tion would extend far beyond the shoulders of the main highway.

Even though the highway proposal has been thoroughly discredited, the continual comercial agitation for it will be with us for all time. The issue will never be resolved by waiting. In the meantime, the San Joaquin Wilderness needs statutory recognition in order to give it a greater degree of protection. It is time we closed the gap in the Sierra Nevada Wilderness. From Yosemite to Sequoia the only unprotected portion of the crest is on the San Joaquin's North and Middle Forks.

Congressman Jerome Waldie has introduced legislation to accomplish this. It is H.R. 15019—a bill to establish the San Joaquin Wilderness. He was joined by fifteen other California congressmen who co-sponsored the bill. All of these gentlemen deserve our thanks and our fullest support.

SENATE—*Friday, March 6, 1970*

The Senate met at 10 o'clock a.m. and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

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

O Thou whose glory fills the universe, we thank Thee for this new day, for life and liberty, for work to do and strength with which to do it. Grant unto us to waste none of its hours, to soil none of its moments, to neglect none of its opportunities, to fail in none of its duties. Bring us to the evening time undefeated by any temptation, at peace with ourselves, at peace with our fellow men, at peace with Thee, content to have served this Nation in this place.

In the Redeemer's name. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., March 6, 1970.

To the Senate:

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

RICHARD B. RUSSELL,
President pro tempore.

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

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, March 5, 1970, be dispensed with.

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 13300) to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act to provide for the extension of supplemental annuities and the mandatory retirement of employees, and for other purposes.

This message also announced that the House passed the bill (S. 2910) to amend Public Law 89–260 to authorize additional funds for the Library of Congress James Madison Memorial Building, with an amendment, in which it requested the concurrence of the Senate.

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

ORDER FOR ADJOURNMENT TO MONDAY, MARCH 9, 1970

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon on Monday

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

(Later in the day this order was modified to provide for an adjournment to 11:30 on Monday.)

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, it is my understanding that the distinguished Senator from Wyoming (Mr. HANSEN) will be recognized for not to exceed 30 minutes. I ask unanimous consent that, after the Senator from Wyoming has completed his remarks, there be a period for the transaction of routine morning business, with statements by Senators therein limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered; and, without objection, the Senator from Wyoming is recognized for 30 minutes.

TASK FORCE REPORT ON OIL IMPORTS

Mr. HANSEN. Mr. President, first, I should like to express my very real appreciation to the distinguished majority leader for his continuing courtesy and consideration toward me.

Mr. President, the recommendations of the Cabinet Task Force on Oil Import Control are, to me, alarming in more respects than one. First, as I have attempted to emphasize on other occasions and will continue to do, is the national security risk involved in what I consider to be the basically unsound conclusions reached by the task force or rather the majority of the task force. A separate or minority report by the Secretaries of Interior and Commerce and the Chairman of the Federal Power Commission questioned the analysis and the judgments which the task force presents in support of its conclusions. The minority report noted that the task force report stresses the uncertainties of the future and the importance of judgments in shaping its conclusions. But the report fails to convey fully either the magnitude of probable errors in judgments which have been drawn by other recognized authorities, or the significance of these differences.

The minority report says:

We are particularly concerned, (1) because our own judgments on every major issue differ significantly from those of the "Report," and point to a different set of conclusions; (2) because we are acutely aware of unusual uncertainties which currently affect the future of our oil supplies, e.g., important recent tax changes, international unrest, undetermined potentials of frontier producing areas; (3) because changes based on erroneous judgments would subject the U.S. to serious national security risks and would be most difficult if not impossible to reverse; (4) because proposed changes directly affect our designated areas of Departmental responsibility.

Our principal disagreements center around these points:

(1) The national security issue is inadequately anaylzed and presented by the "Report." Data and assumptions are most optimistic and not realistic. United States dependence on unreliable Eastern Hemisphere sources of foreign oil and the probabilities of supply interruptions would be appreciably greater than the "Report" suggests, if imports were to be substantially increased.

(2) The economic issues are not adequately covered in the "Task Force Report," although they are relevant considerations under the national security clause of the Trade Expansion Act. Large scale waste of oil and gas resources would ensue if the "Report's" recommendations were implemented. Various sectors of the economy and parts of the country would be badly hurt.

(3) The cost to the consumer of present oil import controls is grossly overstated in the "Task Force Report."

(4) Fixing the price of oil, a prime objective of the "Task Force Report's" recommended program is impractical and inconsistent with the broad policies of the Administration.

(5) The "Task Force Report's" criticism of State prorationing is inappropriate.

(6) The balance of payments impact of increased imports resulting from the "Report's" recommendations would be increasingly adverse over time.

(7) Technological advances would be retarded by the program proposed in the "Task Force Report."

Mr. President, I agree wholeheartedly with the concern of the heads of the three Government agencies most directly concerned with the Nation's energy resources and the continued development of those resources to meet future needs of the American people.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Americans today enjoy the lowest cost energy in the world and that includes the consumer cost of gasoline, home heating oil, natural gas, and electricity, some of which is generated by natural gas or petroleum.

The thought of the Federal Government using the threat of cheaply produced foreign oil to push the price of domestic crude oil down through a tariff plan is appalling to me. And why the task force has singled out one of our most vital industries, one which furnished 75 percent of the Nation's energy requirements, as a guinea pig for the recommendations of a group of professors and economists with no practical knowledge of or expertise in the oil industry is a mystery, and one that I hope may be explained in forthcoming hearings before the Finance Committee.

In an appendix to the task force report entitled "Observations on Some Points and Questions Raised About the Task Force Report," the first observation is "The report does not recommend fixing the price of oil." However, when Secretary of Labor George P. Shultz appeared before the Senate Subcommittee on Antitrust and Monopoly with the director and members of the task force staff, the chief counsel of the task force staff testified as follows:

> We estimate that under the majority recommendations, that is, just taking the first step, the 30 cent price decline which, by the way, would take place immediately and not after the transition period . . .

Mr. Homet, the chief counsel, did not explain just how this 30-cent price decline would be accomplished—by Government edict, jawboning, or just what.

Only this week Secretary of Labor Shultz was quoted by the press as having delivered a sharp attack on the policy of jawboning in general and the intervention of the White House or the Council of Economic Advisers in specific wage or price decisions. But here we have him as Chairman of the task force which made the recommedations to the President on oil import policy advocating not jawboning or wage-price guidelines, but an entirely new concept of Government intervention into the business sector. The use of tariffs is usually associated with protection of a domestic industry while here we have a plan to raise tariffs, after removing quotas to a level that would force the price of domestic crude down to a predetermined price. This is not price fixing?

Mr. President, the Washington Post carried an editorial last week saying that the task force report on oil imports makes a devastating case against the present system and concludes that—

> It would be indefensible to allow this heavy burden on consumers to remain untouched in the face of persuasive findings that it is not even serving the nation's security interests effectively.

Mr. President, I believe the mandatory oil import program, had it been administered and managed for the purpose for which it was established, could have been more effective in helping maintain a healthy and viable domestic petroleum industry. Even with the exceptions, exemptions, and special deals that have been made, the program has worked well and should be retained.

This conclusion is not only mine but that of all of the oil and gas industry, majors and independents alike. Although the major integrated companies who produce, refine and market both here and abroad would be most likely to survive this double-barrelled assault of tax reform and a rollback in crude oil prices, the efforts of thousands of independents would be lost in the search for oil and gas reserves. Also the competition of the small business inland refiners would also go by the boards without the benefit of the import allocations they now receive under the quota system.

Mr. President, the task force majority did not buy this Rube Goldberg econometric-model-inspired plan devised by a so-called unbiased—as well as uninformed—group of academicians and theorists without some reservations. In fact, the reservations expressed by the Secretaries of Defense, State, and Treasury would preclude adoption of the plan at all.

In his supplementary views, the Secretary of State noted "that basic changes in an oil import program of long standing might provoke serious adverse reactions which could have an important bearing on national security. Before final decisions are made, therefore, this consideration should be taken into account." He added that the State Department may submit to the President further suggestions for and amendments to the program in the light of those security considerations.

The Secretary of the Treasury conditioned his endorsement of the task force proposal by insisting that—

> The new system should be so designed as to involve no more than a gradual increase of imports as total demand expands. Our domestic industry will be expected and encouraged to continue to expand its output and to explore for and develop new sources of crude oil and substitutes; the revised oil import control system should be so managed as to work toward this goal. To this end, changes in import levels and not predetermined price level objectives should guide the program managers in their surveillance of the program.

But, Mr. President, the task force report has based its conclusions and recommendations on predetermined wellhead price levels for the price of crude and, frankly states its intention of price-fixing—in spite of its denial—when it says:

> But price and import volume are directly related; and a tariff system in particular must be developed in relation to a price expected to yield an acceptable volume of imports.

But Secretary Shultz says this is not price fixing.

The report, however, says the Chairman of the task force—Mr. Shultz—is convinced that the evidence now available and developed in this report is sufficient to justify the present adoption of a planning schedule designed to phase in a tariff level of approximately $1.00 per barrel—including the existing tariff over the 3- or 5-year transition period illustrated in tables O and P and with the preferences and safeguards described in part III."

The task force price assumptions are based on different levels of imports that would drive the price of domestic crude progressively from its present $3.30 level at the wellhead in Louisiana to $3, then $2.50 and, in the absence of any import restrictions, the price would be forced down to $2 or less per barrel.

