requires that transportation services essential to interstate commerce is maintained; and

Whereas the Congress finds that an emergency measure is essential to security and continuity of transportation services: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of the final paragraph of section 10 of the Railway Labor Act (45 U.S.C. 160) shall apply and be extended for an additional period with respect to the disputes referred to in Executive Order No. 11486 of October 3, 1969, so that no change, except by agreement, shall be made by the carriers represented by the National Railway Labor Conference, or by their employees, in the conditions out of which such disputes arose prior to 12:01 a.m. of April 11, 1970.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. RANDOLPH. I move to lay that motion on the table. The motion to lay on the table was agreed to.

ORDER OF BUSINESS

Mr. SPONG obtained the floor.

Mr. SPONG. Mr. President, I yield to the Senator from Illinois.

THE RAILWAY DISPUTE

Mr. PERCY. Mr. President, I deeply appreciate the announcement of the vote being held up as long as it was to accommodate my colleague, the junior Senator from Illinois (Mr. SMITH).

The junior Senator from Illinois was attending a speaking engagement in Illinois. He was notified late this afternoon of the importance of this vote. He has made extraordinary efforts to return to the Capitol. He landed at Dulles Airport and he is somewhere between here and Dulles Airport. He was anxious to be here to indicate his support for the measure which, I understand, must now go back to the House while they are in session.

I did want to indicate his desire to see this emergency resolved. He and I wish to commend the committee and Members on both sides of the aisle for the wonderful work that has been done this afternoon in connection with the unanimous vote that has been had in the Senate.

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

Mr. SPONG. I yield.

Mr. JAVITS. Mr. President, I would like to point out that the junior Senator from Illinois caused his office to communicate with me in the course of the day a number of times urging that a disposition be made of this matter which would avert a strike, and assuring me that he was on his way and anxious to participate in this very serious issue for his State and to vote in favor, I feel, of the measure we have passed.

I say that because I think it is a fine indication of the conscience and of the diligence of the Senator from Illinois.

Mr. PERCY. Mr. President, will the Senator from Virginia yield to me for a moment so that I may submit a concurrent resolution?

Mr. SPONG. I yield.

SENATE CONCURRENT RESOLUTION 56—SUBMISSION OF SENATE CONCURRENT RESOLUTION

Mr. PERCY. Mr. President, today I am submitting a concurrent resolution on behalf of myself, the Senator from Pennsylvania (Mr. SCOTT), the Senator from Montana (Mr. MANSFIELD), and the Senator from Minnesota (Mr. MONDALE). I believe this concurrent resolution is essential not only to the continuation of the exploration of space by the United States, but also to the advancement of technology and science throughout the world.

Every American is rightfully proud of our Nation's record in space. Our scientists and engineers, our technicians and astronauts all deserve our deepest admiration and our sincerest gratitude. The prestige of this Nation was at an unprecedented high with the success of Apollo 11. What American did not feel the deep sense of pride in his country when Neil Armstrong stepped onto the surface of the moon?

Every American should also be proud of the advances that our space program has made in the fields of technology and human knowledge. We have made a tremendous beginning, and the spirit of man demands that we not let these achievements be for nothing. The spirit of man demands that we continue to explore space, continually building upon the basis of knowledge that we have established.

We must note that other nations have also contributed to the field of space exploration. Though their achievements have been less spectacular than those of the United States, their desire for knowledge is no less. Because of our vastly superior economic situation, we have been able to contribute the enormous sums necessary for such feats as our Nation has accomplished. Other nations have not been able to contribute as much, but their pride was no less than ours when not only Americans, but human beings from the "good earth" landed on the moon.

In the past, the United States has made it a practice to cooperate with other nations in the mutual peaceful exploration of space. In the National Aeronautics and Space Act of 1958, the Congress declared that the United States shall "cooperate with nations and groups of nations," and "that activities in space should be devoted to peaceful purposes for the benefit of all mankind." Since that time, we have shared many programs with other nations. At the present time, the United States, through NASA, conducts international programs, either bilaterally or multilaterally, with 84 nations and locations and with the European Space Research Organization—ESRO.