The majority of the task force settled for a $1.35 tariff which, according to the task force would result in an immediate 30-cent price decline, but Chairman Shultz opted for a 90 cents tariff intended to drive the domestic price down to $2.50 per barrel according to the task force assumptions. So rather than the 10-percent price reduction envisioned in the task force recommendations for a $1.35 plus the present 10.5 cent tariff, Secretary Shultz wants to go for broke—that is, for the oil industry—with a 24-percent reduction.

One of the fundamental disagreements with the task force report stressed by the separate report of Interior, Commerce, and FPC, was the economic consequences of the proposal. Imports in the volume permitted in the task force proposal would cause large scale waste of U.S. oil and gas resources:

First. The program recommended in the task force report seeks to put an end to the increasingly efficient oil and gas conservation programs which have been developed and administered by the producing States over the past 25 years.

Second. Production and proved reserves in marginal wells, running into billions of barrels, would be lost forever. At the end of 1968, stripper wells, producing less than 10 barrels each per day, had reserves of 5.5 billion barrels of oil.

Third. Secondary recovery would become less attractive. As a result, less oil would be recovered from known reservoirs.

Fourth. Exploration for new oil and gas fields would cease in all but the most attractive areas. Oil and gas which would be brought to market under the present oil import program would be substantially reduced.

Fifth. The impact of lower crude oil prices on natural gas supplies.

Sixth. Development of any new synthetic fuel industries as alternative sources of liquid hydrocarbons and gas—coal shale, and tar sands—would not occur.

The oil industry's 1.2 million employees would be adversely affected by a substantial reduction in employment in the following areas:

First. Oil exploration and production.

Second. Pipeline construction.

Third. Tanker construction and operation.

Fourth. Oil well servicing.

Fifth. Pipe production by the steel industry.

Sixth. Allied industries.

The 31 oil- and gas-producing States would have significantly reduced revenues from severance taxes, oil leases, and taxes on incomes earned. Federal revenues would be similarly affected. Values of oil in place would fall drastically, reducing the assets of property, royalty,

and shareholders. Bank's collateral would be reduced and the industry's borrowing capacity severely curtailed.

Rather than scrapping the conservation measures worked out over the past 35 years through the interstate compact on oil and gas which was extended by Congress for another 2 years during the last session, the task force would do away, for all practical purposes, with the Interstate Oil Compact Commission and render the various State regulatory agencies invalid as far as oil and gas production is concerned.

Mr. President, I have just received from the executive secretary of that commission a copy of a resolution—which I shall read later—adopted by its executive committee. I ask unanimous consent that the list of 33 member Governors be printed in the RECORD following my remarks.

The ACTING PRESIDENT pro tempore. Without objection it is so ordered. (See exhibit 1.)

Mr. HANSEN. Mr. President, I am happy to note that the 33 member Governors of the Interstate Oil Compact Commission are unanimous in their opposition to such a tariff plan as proposed by the task force and have urged the continuation and refinement of the present quota system.

As a former member of the Interstate Oil and Gas Commission, I fully endorse their views and resolution and also commend these 33 Governors for imploring the President of the United States and the Congress of the United States to reject any type of complete or partial inclusion of a tariff factor intended to supplant the present volumetric import control principle inaugurated by President Eisenhower nearly 11 years ago. We urge its continuation, its refinement, and its constant review to the end that its administration will be accomplished with fairness and justice and in the national interest.

Mr. President, following the release by the President of the task force report, the Washington Post carried an editorial entitled, "New Oil Import Policy in Order."

The Washington Post reacted as might be expected from its past attacks on the oil and gas industry, a more or less reflex action by not only the Post but other news media in the East and Northeast.

Mr. President, since coming to Washington, I have been amazed and dismayed at the hostility of the press toward the oil and gas industry, regardless of what it has or has not done.

The verdict is automatically "guilty" and without the benefit of trial or a right to respond. It is always the same and whether true or not—and I believe the oil and gas industry should be praised rather than pelted—as Chairman WILBUR MILLS of the House Ways and Means Committee said, the oil and gas 27½-percent depletion allowance has become, in the public mind, a symbol of tax inequity. Rightly or wrongly, that percentage has now been reduced to 22, a loss of more than one-fourth of the allowance plus other provisions in the Tax Reform Act which will add some $600 million a year to the industry's cost of doing business. This was in the face of mounting costs incurred by the industry and its higher and higher exploration and development costs as the search for new reserves went deeper and deeper in both onshore and offshore wells.

Actually, as I pointed out earlier, crude oil and oil product prices have remained remarkably stable since the oil import program was established 11 years ago and especially during recent inflation years. And I believe the price increases that have been made would prove far smaller, percentagewise, than the subscription and advertising rate increases of the Washington Post during the same period. I am making a study of this comparison and will comment on the results later.

But regardless of the motives involved in the anti-oil syndrome so prevalent in this part of the country, I answered the charges made in the editorial and I ask unanimous consent that my letter to the editor be printed in the RECORD following my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. (See exhibit 2.)

Mr. HANSEN. Mr. President, as part of the record of the Antitrust Subcommittee hearings this week, an appendix entitled "Observations on Some Points and Questions Raised About the Task Force Report" was introduced.

I would like to comment on one part of that appendix which made the following observation, and I quote:

> There may be a weakness in the majority's recommendation of an observation period before the decision is made whether to reduce the tariff to an equilibrium level of $1.00 (or whatever). It assumes that all reactions to the new policy during this period will be non-strategic, and that "objective" facts will be produced to support the decision. But the industry is capable of behaving irrationally for short periods, and even of contriving an apparent disaster by ceasing exploration, dramatically revising its reserve additions downward, closing up intramarginal properties prematurely, etc. Not every firm would do this, but enough might do so (from panic or for calculated strategic reasons) to produce an appearance of crisis calling for immediate "corrective" action, e.g., return to quota restrictions plus a curative dose of higher prices than before the "ill-advised" change to a tariff system. The industry associations could help to produce such an impression. A dramatic increase in imports might well accompany it—after all, the same firms can influence both the domestic reserves and the import reactions. And we must not forget that the "facts" for decision will be produced largely by these same firms and associations.
>
> The industry is not monopolistic enough to sustain a false reaction over an extended period; in the long run the normal commercial motives will reassert themselves and objective facts would win out. But we have no assured means of preventing over-reaction or downright manipulation in the short run, nor is it clear how the administration would distinguish between a fake disaster and a real one. This does put a premium on improving the quality and reliability of statistical information as recommended in the report (p. 345b), so as at least to free the program managers from conclusory industry assertions.

Mr. President, short of substantive proof, I cannot believe these were the words of Secretary Shultz.

I hope this issue may be resolved on its merits and not on such emotional speculative and presumptive statements as the one I have just quoted.

Mr. President, the resolution which has been ratified by the Interstate Oil Compact Commission and signed by 33 Governors, represents the conviction of two-thirds of our Governors. It is well worth heeding.

It reads as follows:

RESOLUTION

The President's Cabinet Task Force on Oil Import Control has submitted to the President the results of its review of the oil import control system.

The Task Force majority reportedly favors replacing the 11-year-old quota system with a phased-in differential tariff on foreign oil as the restrictive mechanism for the specific purpose of reducing or manipulating the domestic wellhead price of crude oil.

The Secretaries of Commerce and Interior and the Chairman of the Federal Power Commission dissent from the majority in their staunch opposition to the tariff concept and urge the continuation and refinement of the present quota system.

During its 35 years of existence, the Interstate Oil Compact Commission has consistently fostered petroleum conservation polices, including foreign oil import control principles, that promote the orderly and adequate development of domestic oil and gas reserves, the prevention of waste, and the protection of correlative property rights.

These sound and time-tested policies, nurtured in the economic, social, and political environment of this nation, have stimulated the conception and improvement of petroleum industry technology in use throughout the world.

Moreover, these same policies have helped immeasurably this nation to maintain its economic and military strength and its energy independence through two world wars, two Middle East crises, the Far East involvement and the current tensions in the Arab world.

It is the firm conviction of this Compact that these proved sound polices must be continued and improved and that the national interest must *not* be jeopardized by the imposition of a full or even partial tariff factor in the foreign oil import control mechanism.

While it is not the purview of the Interstate Oil Compact Commission to concern itself with petroleum prices, inasmuch as it is the announced intention of the report of the Cabinet Task Force on Oil Imports to artificially manipulate the price of crude oil by a selective, arbitrary, and variable tariff system, it is only fitting and equitable that the impact of such a program be called to the attention of those who will eventually pass judgment on the Cabinet report.

Any foreign oil import tariff that forces lower crude oil prices can only result in damage and harm to the entire nation. Some of the more prominent victims of such destructive forces will be:

1. *Consumers of petroleum products.*—The cost of petroleum products to all domestic consumers will increase by an amount equal to or greater than the tariff imposed. Consumers located distances from coastal refining facilities will also be faced with added product transportation costs.

2. *State and local governments and school systems.*—The inevitable loss in revenues from ad valorem, severance and production taxes that will result from reduced crude oil prices and premature well abandonments will do great damage to the economy and to the educational systems of all of the oil producing states.

3. *National defense.*—Forced crude oil price reductions will reduce this nation's petroleum producing ability to an amount that

is less than our present military and civilian day-to-day needs. Dependence on foreign oil will result.

4. *Natural gas reserves.*—For the first time in the life of this Compact recent natural gas shortages have jeopardized the flow of gas to manufacturing plants. Reduced exploration drilling that will result from reduced crude oil prices will accelerate this coming natural gas supply crisis.

5. *Petrochemical industry.*—Domestic oil and natural gas liquids are the predominant feedstocks for the petrochemical industry that has invested over $19 billion in plants and employs some 320,000 persons in many states.