According to the Aeronautics and Space Report of the President which was transmitted to the Congress in January of this year, some of the more significant achievements in NASA's international activities included an agreement with India for an experiment involving the use of a NASA satellite to broadcast instructional television programs; an agreement with Germany, or Project Helios, to place two solar probes closer to the sun than any other spacecraft yet scheduled; the foreign distribution of lunar material to 39 principal investigators from nine countries; and the successful launching of three foreign satellites. The United States has also participated in international conferences such as the Committee on the Peaceful Uses of Outer Space which was held in Vienna from August 14 to August 27, 1968, with 78 other nations; and the Plenipotentiary Conference on Definitive Arrangements for the International Telecommunications Satellite Consortium in which delegations from 68 countries and 18 observer delegations are currently meeting in Washington, D.C.

On two fairly recent occasions, the U.S. mission to the United Nations transmitted memorandums from NASA inviting experiment proposals for the seventh spacecraft in the application technology satellites program, and inviting proposals for scientific participation in the proposed 1973 Viking mission to Mars.

The United States has also entered into two significant treaties. The Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space Including the Moon and Other Celestial Bodies was ratified on October 10, 1967. In December, 1968, the Astronauts Assistance and Return Agreement was ratified.

By citing all of these examples, I mean to show how widespread is the scope of United States international bilateral and multilateral activities on space. I believe that our Nation's participation in these efforts are most laudable.

As the plaque left behind on the moon by the crew of Apollo 11 states, "We came in peace for all mankind." These words truly express the feelings of all Ameri-

cans. We have time and again expressed our belief that space should be used only for peaceful purposes.

But it is equally important to note the second part of that statement—"for all mankind." Indeed, our astronauts do represent not only America, but all mankind. Through the many efforts and programs I have mentioned, the United States has tried to be true to the sense of that phrase.

However, the time has now come for a new look at international space cooperation. In September of last year, President Nixon addressed the 24th session of the United Nations General Assembly. In the address, the President set the tone for the decade when he said:

> We should share both the adventures and the benefits of space.

He went on to say that man's epic venture into space should be "an adventure that belongs not to one nation but to all mankind, and one that should be marked not by rivalry but by the same spirit of fraternal cooperation that has so long been the hallmark of the international community of science."

The space task group report to the President in September of 1969 echoed this thought when it stated that the United States should "promote a sense of world community through a program which provides opportunity for broad international participation and cooperation."

As I stated in my remarks before the Senate on August 12 of last year, Col. Frank Borman has indicated to me the interest of leading Soviet scientists who realize the practicality and wisdom of the multilateral aspects of space exploration. The North Atlantic Assembly of NATO also recognized this when in October of 1969 it approved the resolution that I submitted which stated:

> All nations within and without the alliance with programmes for the exploration of space should co-operate to the maximum possible extent to explore space and to help conserve resources needed for many important tasks on earth.

All of this indicates a rising interest in peaceful, multilateral cooperation in space. On July 23, 1958, the Senate passed House Concurrent Resolution 332 which resolved that "the nations of the world should join in the establishment of plans for the peaceful exploration of outer space." It is time now for new congressional initiative in this important field.

In this concurrent resolution, I propose the establishment of a Conference on the International Exploration of Space. It would be the responsibility of this Conference to coordinate and review all existing international programs, and to plan for future multilateral and international space projects in a coordinated fashion. The Conference could develop a basis for a future permanent structure that would be completely apolitical and anational.

The astronauts tell us that from the viewpoint of the moon, political divisions and ideological differences do not appear. Perhaps, one has to travel that far to gain the proper perspective of this tiny planet.

It is only right, then, that this Conference be completely and unabashedly international in the sense of world brotherhood. It should not be tied to political or military alliances and organizations. The very nature of space exploration demands that it be undertaken by a united mankind.