The huge liquified petroleum gas industry furnishes fuel to industries and remote consumers in practically every state.

6. *New petroleum provinces.*—The imposition of a tariff on foreign oil, even if a quota system base of import control is retained, will reduce the tremendous amounts of capital necessary to effectively explore: the Arctic areas of Alaska; the offshore areas of the East Coast, the submerged Gulf Coast and the West Coast of the United States; and the deep petroleum provinces that yet remain to be tested within the Continental United States.

7. *Existing petroleum reserves.*—The older high-cost producing reserves that now supply large quantities of oil, natural gas and natural gas liquids to domestic markets, will be abandoned prematurely. Victims of this great loss will be the independent producers, the smaller refiners and their customers, many industries and the ultimate consumers.

8. *Alternate energy source.*—Of all of this nation's economically recoverable energy sources—coal, shale oil, tar sands, uranium and petroleum, oil and gas are the most abundant, most flexible, most desirable and cheapest due principally to the laws and regulations under which this industry has operated for so many years.

Reduced crude oil prices will postpone, even stagnate, the urgently needed development of all alternate energy sources. Dependence on foreign oil is therefore assured and accelerated.

9. *Balance of payments.*—The intended objective of any tariff plan is to reduce domestic crude oil prices which will force abandonment of domestic wells and increase the quantity of foreign oil imported.

The United States balance of payments will therefore be affected adversely and add to the economic instability of the nation.

10. *United States foreign policy.*—The differential tariff concept, reportedly provides for "low" Canadian "intermediate" other Western Hemisphere, and "high" Eastern Hemisphere tariff levels, regardless of the quality of the crude oil imported.

This categorization of trade policies with free world nations can only invite punitive retaliation and strain the foreign relationships with all nations.

In the light of these consequences:

Be it resolved: The Executive Committee of the Interstate Oil Compact Commission meeting this 16th day of February, 1970 in Dallas, Texas, reaffirms its past positions on the subject of the Mandatory Oil Import Control Program and further urges:

The President of the United States, and the Congress of the United States to reject any type of complete or partial inclusion of a tariff factor intended to supplant the present volumetric import control principle inaugurated by President Eisenhower nearly 11 years ago. We urge its continuation, its refinement and its constant review to the end that its administration will be accomplished with fairness and justice and in the national interest.

I, W. Timothy Dowd, Executive Secretary of the Interstate Oil Compact Commission, do hereby certify that the above and foregoing is a true and correct copy of a resolution adopted by the Executive Committee of the Interstate Oil Compact Commission, in meeting duly assembled at Dallas, Texas, on the 16th day of February, 1970.

W. Timothy Dowd.

Exhibit 1

Interstate Oil Compact Commission

member state and governor

Alabama, Albert P. Brewer.
Alaska, Keith H. Miller.
Arizona, Jack Williams.
Arkansas, Winthrop Rockefeller.
Colorado, John A. Love.
Florida, Claude R. Kirk, Jr.
Georgia,* Lester Maddox.
Idaho,* Don Samuelson.
Illinois, Richard B. Ogilvie.
Indiana, Edgar D. Whitcomb.
Kansas, Robert B. Docking.
Kentucky, Louie B. Nunn.
Louisiana, John J. McKeithen.
Maryland, Marvin Mandel.
Michigan, William G. Milliken.
Mississippi, John Bell Williams.
Montana, Forrest H. Anderson.
Nebraska, Norbert T. Tiemann.
Nevada, Paul Laxalt.
New Mexico, David F. Cargo.
New York, Nelson A. Rockefeller.
North Dakota, William L. Guy.
Ohio, James A. Rhodes.
Oklahoma, Dewey F. Bartlett.
Oregon,* Tom McCall.
Pennsylvania, Raymond P. Shafer.
South Dakota, Frank L. Farrar.
Tennessee, Buford Ellington.
Texas Preston D. Smith.
Utah, Calvin L. Rampton.
Washington,* Daniel J. Evans.
West Virginia, Arch A. Moore, Jr.
Wyoming, Stanley K. Hathaway.

*Associate Members—States which have a conservation law but do not have any oil or gas production at present.

Exhibit 2

U.S. Senate,
Committee on Finance,
Washington, D.C., March 4, 1970.

Benjamin Bradlee,
Editor, Washington Post,
Washington, D.C.

Dear Mr. Bradlee: I certainly agree with the title of your recent editorial, "New Oil Import Policy in Order," but I would suggest that you examine the report of the Cabinet Task Force on Oil Import Control in more detail before endorsing the tariff plan recommended by a majority of the Task Force.

You mentioned that only two members of the Cabinet Level Task Force dissented from the majority recommendations. These two were the Secretaries of the Departments of Interior and Commerce who were joined by the Chairman of the Federal Power Commission in a separate report which opposes scrapping of the present quota system and offers alternatives for revising the present program and correcting its inequities.

These three agencies are more directly concerned with the nation's energy resources and requirements than any of the other five represented on the Task Force—Labor, Treasury, State, Defense, and the Office of Emergency Preparedness.

The "special arrangements and exceptions for purposes essentially unrelated to national security," which you say, "makes a devastating case against the present system" were authorized by former Secretary of Interior Stewart L. Udall, and were, indeed, unrelated to the national security clause of the Trade Expansion Act, the legal basis for the Mandatory Oil Import Program.

These exceptions, exemptions and special deals had so riddled the program that something had to be done about several pending applications that were unrelated to the basic concepts of the program. After the special exceptions were granted by Udall in Puerto Rico and the Virgin Islands, the controversial application for another special exception by the Port of Maine Authority, and similar applications in Hawaii and Savannah, Georgia, had to be decided. The appointment of the Cabinet Level Task Force was President Nixon's answer.

Because of these exceptions and others that permit unlimited imports of residual fuel oil (industrial) into the East Coast area and Canadian imports running far above amounts agreed on, total imports of oil and oil products into the United States are now running at a rate of more than 25 percent of U.S. production, although the Mandatory Oil Import Program set a limit of 12.2 percent for all areas except to the West Coast where imports are allowed to make up the difference between actual production in those states and the market demand.

Actually, more than 40 percent of the total oil product supply to the entire east coast is now imported and even the Task Force majority could find no history of a real shortage of home heating oil in New England states or higher prices, as has been claimed for that area except higher retail dealer mark-ups.

Aside from the national security risks of becoming dependent on unreliable foreign sources of oil—and these arguments are compelling enough—the Task Force report and analysis neither mentions nor apparently considers the fact that crude oil and crude oil product prices have remained remarkably stable since 1959 when the present Mandatory Oil Import Quota System was established as compared with other consumer products. The data show that, excluding excise taxes, the service station price for regular gasoline obtained by averaging data for more than 50 cities, had by 1969 gone up only 11.9 percent over the 1958–59 average while the Bureau of Labor statistics consumer price index has risen 26.3 percent.

And out of the 2.525 cents per gallon average increase in service station prices for gasoline from 1958–59 to 1969, 1.57 cents per gallon, or 62 percent, went to dealers in higher margins.

For home heating oil during this period, out of a 1.75 cent per gallon rise, 77 percent went to retailers in higher dealer margins. As for crude oil itself, while 1969 crude prices had risen only 3.6 percent above the 1958–59 average, the wholesale price index for industrial commodities had risen by 12.3 percent.

As to the overall costs of the oil import program which you say is indefensible, former Undersecretary of Interior Russell E. Train, who has just been named Chairman of the President's Council on Environmental Quality explained it this way:

"I would like to begin my remarks by inviting attention to one of these aspects that seems to have drawn more notice than any of the others; that is, the subject of costs, primarily as they apply to petroleum energy. There has been a great deal of confusion as to the meaning of the figures that have been used to describe the cost of the current oil import control program. Basically, two kinds of costs have claimed most of the attention."

"There is, first, the *cost to the consumer* of the present program. This is measured by the increased price the consumer of oil products must pay because of the existence of an oil security program. The price that the consumer pays under the present oil import program includes not only the moneys required to provide the physical capacity to produce additional oil in the United States but also payments to all producers of oil because of the higher price of domestic crude oil. The cost to the consumer, therefore, consists of two parts: (1) payments required to bring forth the additional production generated by the program, and (2) transfers

from the consumer to the producers and refiners of all oil."

"The cost of the program to the nation, often called the *resource cost*, measures the additional economic resources of labor, materials, equipment, and capital required to produce additional oil in the United States or to provide other forms of emergency oil supplies to the United States."

"The resource cost is, therefore, the difference between the price of foreign oil in U.S. markets and our own cost of producing that part of our oil that we could buy more cheaply from foreign sources. It measures the marginal segment of our production that costs us more to produce at home than it does to buy abroad. This is a net cost to the economy that cannot be made to disappear by passing it around from one sector to another."

"In the nature of the case, there is a large difference between these two cost figures due to the large element of transfer payments between various parts of the economy. Costs of the present program to consumers have been estimated as high as seven billion dollars based on 1975 use rates, compared with resource cost of about one billion dollars annually. But it is the lower figure—the net cost to the nation after all the transfers from one American pocket to another have been wrung out—that is the true measurement of the premium we are paying to have a reliable oil supply in support of our national security. It appears to be quite modest in comparison with some of the other cost elements of our national security. A nuclear-powered aircraft carrier, with its embarked aircraft and defensive screen, costs somewhat over two billion dollars, and our total expenditures for defense purposes this year will exceed eighty billion dollars."

But even the Task Force report left the consumer out in the cold as far as any real or actual savings at the gas pump or in home heating oil are concerned.