The United States has many problems that cry out for our attention: Hunger, poverty, disease, pollution. All of these require our immediate action and large appropriations. Faced with a choice of priorities of learning more of Mars or of rectifying our Nation's pressing ills, we can only choose the latter. But if we pool our knowledge and our funds with other nations in a common coordinated effort, we can still appropriate the reduced funds for space exploration while providing the needed initiative and resources to tackle our Nation's problems.

All Americans would like to see space exploration continued, but not at the expense of the poor, the hungry, our polluted air and befouled streams and all of the other issues that demand our attention. Mr. President, by passing this resolution, the Senate can help assure that man's exploration of space shall continue, and that our domestic priorities shall not suffer. Let us take this step to make the race for space into a quest for knowledge by all mankind.

Mr. President, I ask unanimous consent that the concurrent resolution be printed in full at the conclusion of my remarks.

The PRESIDING OFFICER. The concurrent resolution will be received and appropriately referred; and, without objection, the resolution will be printed in the RECORD.

The concurrent resolution (S. Con. Res. 56) which reads as follows, was referred to the Committee on Foreign Relations:

S. CON. RES. 56

Resolved by the Senate (the House of Representatives concurring), That the Congress declares that,

(1) Although certain priorities on earth demand our immediate attention and resources, the exploration of space has demonstrated its feasibility, provided beneficial uses, and increased the knowledge of mankind;

(2) The United States has made a significant contribution by both manned and unmanned space exploration to man's knowledge of the Universe about him and the world beneath him;

(3) Space exploration should continue to build upon its achievements;

(4) The exploration and use of outer space is a common goal which should be shared by all in order to promote international peaceful cooperation and relieve world tension, avoid costly duplication in national-space programs and enjoy the economic, scientific and technological benefits.

(b) The Congress therefore requests the President to call at the earliest convenient time a Conference on the International Exploration of Space and invite all nations interested in space exploration to attend the Conference to consider and propose means by which all interested nations may finance space efforts; provide facilities, manpower, and management techniques necessary for joint space exploration; share the practical knowledge obtained from the exploration and use of space; co-ordinate existing international space agreements; and plan in a unified manner for the future of international space projects.

AUTHORIZATION FOR SECRETARY TO RECEIVE MESSAGES AND FOR VICE PRESIDENT OR ACTING PRESIDENT PRO TEMPORE TO SIGN DULY ENROLLED BILLS OR JOINT RESOLUTIONS

Mr. SPONG. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to receive messages from the House during the adjournment tonight and that the Vice President or Acting President pro tempore be authorized to sign duly enrolled bills or joint resolutions.

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

ORDER FOR ADJOURNMENT TO TOMORROW AT 10 A.M.

Mr. SPONG. Mr. President, I ask unanimous consent that when the Senate adjourns today, it adjourn until 10 o'clock tomorrow morning.

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

AMERICAN EDUCATION

Mr. SPONG. Mr. President, yesterday, the President of the United States sent to Congress a message on education reform. That message began:

> American education is in urgent need of reform.

While I do not agree with all that is in the message, I do agree with that opening sentence.

We have made many advancements, much progress in education in recent years. Educational improvements at all levels have led to significant developments in many facets of our lives. Yet, the problems do remain, and they are glaring problems, demanding immediate attention.

I am hopeful that the President's message will stimulate a rational and relevant discussion of the problems facing our school systems and imaginative suggestions for meeting these problems. The President's message can serve as a starting point, but it is only a starting point. It makes no mention of advance funding, which is one of the most critical changes needed in order that local school officials can plan effective use of Federal education funds which are available. It makes no mention of the drug problems and violence which threaten the learning process in many areas. It makes no mention of the turmoil in many school districts or the integration problems which led the Senate to conclude that a select committee was advisable. These are problems begging for solution—problems which cannot be denied nor ignored.

On Monday night, I had the privilege to speak at the Danville Education Association in Danville, Va. At that time, I reviewed some of the problems which I have observed and which have been called to my attention by education personnel. I ask unanimous consent that my remarks on Monday night be inserted in the RECORD.

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

NEW DIRECTIONS NEEDED IN EDUCATION

(By Senator WILLIAM B. SPONG, JR.)

The fight over the Labor-Health, Education and Welfare Appropriations Bill underscores some of our major education problems.

In twelve years the federal government has moved from a $300 million contribution to education to a $4.2 billion one. However, few persons, either laymen or professionals, either at the grassroots or in Washington, are satisfied. Our commitment to education has been remarkably successful and amazingly unsuccessful. We have made great strides in some areas only to find ourselves falling further and further behind in others. And, most of the problems came home to nest in the Labor-Health, Education and Welfare Appropriations Bill.

Politically, perhaps the President did not make an unwise move in using the veto. He focused attention on inflation and government spending at a time when consumers, especially housewives, are extremely concerned about balancing their budgets. Furthermore, he chose an issue which currently has many connotations, not all of which are good. He vetoed a bill containing funds for welfare at a time when many persons feel that welfare payments are too high and that the welfare system is perpetuating an undesirable group of Americans. He vetoed a bill containing funds for medical research and training in the medical professions at a time when many Americans are concerned over rising medical and drug costs and disillusioned over the salaries claimed by certain physicians under medicare. He vetoed a bill providing funds for education at a time when many persons are dissatisfied with court desegregation decisions and activities of the Office of Education, when many parents are concerned over teacher strikes and "why Johnny can't read," and when many Americans are frightened by increasing violence and the illegal use of drugs in school situations.

On the other hand, valid arguments can be made that a sum representing ½ of 1 percent of the entire federal budget—which is the amount by which the conference version of the Labor-Health, Education and Welfare Appropriations Bill surpassed the President's request—would not be inflationary and that the inflation arguments raised by the President were false in view of the fact that the Congress had cut almost $7 billion from the spending requests which the President himself made last spring. In addition, the President's claim that it was too late to spend wisely the money included in the appropriations bill is questionable in view of the fact that many school districts have already spent or contracted to spend anticipated federal funds.

Yet, the basic problem—and the important ones for education—are not reflected in the above arguments. They are much more difficult to assess and there are no clear-cut solutions to them.

We must, of course, start with money. For years, education suffered—teachers' salaries were abysmally low. Construction and purchase of modern equipment lagged. The launching of the Russian Sputnik and the U.S. reaction changed that. Money, slowly but surely, began to flow into education and education began to come into its own.

Hindsight is certainly better than foresight. Thus, it requires no special wisdom to list some of the mistakes which have been made. It will, however, be a tragedy if we continue to permit the mistakes to govern our education programs.

Naturally, one reaction to Sputnik was to concentrate federal aid on those subjects which the United States had apparently ignored—science, engineering, foreign languages. This was undoubtedly necessary and the steps which were taken unquestionably improved our nation's technical capabilities. But, the focus was on a limited number of subjects and assisted a limited number of persons in restricted fields of study. While federal assistance such as this was a start, and while some expansion came with time, the government should have moved earlier toward a broader support for education.

Also, somewhat naturally, Congress adopted a categorical approach to education grants. This was the form the federal grants-in-aid in general had taken. But, it denied local school officials the flexibility to meet pressing local needs, especially construction and hiring of special and remedial teachers, and forced upon these officials federal decisions and emphases—decisions and emphases which have not proved all-wise.

Thirdly, we made inadequate provision for the residential changes which were taking place in our society. Observers predicted the urban-suburban trends but we failed to keep up with them. Now inner-city schools are places of fear and violence. They are costly. They are attempting to operate on limited tax bases, which simply cannot provide their needs, while higher income families flee. They are failing to educate the children for whom they are responsible, failing at an extremely high per pupil cost.