"Consumers generally," the report states, "would no longer receive whatever benefits they now receive from low-cost imported oil. The tariff would appropriate the difference between foreign and U.S. prices (to the U.S. Treasury). Some of that difference may now be passed through to consumers. To that extent, the tariff would raise consumer prices. But consumer prices can be made to decline steadily by combining an initially high but steadily declining tariff with a steadily decreasing tariff-free quota."

It is, as you say, essentially a modest and cautious program. It proposes to bleed the petroleum industry to death gradually with a "phased-in liberalization of the policy" rather than kill it off instantly. The first blood-letting has already taken place in the Tax Reform Act which added some $600 million a year to the industry's tax bill. The next step now recommended by the Doctors of Philosophy and Economic Professors who made up the Task Force staff would reduce crude oil prices by 10 percent and eventually by much more than that at a time when the oil industry needs to invest huge amounts in exploration and development of increased oil and gas supplies in the U.S. We are now importing more than one-fourth of our oil needs and will probably have to import more as our use expands. But the only way to keep foreign oil available and cheap is to have the reserve capacity available from reliable sources to guarantee self-sufficiency and avoid dependency on sources that could be denied us overnight.

In my opinion, tariff on oil imports into the U.S. would be an unsatisfactory mechanism for achieving the precise volumetric control needed for national security.

A tariff designed to reduce the price of U.S. crude oil would endanger the national security by threatening the health of the domestic petroleum industry, putting the U.S. at the mercy of foreign countries whose interests may be opposed to our own, causing a further deterioration in our balance of payments position, and shifting the global balance of power away from us.

Even short-term benefits which might accrue to the U.S. consumer from such a tariff—and these are highly dubious—would soon be swallowed up by an increase in world crude oil prices and in the price of domestic natural gas. Federal government increases in revenue from a tariff would be offset by a decline in domestic taxes and royalties and the states would lose in taxes, employment, and purchasing power.

The net result of a tariff would be a loss to the nation in military effectiveness, economic stability, and political influence.

The supplementary and differing views of the Chairman of the Federal Power Commission are positive and emphatic. "Adoption of the Task Force plan will not only disrupt the oil and gas industry, but will affect our total energy resource utilization, and consumer demand for 75% of our current energy base."

The FPC report continues:

"The Task Force Report has virtually ignored the natural gas sector and accordingly, has erred in this conclusion that adoption of the Task Force tariff-based oil import plan will not adversely affect the national security. Exploration, development and production of natural gas and oil are not practicably separable. Twenty-five oil companies produce 68% of the natural gas sold in interstate commerce in the United States. However, the independent oil and gas producers found approximately 80% of the new gas and oil fields discovered in 1967 in the interior basis of the United States. In 1968, the regulated pipeline and distribution companies produced only 8.1% of the gas transported through their systems. The natural gas industry is dependent almost entirely on the oil companies or independent producers of oil and gas for its basic gas supply. Drastic reduction of oil prices over a term of 3–5 years will significantly reduce additions to natural gas reserves, curtail the growth of the natural gas energy sector, and increase consumer costs."

"The domestic industry supplies as much energy in the form of natural gas as in the form of crude oil. At the point of production, the average price is about $3.00 a barrel for crude oil and less than $1.20 for the equivalent energy as natural gas. The average cost of domestic petroleum energy equivalent to a barrel of crude oil is one-half of the sum of these two figures or $2.10, which is about as cheap as foreign crude oil can be delivered to U.S. ports."

So these are really the basic issues involved in the oil import controversy.

Undoubtedly, we could have cheaper dairy products, meat, shoes, clothing, oil, automobiles, TV sets, and many other consumer items if we are willing to open our markets to massive imports of these products which are produced by workers paid far less than U.S. workers.

But before bargaining off what little protection we have left for American workers employed in competitive industries, I hope that those who advocate such liberal trade policies will study some statistics and hard facts of comparative U.S. wage levels and U.S. standards of living as compared with the countries from which these imports are coming.

American consumers have made such wages illegal and impossible through their elected representatives and the minimum laws, obligatory collective bargaining, and other laws that have been enacted during the years.

The U.S. consumer and those who represent them in Congress must learn to act responsibly and to forgo their inclination to eat their cake and still have it as far as imports are concerned.

And those who advocate control of domestic prices by a flood of cheaply produced foreign oil or any other competitive import may well have to suffer the consequences of the massive unemployment that will surely follow.

The separate report of Interior, Commerce and FPC offers a well-reasoned and documented rebuttal to the Task Force plan and a sensible alternative plan for revision of the Mandatory Oil Import Program.

Also the President in deferring action on the Task Force recommendations said he expected the new oil policy committee to "consider both interim and long-term adjustments that will increase the effectiveness and enhance the equity of the oil import program . . . as well as the information developed in proposed Congressional hearings."

Hearings have already been scheduled by the appropriate committees of both the House and Senate during which the differing views of both the majority and minority of the Task Force will be considered and I invite your attention again to the separate and opposing views which were included in the Task Force report.

Sincerely,

CLIFFORD P. HANSEN,
U.S. Senator.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. The Senate will now proceed to the transaction of routine morning business, with statements limited to 3 minutes.

Mr. SYMINGTON. Mr. President, I ask unanimous consent that I may proceed for 5 minutes.

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

G. McMURTRIE GODLEY—AMBASSADOR OR PROCONSUL IN LAOS

Mr. SYMINGTON. Mr. President, last month an Associated Press story with a Vientiane, Laos, dateline reported on the activities in Laos of three American newsmen; and also gave a statement, purportedly made by U.S. Ambassador to Laos, G. McMurtrie Godley, that "the American mission has lost any interest in helping out the press whatscever because of what happened this afternoon."

I ask unanimous consent that this newsstory of last February 24 be inserted at this point in the RECORD.

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

LAOTIANS ARREST THREE NEWSMEN

VIENTIANE, LAOS.—Laotian army troops today arrested three Western newsmen who made their way unannounced to the government base at Long Cheng. They were later released to a U.S. Embassy official.

G. McMurtrie Godley, the U.S. ambassador to Vientiane, said in a statement that "the American mission has lost any interest in helping out the press whatsoever because of what happened this afternoon." He did not elaborate.

The newsmen arrested were John Saar of Life magazine, Max Coiffait, of Agency France Press, and Timothy Allman, a part-time employe for the New York Times and Bangkok Post.

Newsmen attempting to cover the fast-breaking developments in Laos have been forced to rely largely on American mission sources for their information, and on the mission for transportation to battle areas.

The U.S. mission has been reluctant to intercede with the Laotian government to

help newsmen visit areas where fighting is going on.

Saar, Coiffait and Allman were among a group of newsmen who last week made a visit to Sam Thong, a supply and medical center southwest of the Plain of Jars. They had chartered an Air America transport plane with the consent of the U.S. Embassy and the Laotian government.

The three newsmen were last seen walking along a road leading to Long Cheng, headquarters for Gen. Vang Pao, 15 miles away.

Vang commands Laotian forces in the area.

Mr. SYMINGTON. Mr. President, yesterday the State Department released a summary of some correspondence that, as chairman of the Subcommittee on U.S. Security Agreements and Commitments Abroad of the Senate Foreign Relations Committee, I have had with the Secretary of State in connection with the desire of the subcommittee to hear Ambassador Godley. I ask unanimous consent that a letter from me of February 25 to the Secretary of State, also a letter from me to him a week later, March 2, plus the Secretary's reply of March 4, plus my reply of March 5 to that letter, be inserted at this point in the RECORD.

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

SUBCOMMITTEE ON U.S. SECURITY AGREEMENT AND COMMITMENTS ABROAD

February 25, 1970.

Hon. WILLIAM P. ROGERS,
Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: In view of recent press reports of serious fighting in Laos, and the difficulties which have been reported by press representatives in Laos in ascertaining the facts, we request that Ambassador G. McMurtrie Godley be directed to return to Washington as soon as possible to appear before the Subcommittee on United States Security Agreements and Commitments Abroad.

Sincerely yours,

STUART SYMINGTON,
Chairman.

MARCH 2, 1970.

Hon. WILLIAM P. ROGERS,
Secretary of State, Department of State, Washington, D.C.

DEAR MR. SECRETARY: On February 25 we requested that Ambassador Godley appear at his earliest convenience before the Subcommittee on United States Security Agreements and Commitments Abroad of the Foreign Relations Committee.

Would you kindly let us know when we can expect his appearance.

Sincerely,

STUART SYMINGTON.

THE SECRETARY OF STATE,
Washington, March 4, 1970.

Hon. STUART SYMINGTON,
Chairman, Subcommittee on U.S. Security Agreements and Commitments Abroad, Committee on Foreign Relations, U.S. Senate.

DEAR STU: I have received your letter of February 25th requesting that Ambassador Godley be brought back to appear before your Subcommittee on United States Security Agreements and Commitments Abroad.

I am sure you will understand that because of the serious situation presently existing in Laos, it is not possible to say at this time exactly when Ambassador Godley will be available. As soon as the situation makes it feasible for him to return to this country, we will arrange to have him do so and he will of course be prepared to appear before your Subcommittee at that time.

With best personal regards,

Sincerely,

WILLIAM P. ROGERS.

MARCH 5, 1970.

Hon. WILLIAM P. ROGERS,
Secretary of State, Department of State, Washington, D.C.

DEAR BILL: Acknowledging your note of March 4 re Ambassador Godley, could you let us know when we can expect him? We are anxious to have him as soon as possible.

Warm regards.

Sincerely,

STUART SYMINGTON.