At the same time, poor, rural school systems are facing additional problems. They, too, are attempting to operate on limited tax bases. They are finding it impossible to hire the personnel to prepare federal grant applications. They are watching funds disappear into other areas, with little hope of competing for them.

Clearly, new assistance and new approaches must be utilized to assist these districts. But, it is also unrealistic to propose or to want this to be accomplished at the expense of wealthier and progressive school districts. Where the latter can take on additional tax responsibilities, they may be asked to do so, but that cannot be done abruptly or without orderly planning. To retard progressive schools is to cut off our noses to spite our faces.

What we need are effects to maintain these schools—on the local, state and federal levels—while upgrading the others.

This will undoubtedly place new burdens upon us. Those who claim otherwise propagate fairy tales. But, these are burdens which the future can relieve because of the types of citizens which will result. We must, however, start by breaking with the limiting educational policies of the past and pursue policies which are more in line with current needs.

Because there is fear of violence in our schools, because there is fear of the growing use of drugs, because no one wants to admit that either exist—these are inadequate excuses for avoiding the problems, for burying our heads, ostrich-like in the sand, and hoping that "trips", vandalism, extortion and threats will go away. If we take the nonconcerned role, if we try to act as blind men, we will surely reap a bitter harvest. We will have failed ourselves and our children.

Change in our society has gotten ahead of us. Social, economic and poltical developments have brought chaos to many of our public schools. And, within this turmoil, we have, all too often, lost sight of the primary purpose of our schools: the education of our children. It is sad when educational personnel must worry not about what is being taught but about obtaining funds and hiring security guards for school buildings.

Clearly, new directions are needed in our educational endeavors. We must recognize the problems facing our schools and the seriousness of those problems, as well as the questions which the problems raise about our society and the purpose of education itself. Unless we do so, we may well lose sight of the principal goals to teach and to learn.

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

Mr. SPONG. I am happy to yield.

Mr. RANDOLPH. Very appropriate and kindly are the remarks of the junior Senator from Virginia (Mr. SPONG). He listed several problems that were not covered in the proposal of the President, although he commended the President, and I commend him also.

I should like to ask the Senator what he thinks about the problem of teachers leaving their schoolrooms, as is anticipated will take place in the District of Columbia tomorrow, to come to Capitol Hill to discuss what I believe to be merited pay raises. I believe in adequate pay raises for our teachers. But does the Senator from Virginia believe the pupils in the schools of the District of Columbia, the Nation's Capital, should be denied the opportunity to be in their classes for a full day? Would it not have been advisable to have a committee of teachers come to discuss these matters, rather than to have an actual shutdown of the District of Columbia school system tomorrow?

I think, very frankly, that to shut down the District of Columbia school system will injure the case of the teachers.

Mr. President, I ask unanimous consent to place in the RECORD editorials from the Washington Evening Star of last night and the Washington Post of this morning, both editorials critical of the so-called closing of the schools tomorrow for the purpose of permitting teachers to come to the Hill.

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

[From the Washington (D.C.) Evening Star, Mar. 3, 1970]

TEACH-IN

If ever a campaign were misnamed it is the Washington Teachers Union scheme that its members should boycott their classes Thursday in order to conduct a "teach-in" on Capitol Hill in behalf of higher pay and other demands.

School Board Chairman Anita Allen, in urging teachers to report to school, coupled that appeal with a warning that the union's plan could be "counter-productive"—as would almost certainly be the case. The House District Committee, as it happens, already has scheduled a hearing on the liberal Senate-passed teacher pay bill on precisely that same day. It is hard to imagine anything more likely to frustrate the progress of this legislation than a gang of teachers, having abandoned their classes, parading around the halls of Congress.

If they are impressed by anything, however, the union leaders are more apt to heed a statement by Acting School Superintendent Henley than listen to Mrs. Allen's sound counsel.

Henley, taking the position that a boycott would violate the union's contract, says that if the walkout occurs he will move to withdraw the union's recognition as baragining agent and to cut off its dues-deduction privilege.

There was a possibility that the teachers themselves would have a sufficient sense of responsibility to repudiate the union drive and to discharge their obligation to thousands of children.

That possibility was apparently passed up when the teachers voted last night to go ahead with the boycott. Superintendent Henley, with the school board's support, should not hesitate a moment to invoke the sanctions he has threatened.

[From the Washington (D.C.) Post, Mar. 4, 1970]

THE TEACHER BOYCOTT

In deciding to call a one-day classroom boycott tomorrow, members of Washington's Teachers' Union made the argument that

such a demonstration was required in these activist days to impress Congress with the justice of their demands for a pay raise. One elementary teacher put the case for a boycott this way:

"The high school students are doing it. The elementary school students are talking about it. We must show those kids that we won't let anybody sit on us either."

No matter that the House District Committee which is notoriously hostile to such pressure tactics had a hearing scheduled for the same day on higher pay legislation for teachers, policemen and firemen. No matter that such a boycott is against the law and the contract between the schools and the union. No matter that the action will leave many thousands of Washington school children without instruction and supervision at a time when order in the schools is a major public issue. No matter that the action will leave many school children confused about whose example they should follow; the teachers are now urged to follow the students example and boycott the schools too to make themselves heard.

It is our judgment that the teachers, policemen and firemen deserve the higher pay rates that have been proposed for them by the mayor and city council and school board. The city administration bill calls for an increase in the city income tax to pay the costs. Before the boycott, the main unsettled question appeared to be whether the boosts should be made retroactive to last July 1 when federal workers got their raise. Now as a direct consequence of the boycott threat there is a danger that some congressmen will want to defer action on the teacher pay raise, but go ahead with the policemen and firemen. That would be an unfortunate outcome which would only make it more difficult for the city to get the teachers it needs to maintain the instructional program.

It is our judgment that the teachers union will make its point by calling off the mass boycott and arranging to have a representative delegation from the teacher ranks appear at the hearing. This change in tactics by the city's organized teachers would demonstrate to the Congress that their first concern is for the city's school children. It would be a much more impressive argument than a mass boycott for the pay raise which they seek—and deserve.

Mr. SPONG. Mr. President, I would say, in response to the question posed to me by the Senator from West Virginia, that I regret that the teachers of the District feel that it is necessary to do what they propose to do. This was done last year. I dislike to see any occasion in which I believe pupils are being neglected for such a purpose as this. I feel that there must be a more orderly procedure to which they can turn, rather than to do what they propose to do.

Mr. RANDOLPH. I add, with the indulgence of the Senator, that, because students who are in the lower grades absent themselves from school, certainly is not an argument for teachers absenting themselves from the process of teaching. That, one of the editorials has indicated, is the position on the part of the teachers. I regret this. I was a teacher. I believe in the profession. As I have said, I want teachers to have what are adequate salary schedules. I think we should have not only an informed teaching force, but an inspired teaching force, as well.

I wonder if that will be aided by what apparently is the course to be followed. Even tonight, I hope that something can happen so that the schools will function tomorrow, and that Congress can give the necessary attention to legislation which I believe should become law.

VOTING RIGHTS ACT AMENDMENTS OF 1969

The Senate continued with the consideration of the bill (H.R. 4249) to extend the Voting Rights Act of 1965 with respect to the discriminatory use of tests and devices.

Mr. HRUSKA. Mr. President, no question should be entertained in the mind of anyone considering the Voting Rights bill that it has the complete support, in all of its parts, of the administration and of the President. There was some discussion about the implication of the letter of December 10, addressed to Representative FORD, the minority leader in the other body, in which the President said, among other things:

> I strongly believe that a nationwide bill is superior because it is more comprehensive. Therefore, I believe every effort must be made to see that its essence, at least, prevails. I would stress two critical points.