Mr. SYMINGTON. Mr. President, I regret that apparently Ambassador Godley will not be available for some time, because it would seem that it is in the public interest for him to appear before the subcommittee as soon as possible.

If our fighting is to continue in Laos, however, I can understand why there is no desire to return the Ambassador, because when I was last in Laos, some 2½ years ago, the Ambassador at that time, in addition to his normal State Department functions, was not only directly supervising the extensive military and nonmilitary activities of the various U.S. intelligence agencies in that country, but was also directing the time, place, and nature of all other U.S. military activities against North Laos.

In passing, although traveling on official business as a member of both the Senate Foreign Relations Committee and the Senate Armed Services Committee, even then I was not fully informed of some of our military activities, at the time of this visit or on previous visits; and only learned of these activities as a result of sworn testimony before the subcommittee in question during hearings held last October.

I did learn, however, that at that time the Ambassador was also acting as chief of staff of U.S. military efforts in the northern part of that country; and if that is what he is doing now, and because recently there has been heavy escalation of U.S. participation in this northern Laos war, I can understand why there is some resistance to bringing him back at this time.

I would hope, however, that as soon as possible we can find out more about just what is going on in that country; and Ambassador Godley—based on his duties, perhaps it would be better to call him Proconsul Godley—is obviously the best person to supply that information.

As background to the importance of this request is an article in the press this morning, which article says that Prince Souvanna Phouma of Laos is apparently now following the sanctuary policy of Prince Sihanouk of Cambodia; this in that he is now offering to the military forces of North Vietnam free access to the Ho Chi Minh trails that are supplying the enemy in South Vietnam; this offer provided the North Vietnamese desist in their offensive action against Northern Laos.

I ask unanimous consent that this article this morning in the Washington Post, entitled "Laos Offers Hanoi Trail Use if It Quits Rest of Country" be inserted at this point in the RECORD.

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

[From the Washington Post, Mar. 6, 1970]

LAOS OFFERS HANOI TRAIL USE IF IT QUITS REST OF COUNTRY

VIENTIANE, March 6.—Prime Minister Prince Souvanna Phouma reiterated today he would tolerate North Vietnamese use of the Ho Chi Minh trail through southern Laos if the North Vietnamese would withdraw from the rest of the country.

"I told the ambassador from North Vietnam last year that we will accept the use of the trail by North Vietnamese troops with the condition that those troops withdrew from the important regions of Laos," he told a news conference.

Souvanna's renewal of the offer comes almost on the eve of an expected White House announcement this week shedding new light on the U.S. role in Laos, where the main U.S. involvement is in blocking the North Vietnamese supply route to South Vietnam over the Ho Chi Minh Trail. The renewal offer also comes as the Laotian government is under increased military pressure from the North Vietnamese.

When he first made the offer, Hanoi rejected it because he would not invoke his authority to tell the Americans to stop bombing the trail. He said publicly that he had told the North Vietnamese that what happened around the trail was between them and the Americans.

The Premier said: "The Ho Chi Minh Trail, after all, runs across the deserted part of our country. What we would like to see is that the North Vietnamese will not come to destroy our towns, villages and economy."

Prince Souvanna was asked if American air raids over Laos constituted a violation of the 1962 Geneva agreement. He replied, "No. You must distinguish between two things—cause and effect. The cause is the North Vietnamese interference in Laos.

"After 1962, there was no withdrawal of North Vietnamese troops, and I asked for American intervention only in May, 1964, after the North Vietnamese had attacked the neutralist forces in the Plain of Jars. Remove the cause and the effect will disappear, withdraw the North Vietnamese troops and the bombing will stop."

Asked if American planes would also stop bombing the Ho Chi Minh Trail, he said, "I cannot say. That is a matter for the Americans to decide."

Prince Souvanna said he did not consider the fall of the Plain of Jars dramatic because this was only a return to the situation of five years ago when the North Vietnamese first overran the plain.

He said, however, "This offensive is different by virtue of the use of tanks, of new model artillery . . ." But, he added, "no matter what will happen, we remain confident in facing the danger."

The Premier said he would not accept aid in the form of foreign troops to fight against the North Vietnamese. "We want to limit the invasion and we don't want other foreign troops other than the North Vietnamese who are already here," he said.

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

Mr. SYMINGTON. I am glad to yield to my able and distinguished colleague from Idaho.

Mr. CHURCH. Mr. President, I want to commend the Senator from Missouri for his persistent efforts to get the facts concerning the nature and extent of the American involvement in Laos. During my lifetime, this country has fought two

undeclared wars. This is the first time it has fought an undisclosed war.

The American people are entitled to have all of the facts, and to have them now. If the President does make a full disclosure this weekend, I think much of the credit will go to the Senator from Missouri and to other members of the Foreign Relations Committee who have been insisting that the cloak of secrecy be removed from our involvement in the combat in Laos, and that the American people have a complete and full statement given them concerning the facts.

I think the Senator renders a great service to the country, and I simply want to associate myself with his effort and commend him for what he is doing.

Mr. SYMINGTON. I thank the distinguished Senator from Idaho, one of the wisest of all members of the Foreign Relations Committee. He is much too kind in what he says with respect to my activities. I would say that he, as well as two distinguished Senators I see on the floor this morning, the able majority leader and the able senior Senator from Oregon (Mr. HATFIELD), have had at least as much to do with the bringing out this problem.

I have not necessarily criticized what was going on in Laos, from the standpoint of whether it is right, or whether it is wrong. I have my opinions, but I do not know. What I do know, however, as the able Senator from Idaho has so ably pointed out, is that this is the first undisclosed war, to the best of his or my knowledge, we have ever fought with the military forces of the United States; and our military forces are just as much air and sea as they are ground.

Therefore, the primary thrust of what I have been trying to do, and, what is more important, what the subcommittee which I have the honor to chair has been trying to do, is to get the facts before the people. In this connection, we are only following the recommendation of President Nixon presented in the first paragraph of his televised speech last November 3. I ask unanimous consent that the first paragraph of that address be inserted at this point in the RECORD.

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

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.

Mr. MANSFIELD. Mr. President, I wish to associate myself with the remarks of the distinguished Senator from Missouri, who has been doing an outstanding job, in executive session, in trying to lay the facts before the committee, at least, and, hopefully, the Senate and the American people, in terms of just what our involvement is in the arc all the way from Thailand to Korea in the north, with a number of countries in between.

I am glad to note by press accounts that there is a good possibility that the administration will make a statement on Laos very shortly; and I am very hopeful that an accord can be reached between the distinguished chairman of the Symington subcommittee and the State Department, which will bring about a release of at least as much of the hearings—and without violating security—which have been held up by the State Department and which have been held in a state of limbo for 5 months up to this day.

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

Mr. MANSFIELD. I yield.

Mr. SYMINGTON. I appreciate the remarks of the distinguished majority leader. It is universally recognized in this body as well as in the other body where he served long and well that no one knows more about the history of what was Indochina and the Far East, than does he. I am grateful that he emphasizes the fact we are all trying not to criticize necessarily what is going on, but to find out what is going on, policies, programs, and actions that have to do with lives of young Americans and the treasure of all of us.

Mr. MANSFIELD. May I express my thanks to the distinguished Senator from Missouri and say that the suggestions which have been made should react, in my opinion, to the benefit of the administration. I am well aware of the fact that the President did not start this war. He inherited it and he is saddled with it. I am hopeful, when he has made his statement, and an accord can be reached between the State Department and the distinguished Senator from Missouri, that the fires which are rapidly spreading will at least be damped as a result.

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

Mr. MANSFIELD. I yield.

Mr. HATFIELD. Mr. President, I associate myself with the comments of the distinguished Senator from Missouri this morning. I would hope that out of these disclosures, or out of further contact with the Defense Department, among other things we might obtain any new definitions of what constitutes a "combatant" or a "military action."

There has been a great deal of discussion, both in the public press and otherwise, that we have people in civilian clothes operating in a military capacity.

If we have some new definitions as to what constitutes involvement, depending upon the kind of clothes that people wear, I think we ought to get that clearly understood as well.

So I hope the Senator will press forward as he has been doing, not only to obtain full disclosure of the facts, but for any new definitions being applied today that are not in the conventional or familiar form of the definitions as we have known them, as to what constitutes "military involvement," and what might constitute "CIA involvement."

The ACTING PRESIDENT pro tempore. The time allotted to the Senator from Montana has expired.

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

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

DR. MENNINGER FAVORS LOWERING THE VOTING AGE TO 18

Mr. MANSFIELD. Mr. President, Dr. W. Walter Menninger is the youngest member and the only psychiatrist on the 13-member National Commission on the Causes and Prevention of Violence. This Commission was appointed by President Johnson in June of 1968. Its report was made in December 1969.

Dr. Menninger is the third generation member of the famous Topeka psychiatric family and the youngest son of the late Dr. William Menninger, cofounder of the Menninger Foundation, a nonprofit center for professional education, research, prevention, and treatment in psychiatry.

Dr. Menninger received his undergraduate degree from Stanford University where he was elected to Phi Beta Kappa. His medical education was at Cornell University Medical College, New York, where he was named to the fraternity of academic scholarship, Alpha Omega Alpha in his third year.

He interned with the Harvard Medical Service at Boston City Hospital and took psychiatric training with the Menninger School of Psychiatry in Topeka.

He has been certified by the American Board of Neurology and Psychiatry. He is a fellow in both the American Psychiatric Association and the American College of Physicians.

In September 1967 Dr. Menninger was appointed by the Surgeon General of the U.S. Public Health Service and the Secretary of Health, Education, and Welfare to a 4-year term on the National Advisory Health Council.

During the past 2 years, Dr. Menninger has followed in the footsteps of his renowned father, who addressed some 25 State legislatures on mental health matters.

He was the keynote speaker for the Association for Education in Journalism National Convention in 1968, speaking on the subject "Roots of Violence."

Dr. Menninger's writings include articles on "Reactions to Violence," first printed in the Stanford Alumni Almanac, reprinted by the Los Angeles Times: "Roots of Violence," "Student Demonstrations and Confrontations." Professional writings include articles on hospital psychiatry, Peace Corps psychiatric experience, confidentiality, rehabilitation, and psychiatric perspectives on violence.

In addition to his work in Topeka, he served for 2 years with the Peace Corps Medical Program Division and is currently a senior psychiatric consultant to the Peace Corps.

He has also been active in the area of prison reform. Five years ago he was named by the Director of the Federal Bureau of Prisons as the only physician and psychiatrist on a four-member panel to review the Federal prisons' health services.

Since 1965, Dr. Menninger has served

as psychiatric consultant to the Topeka Police Department.

For his activities in his home State he has been designated "Kansan of Achievement in 1969" by the Topeka Capital-Journal.

Dr. Menninger as an undergraduate at Stanford University proved himself an effective managing editor of the Stanford Daily.

I ask unanimous consent that the statement made by the distinguished Dr. Menninger on February 16, 1970, before the Subcommittee on Constitutional Amendments of the Committee on the Judiciary, having to do with lowering the voting age to 18, be printed in the RECORD at this point.

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

LOWERING THE VOTING AGE TO 18

(By W. Walter Menninger, M.D.)

INTRODUCTION

It is a special pleasure and honor to be asked to meet with this Subcommittee to share some views on the proposal to lower the voting age in our nation to 18. Today, I come before you as a representative of the National Commission on the Causes and Prevention of Violence, which in our report—*To Establish Justice, To Insure Domestic Tranquility*—went on record stating:

"We recommend that the Constitution of the United States be amended to lower the voting age for all state and Federal elections to eighteen."

To some extent, my presence here is like carrying coals to Newcastle, since two members of the Committee on the Judiciary of the United States Senate were fellow Commissioners with me: Senator Roman Hruska, who sits with this subcommittee; and Senator Philip Hart.

In addition to sharing with you the thinking of the Violence Commission, however, I wish to review this issue from my vantage point as a psychiatrist and student of human behavior. In addition to my clinical work, my perspective includes experience as a senior psychiatric consultant to and former staff member of the Peace Corps, and work in training VISTA volunteers. I have attempted to keep in contact with college students and be aware of their views, and through my wife's activities as a member of the Board of Education in Topeka, Kansas, I have some sense of the views of high school students in our area.

VIEWS OF THE VIOLENCE COMMISSION

In the early deliberations of the Commission on the Causes and Prevention of Violence, we formulated some themes of challenge which we presented in a Progress Report in January, 1969, to President Lyndon Johnson. One of those themes:

"The key to much of the violence in our society seems to lie with the young. Our youth account for an ever increasing percentage of crime, greater than their increasing percentage of the population. The thrust of much of the group protest and collective violence on the campus, in the ghettos, in the streets, is provided by our young people. It may be here, with tomorrow's generation, that much of the emphasis of our studies and the national response should lie."

Our concern with the relationship of youth and violence prompted our issuing two statements touching on youth, a statement on Campus Disorder, and a statement on Challenging Our Youth. Let me share with you excerpts of those statements which have some relevance to the subject of discussion today. At the same time, may I refer you to the complete statements which are chapters in our final report:

"Violence by the young, as by persons of all ages, has multiple causes, involving many elements of personality and social environment . . .

"Many of the young people in the nation today, however, are highly motivated by the ideals of justice, equality, candor, peace—fundamental values which their intellectual and spiritual heritage has taught them to honor . . .

"They speak eloquently and passionately of the gap between the ideals we preach and the many social injustices remaining to be corrected. They see a nation which has the capacity to provide food, shelter, and education for all, but has not devised the procedures, opportunities, or social institutions that bring about this result. They see a society built on the principle of human equality that has not assured equal opportunity in life. With the fresh energy and idealism of the young, they are impatient with the progress that has been made and are eager to attack these and other key problems. A combination of high ideals, tremendous energy, impatience at the rate of progress, and lack of constructive means for effecting change has led some of today's youth into disruptive and at times violent tactics for translating ideals into reality . . .

"The nation cannot afford to ignore lawlessness, or fail to enforce the law swiftly and surely for the protection of the many against the depredations of the few. We cannot accept violent attacks on some of our most valuable institutions, or upon the lives of our citizens, simply because some of the attackers may be either idealistically motivated or greatly disadvantaged.

"It is no less permissible for our nation to ignore the legitimate needs and desires of the young. Law enforcement must go hand in hand with timely and constructive remedial action. . . . Whether in the inner city, in a suburb or on a college campus, today's youth must be given a greater role in determining their own destiny and in shaping the future course of the society in which they live . . .

"Today's youth are capable of exercising the right to vote. Statistically they constitute the most highly educated group in our society. More finish high school than ever before, and more go on to higher education. The mass media—television, news and interpretive magazines, and an unprecedented number of books on national and world affairs—have given today's youth knowledge and perspective and made them sensitive to political issues. We have seen the dedication and conviction they brought to the Civil Rights movement and the skill and enthusiasm they have infused into the political process, even though they lack the vote.

"The anachronistic voting-age limitation tends to alienate them from systematic political processes and to drive them into a search for an alternative, sometimes violent, means to express their frustrations over the gap between the nation's ideals and actions. Lowering the voting age will not eliminate protest by the young. But it will provide them with a direct, constructive and democratic channel for making their views felt and for giving them a responsible stake in the future of the nation."

CRITERIA FOR SUFFRAGE

In other testimony, in previous hearings, this Subcommittee has been presented the history of suffrage. Many rationalizations for the criteria for suffrage in the past are no longer applicable. The ancient English Common Law designating 21 as the minimum age for knighthood might have had a rational basis then in the thought that not until that age would the young man be strong enough to bear the weight of armor in battle. Yet, I think now of my college classmate, now Congressman from California, Robert Mathias, who first won the Olympic Decathlon at age 17.

Criteria of property ownership, tax paying, sex, literacy have all been applied restrictively in the past. Each suggestion to liberalize the process to increase the electorate is met with dire predictions, resistance and concern. Now the question is what age is the right age to qualify one for the voting privilege.

It is hard to disagree with the statement of Senator Michael Mansfield before this Subcommittee in hearings two years ago, when he observed:

"The age of 21 is not simply 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."

You have had before you testimony as to the various legal postures of states and other jurisdictions as to what age is the "legal" age to engage in contracts, get married, pay taxes, be drafted for military service, etc. It is obvious that the search for the ideal age is elusive, and one is dealing with probabilities in searching for maturity—maturity in judgment and feeling and thought and knowledge, as well as in physique. It is also obvious that there are no good criteria for determining or measuring that "maturity" in an objective and consistent manner. So an "age" is designated, with the hope that there will be a reasonable correlation between that age and the "maturity" which is sought for the person who is to make the decision in the voting booth. It is evident that some people never achieve that "maturity," no matter how many years they have lived; and others achieve it quite early in life.

There is a reasonable assumption that, within limits, along with age, education is a factor which has some correlation with "maturity" of the individual. Education is an important ingredient in developing an informed and prudent electorate.

THE CHARACTER OF TODAY'S YOUTH

A careful look at the population of young people between the ages of 18 and 21 is most important when considering lowering the voting age. You have the statistics of the population, and recognize that we're talking only about some over five percent of the population of the United States. Indeed, one wonders why there should be such a fuss over such a small addition to the electorate, since the odds are very much against this five per cent changing the outcome of any given political election. Indeed, most surveys find that on the whole their political affiliations fairly closely parallel those of their parents.

The great publicity which has called attention to this age group has been the result of student activists, the Students for a Democratic Society, etc., and the many youth who have been responsible for the increase in crime. Yet it is important to keep this population in perspective, since the attention of the news media on disruptive elements tends to obscure the character of the vast majority of these youth—a majority which would well be labeled "silent."

It is worth noting the observations of others who have been involved with youth to put this age group in perspective:

"Young people today are the best informed, the most intelligent and the most idealistic generation of young people this country has ever known. They are also the most sensitive to public issues and the most sophisticated in political tactics. Perhaps because they enjoy the affluence to support their ideals, today's undergraduate and graduate students exhibit, as a group, a higher level of social conscience than preceding generations."—Cox

Commission Report on the disorders at Columbia University.

"This is a generation which has revived the full measure of good old-fashioned "show-me" skepticism. It is not the malefactor of great wealth, but the malefactor of great slogans who draws their scorn . . .

"They are also a generation whose senses have been bombarded by direct and vicarious experience as none before them have been. Travel to remote places and sharply contrasting cultures and experiences, whether in the neighboring slum or in a remote African or Asian village, is commonplace. And all of them have suffered the vicarious experience of the whole range of human euphoria and anguish on the television screen, day in and day out."—Kingman Brewster, President, Yale University; testimony before the National Commission on the Causes and Prevention of Violence.

"Instead of worrying about how to suppress the youth revolution, we of the older generation should be worrying about how to sustain it. The student activists are in many ways the elite of our young people. They perform a service in shaking us out of our complacency. We badly need their ability and fervor in these troubled and difficult times."—John D. Rockefeller III.