At this point, the President mentioned two points. It was upon that basis that there was some question as to whether he would be satisfied with the enactment of a bill that would contain only those two points. One would be that instead of simply extending until 1975 the Voting Rights Act, which orders literacy tests nationwide, to apply to all States until 1974, and would extend to millions of citizens not now covered under the committee bill.

The second point was that otherwise qualified voters not be denied the right to vote for President merely because they change their State of residence shortly before a national election.

However, any doubt on this point that might be read into the construction of this letter is certainly completely disposed of by a news conference held by Ron Ziegler on February 12 in Miami.

An article in the Washington Post discusses the major points of the Nixon position as stated by Ziegler, and one part that is pertinent in this connection reads as follows:

> Well, the President has said that every law in the United States should apply equally to all parts of the country.
>
> This particular point of view has been expressed in the Administration's position on voting rights legislation which extends the voting rights legislation throughout the country in matters such as literacy tests and residency requirements.
>
> The House has just passed the Administration's proposal regarding voting rights and, of course, the President supports all of the elements of the House-passed bill.

I have here the transcript of the press conference on February 12, in which Mr. Ron Ziegler appeared before the press, and I read these excerpts from it:

> Again, let me restate the Administration's view. First of all, regarding the uniform application of the law—
>
> Q. Did you say restate?
>
> Mr. ZIEGLER. Yes.
>
> Q. When was it stated before?
>
> Mr. ZIEGLER. Well, the President has said that every law in the United States should apply equally to all parts of the country.

A little bit later in the transcript this language occurs:

> The House has just passed the Administration's proposal regarding voting rights and, of course, the President supports all of the elements of the House-passed bill.

So this transcript and the press reports of the following day definitely put on record the proposition that the House-passed bill, now being considered by the Senate, has the full support of all of the elements therein listed, of the President, and of the administration.

The PRESIDING OFFICER. What is the pleasure of the Senate?

PERSONAL STATEMENT IN BEHALF OF SENATOR SMITH OF ILLINOIS

Mr. GRIFFIN. Mr. President, the hour is now 40 minutes after 6. I should like to note for the RECORD that at about 30 minutes after 6, about the time the distinguished Senator from Virginia (Mr. SPONG) took the floor, the junior Senator from Illinois (Mr. SMITH) arrived in the Chamber, after a heroic effort to be here and to vote on the resolution just passed.

I want to associate myself with the remarks made by the senior Senator from Illinois. I know, too, how difficult it was for him to rearrange his schedule, to cancel engagements, and to try to get here to register his vote on this important measure. It certainly indicates the importance which he attached to the resolution, and the concern that he had regarding the impending possibility of a railroad strike.

I should like, if he wishes, to yield now to the distinguished junior Senator from Illinois.

Mr. SMITH of Illinois. Mr. President, I would like to say simply that I did exert every effort to make it, and with the weather problems between here and the Middle West, flying conditions in the Middle West today are pretty bad. I am sorry I missed the vote by just a few moments, because certainly, if I had been able to get here, I would have wanted to be on the rollcall supporting the joint resolution. That, of course, was my only reason for returning and breaking into the schedule, which does relate to a certain campaign in which I am presently involved.

I was happy to try to get back, and sorry that I missed it by just a few moments. I appreciate the efforts of my colleagues to keep the rollcall open, in the hope that I might be able to squeeze in in time to be recorded.

The PRESIDING OFFICER. What is the pleasure of the Senate?

ADJOURNMENT UNTIL 10 A.M.

Mr. SPONG. Mr. President, I move that the Senate now adjourn until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 6 o'clock and 45 minutes p.m.) the Senate adjourned, under the previous order, until tomorrow, Thursday, March 5, 1970, at 10 o'clock a.m.

NOMINATION

Executive nomination received by the Senate March 4, 1970:

U.S. MARSHAL

Joseph W. Keene, of Louisiana, to be U.S. marshal for the Western District of Louisiana for the term of 4 years (reappointment).