Consistently in my discussions with high school and college students, I am impressed by the concern and increased awareness of the students. I find my impressions confirmed by the teachers and faculty with whom I speak, and indeed even by the upper classmen on the superior quality of the lower classmen.

I have also been impressed with the sense of helplessness and hopelessness which many students have expressed in reaction to the apparent unresponsiveness of the "establishment" to issues affecting the survival of the human race. Only recently has there been significant governmental position-taking on the issue of pollution, still more words than actions. The problem of the population bomb is still sidestepped. And the arms race continues to escalate. The young adults perceive this nation as a giant automaton which someone started and now no one is able to stop—as it inches slowly but inexorably toward Armageddon. Whether the problem is an overseas war or domestic inflation, no one, not even the President of the United States with all the presumptive power of his office, seems to be able to bring these processes to a halt.

"Ignorance is bliss." Indeed, the increased level of education of today's young people may be partially responsible for their frustration and troubled reactions. An impressive number of the 11 million Americans between the ages of 18 and 21 are high school graduates—roughly 78 per cent—and the 1969 Pocket Data Book issued by the Department of Commerce notes roughly 46 per cent of these young people are college students. This is a striking contrast to the 14.1 per cent of the same population in 1940 who were high school graduates. Not only are young people remaining in school longer; they are getting a superior and more challenging education in all spheres, as any parent who has struggled with the "new math" will attest.

With all this education, young people become keenly aware of the shortcomings of the larger society. It was noted in a study of campus disturbances by the American Council on Education that there was a direct correlation between student disruptions and the "selectivity" or student academic level of the university. The colleges and universities with brighter students had more student unrest.

Young people are not without their internal problems. They are involved in the natural struggle of the young to make the transition from adolescence to adulthood. They manifest a drive for growth and change, and a striving—at times quite ambivalent—to be independent, to be in on the action, to "do their own thing." What complicates matters is that they still at times very much want direction and security, somebody to tell them what to do.

The maturational process is an erratic process, and one can find much evidence of the unsteadiness. Indeed, critics of youth will cite the number of divorces, accidents, delinquents, etc., in the population between 18 and 21. Such evidence of disrupted living evokes apprehension in most of us. Fed by a general incomprehension of behavior of adolescents and young adults, the apprehension can spread to all youth—or at least to most youth, our own children excepted.

My brother, Dr. Roy Menninger, President of The Menninger Foundation, has commented that "Not all of us are consciously aware of this apprehension (provoked by the unpredictable, stormy behavior of young people), but it is there. with its workings evident in our reactions of contempt, disdain, disgust, or distaste that many of us express in the wage of some teenage act. . . . Made anxious by the visible struggles of teenagers, with their impulses of sex and aggression, and upset by their challenging, provocative behavior, we are quick to defend ourselves with counterattacks on their moral character, buttressed by righteous proclamations which emphasize our adult wisdom and our greater experience."

WHAT ARE YOUTH TELLING US?

Children are to be seen and not heard—so goes the old saw. But when is a child no longer a child? An inadvertent effect of increased education of our young is the prolongation of their dependent years. Aside from summer employment of variable consequence, I was in my 19th year of formal schooling—the third year of medical school—before I began to return to society some of its investment in me and feel like I was a contributing citizen. This is increasingly the case with young people.

On the whole, our society is not geared to provide meaningful opportunities for young people to become engaged and feel a significant part of the "action." Again, quoting my brother:

"In a hundred ways, today's youth are telling us in words, pictures, and actions that they have been left out and bypassed, denied a place in a world they already feel a vital part of, and ignored by people who are important to them: us adults. Is it therefore any surprise that they seem preoccupied with attack, confrontation, destruction of the adult-dominated and controlled establishment? As we know so well from our work with troubled children of all ages, they will attract our attention by angry and destructive "misbehavior" if they find that conforming and "being good" leads only to being ignored and forgotten.

"They are trying to make us understand how grave is our failure to perceive their *legitimate* needs for recognition, for involvement with adults, for participation and genuine engagement in the real tasks of living. They are indeed our largest minority group, with all the problems of minorities: prejudice, discrimination and segregation. Unfortunately, I think we adults have failed our youth by failing to listen—or having listened, failed to hear."

We do have a significant problem just "tuning in" to youth. They aren't always clear, even in their own minds, in what they are seeking or what they want to say. But they do want to be heard, and now. This is vividly demonstrated in the character of their music, with a compelling sound that all but obscures the important message in the lyrics. While often the noise level of the electric guitars and organs, and the distortion of the sound systems make it hard to decipher the words, the lyrics are worth noting.

Crown of Creation/Paul Kartner/Jefferson Airplane

You are the crown of creation
You are the crown of creation
And you got no place to go—

Soon you'll attain the stability you strive for
In the only way it's granted
In a place among the
Fossils of time.

In loyalty to their kind
They cannot tolerate our minds
And in loyalty to our kind
We cannot tolerate their obstruction.

Life is change
How it differs from the rocks
I've seen their ways too often for my liking
New worlds to gain
My life is to survive
And be alive
For you.

Revolution I/Lennon/McCartney

You say you want a revolution
Well you know
We all want to change the world
You tell me that it's evolution
Well you know
We all want to change the world
But when you talk about destruction
Don't you know that you can count me out
Don't you know it's gonna be alright
Alright Alright

You say you got a real solution
Well you know
We'd all love to see the plan
You ask me for a contribution
Well you know
We're doing what we can
But when you want money for people with minds that hate
All I can tell you is brother you have to wait
Don't you know it's gonna be alright
Alright Alright

You say you'll change the constitution
Well you know
We all want to change your head
You tell me it's the institution
Well you know
You better free your mind instead
But if you go carrying pictures of Chairman Mao
You ain't going to make it with anyone anyhow
Don't you know it's gonna be alright
Alright Alright

THE RESPONSE TO THE MESSAGE OF YOUTH

A key problem in our response to the message of youth is that we have our own hangups about what is happening, and we have a lot of feelings about it, as noted in my brother's observations quoted earlier. These feelings are far more powerful in affecting our behavior than we would like to think.

Sigmund Freud observed more than 50 years ago that "Students of human nature and philosophers have long taught us that we are mistaken in regarding our intelligence as an independent force, and in overlooking its dependence upon the emotional life. Our intelligence . . . can function reliably only when it is removed from the influence of strong emotional impulses."

Freud was simply asserting a fact we don't like to acknowledge—that we are emotional animals. Our emotions, such powerful forces that motivate us, are not particularly rational. So often, while we may explain to ourselves why we think the way we do and why we do what we do, our explanations are transparently false. We may make some careful rationalizations to justify our actions and our prejudices, but more often than not, we don't really know why.

Thus we may simply tune out the demands of youth because they don't fit our expectations, or they are unacceptable or too damning to us. For many years students have been meeting with various levels of college and

university administrators on issues like social and dormitory rules and regulations, independent study, black studies, teaching versus research in professorial selections, etc. And for years there was little or no progress on these issues until the student became more disruptive. Students have learned from resistant administrations that the only way to be heard is to make a loud noise—and now, that learning is coming home to roost. Disruption and violence are means by which one can get attention and be heard. Violence offers immediate identity.

The message, the behavior of youth have prompted a number of objections to the lowering of the voting age to 18. Two years ago. Senator Jack Miller expressed his opposition in terms of the lack of maturity. "One need only look at what has happened and is happening on the campuses of some of our great universities to see the results of this lack of maturity." His concerns were echoed by Senator Spessard L. Holland, who feared the movement of political organizations onto college campuses "with a vengeance," representing a threat to youth in their "formative years . . . years of great uncertainties, which are a fertile ground for demagogs, for youth attaches itself to promises rather than to performance." Today, Governor Ronald Reagan is credited with opposing the lowering of the voting age because it would introduce "unwelcome political influence into higher education." And columnist Paul Harvey fears the "unreliable judgment" of the young.

With due respect for the concerns about political influence in higher education, it seems apparent that this is already extant, although not perhaps in the manner to which Governor Reagan alludes. In many states, legislators and members of the executive branch have sought to influence directly the actions of college and university administrations. Indeed, on the Violence Commission, we were sufficiently concerned about the prospect of inappropriate or crippling legislative action, we felt compelled last spring to issue a statement on campus unrest to still that action.

More important to note is the fact that on all college campuses, the constructive, mature actions of students have been long evident, despite the lack of "newsworthiness" of such actions. As a life member of Alpha Phi Omega, national service fraternity composed of former scouts and scouters, I am aware of the activity of the more than 450 chapters of this fraternity on college campuses across the country.

To cite one college campus with which I am particularly familiar, Stanford University students organized last spring a convocation which drew more than 1,000 persons for a one-day expression of scientific and technological concern for social problems; and Stanford students last year established a volunteer services center as a clearinghouse through which 600 students were directed to tutoring, research, hospital service and other activities in the Palo Alto area. Contrast these students with the roughly 200 to 300 who were involved in a disruption in a Stanford administrative building, or the 200 to 250 who were involved in a peaceful sit-in in a Stanford science building.

We must therefore acknowledge that part of our negative attitude toward young adults results from our incomplete picture of them which the news media provide us. This is also reflected in the observation that most parents believe their own children are good risks—it is the "others" who are unreliable.

There is, however, a deeper contribution to the resistance which people have to lowering the voting age to 18. Various opinion polls indicate most people, when asked, say they are in favor of lowering the voting age. And in the hearings of this subcommittee two years ago, the overwhelming majority of testimony was in favor of the lowered voting age. Yet, fairly consistently in recent years, the voting electorate has defeated proposals to lower the age to 19 or 18, most recently in Ohio and New Jersey. And the Congress has not yet approved a Constitutional Amendment. Why?

The reluctance of so many people to express openly their distress with enfranchisement of 18-year-olds points to underlying emotional issues as profoundly affecting people's attitudes. There may be a fear of facing our own inadequacies, acknowledging our discomfort that we, too, have not yet created the "perfect" world. Having struggled to achieve a "place in the sun," the older generation is reluctant to pass the torch and give way to youth. Most of us don't like to be challenged, especially by our "juniors." It is always hard to accept change, and the rising tide of youth force change upon us. Youth remind us of our own unfulfilled ambitions.

EXPERIENCE OF OTHERS

The irrationality of the fears for what will happen if the voting age is lowered to age 18 is evident in the experience of jurisdictions where such a change has been instituted. In previous testimony, you have heard that nothing in the recent history of states which allow those under age 21 to vote has indicated that the college-age vote is irresponsible or "radical." Indeed, there is the report of the 1963 Commission on Voting indicating where 18 year olds were allowed to vote, they voted in larger proportions than the remainder of the population—an attribute most would consider salutory in a democracy.

One of the problems noted in most states is the consistently poor turnout of voters in the 21 to 30 age range. While this may be an artifact of the mobility of this age group and the residence requirements before one can vote, that doesn't fully explain the proportionally poor turnout of those who are registered. The habit apparently is hard to instill in many who do not get the voting privilege until age 21, since more than 50 per cent of those individuals are no longer in school and subject to the stimulation of courses in citizenship and American history and government.

One other aspect of experience of others is the result when young people are given genuine responsibility. To cite an example involving youngsters even less than 18: In the Presbyterian church, youngsters at age 13, after participating in a communicants class, become "communicant members" of the church. As such, they are theoretically eligible to assume any responsible post in the congregation. But traditionally, our local church has selected trustees, deacons and ruling elders from members of the congregation over 30. This year, with no little rhetoric, our young people took the floor in the annual congregational meeting to ask for the opportunity to participate. And you will find no more sober youngsters than the six high school students who subsequently were elected to posts on the governing boards. Responsibility does have a sobering effect.

WHAT'S TO BE GAINED

In the words of a student at Baldwin-Wallace college, "How do you build responsible citizens if you don't give them responsibility?" In our present society, our adolescents may now stay "children" for more than a decade after reaching biological maturity. The consequences of affluence and enforced dependency are an infantilization of the adolescent, provoking and sustaining our perception of him as immature, giving rise to an impressive self-fulfilling prophecy. We deny him some of the responsibilities of progressive maturity; he responds with childish behavior; we say, "I told you so"; we give him less responsibility; he reacts with more evidence of immaturity.

The infantilizing of the adolescent may provoke adventure-seeking on the part of the young adult, with serious risk-taking and destructive behavior, drugtaking, stealing, etc., to attempt to prove a "maturity."

Giving the 18 to 21 year olds the voting privilege is one step toward building more responsible citizens—but only one step. There are other important steps, not the least of which is giving youth the opportunity also to be a part of government at *all* levels. At the national level and in those cities and counties with representative government as well, youth should be present and meaningfully engaged. Not only can they profit from the participation as a means of learning, but they can also contribute a perspective, a vigor, an idealism which are all too often lacking.

My concern about the problems of the generation gap prompted me to prepare a statement which was essentially incorporated in the Violence Commission chapter on "Challenging Our Youth." There, we noted:

"In a sense, our immortality is our children. Youth represent the next step for our society, since they are the population which will join us in determining our directions and implementing our hopes. Yet we are aware that our youth are at times unstable, unpredictable and engaged in a major struggle to find their place in the world as they assert their adult capacities, physically and emotionally, politically and socially.

"The older generation is faced with the challenge of making available to young people adequate opportunities to participate meaningfully in coping with society's problems, and thus facilitating individual emotional growth and maturity. All too often, the society—parents, school and university administrators, law enforcement personnel, community leaders—becomes identified in the eyes of youth with obstruction and repression, inflexibly protecting the status quo against the "onslaught" of youth . . .

"All must acknowledge the inevitability of change. The older generaton can wear itself out trying to fight the tide, or it can turn the energy of youth to advantage for the benefit of all . . .

"If (the older generation) is to cope effectively with youth, we must courageously acknowledge our mistakes and recognize that our offspring may surpass us. Indeed, if we have been successful in our child rearing, they certainly should surpass us. We must take extra effort to understand their criticism of our ways, and be pleased that these suggestions are coming from our most important products, our youth who will prove our ultimate worth."

Finally, in our primary recommendations, urging a re-ordering of our national priorities, the Violence Commission observed:

"Some ordinary citizens feel they can do nothing to influence the direction and the destiny of their nation. But more and more Americans are proving this to be a myth. A growing number of our citizens have found they need not stand idle while our cities rot, people live in fear, householders build individual fortresses, and human and financial resources flow to less urgent endeavors. A new generation of Americans is emerging, with the energy and talent and the determination to fulfill the promise of the nation. As it ever was, the young—idealistic but earnest, inexperienced but dedicated—are the spearheads of the drive toward change, and increasing numbers of adult Americans are joining these ranks."

It is to the benefit of us all that we grant these young people, at least those 18 or older, the right to be full participants in our democracy, the right to vote.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business?

Mr. CHURCH. Yes. Mr. President, I ask unanimous consent that I may proceed for such time as I may require. I think it will not exceed 15 minutes.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and the Senator from Idaho is recognized for not to exceed 15 minutes.

Mr. CHURCH. Mr. President, it is typical of the generosity of the majority leader and his inclination to accommodate the needs of all Senators that he has lent me his glasses for the purpose of reading this statement this morning. I express to him my appreciation.

SENATE JOINT RESOLUTION 182—INTRODUCTION OF A JOINT RESOLUTION TO ESTABLISH A COMMISSION ON U.S. PARTICIPATION IN THE UNITED NATIONS

Mr. CHURCH. Mr. President, I introduce a joint resolution establishing a Presidential Commission on U.S. Participation in the United Nations. As the distinguished Members of this body know, the year 1970 marks the silver anniversary of the founding of the United Nations. I believe it is appropriate, therefore, to establish a blue-ribbon commission to look into our Nation's involvement in this organization after 25 years, and ascertain what the role of the United Nations should become during the next quarter of a century.

I ask uanimous consent that the text of the joint resolution be printed at this point in the RECORD.

The ACTING PRESIDENT pro tempore. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the RECORD.

The joint resolution (S.J. Res. 182) establishing the Commission on U.S. Participation in the United Nations, and for other purposes, introduced by Mr. CHURCH, 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.J. RES. 182

Whereas 1970 marks the twenty-fifth anniversary of the United Nations; and

Whereas the world community has changed and new problems have arisen during this twenty-five-year period; and

Whereas the beginning of the 1970's is an appropriate time to initiate adequate planning for the future operations of the United Nations and for the role of the United States in such operations: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) there is established the Commission on United States Participation in the United Nations (hereafter in this Joint Resolution referred to as the "Commission") to be composed of twenty-five members as follows:

(1) Four Members of the House of Representatives selected by the Speaker of the House of Representatives at least two of whom shall be selected from among members of the Committee on Foreign Affairs and not more than two of whom shall be selected from the same political party.

(2) Four Members of the Senate selected by the President of the Senate, at least two of whom shall be selected from among members of the Committee on Foreign Relations and not more than two of whom shall be selected from the same political party.

(3) Seventeen members selected by the President of the United States from among outstanding citizens in both private and public life. The President shall designate a member of the Commission selected by him from private life to serve as its chairman.

(b) Any vacancy in the membership of the Commission shall not affect its powers, but shall be filled in the same manner as in the case of the original appointment.

(c) Thirteen members of the Commission shall constitute a quorum for the transaction of business.

SEC. 2. (a) It shall be the duty of the Commission to review the organization and operation of the United Nations and its specialized agencies and programs for the purpose of making recommendations to the President and to the Congress regarding the role of the United States in the operations and programs of the United Nations during the decade of the 1970's.

(b) The Commission shall report in writing to the President and to the Congress, not later than one year after the date of enactment of this Joint Resolution, which report shall set forth the results of the review conducted by the Commission, together with such recommendations regarding United States participation in United Nations operations and programs as the Commission may deem appropriate. The Commission shall cease to exist sixty days after filing the written reports required by this subsection.

SEC. 3. The Commission is authorized, without regard to the civil service laws and regulations, to appoint, compensate, and remove such personnel as it may deem advisable to carry out the provisions of this Joint Resolution.

SEC. 4. (a) Each member of the Commission who is an officer or employee of the United States shall serve without compensation in addition to that received for his services as such an officer or employee, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred by him when actually engaged in the performance of his duties as a member of the Commission.

(b) Each member of the Commission selected from private life shall receive compensation at the rate of $100 per diem when actually engaged in the performance of his duties as a member of the Commission, and shall be reimbursed for travel, subsistence, and other necessary expenses incurred by him in the performance of such duties.

SEC. 5. The Commission is authorized to request from any department, agency, or independent instrumentality of the United States any information and assistance it deems necessary to carry out its duties under this Joint Resolution; and each such department, agency, and instrumentality is authorized to cooperate with the Commission and, to the extent permitted by law, to furnish such information and assistance to the Commission upon request made by the chairman or any member acting as chairman.

SEC. 6. There are authorized to be appropriated such sums, not to exceed $250,000, as may be necessary to carry out the provisions of this Joint Resolution.

THE ATOM—ITS DANGEROUS AFTERMATH. PART II—ATOMIC WASTE PROBLEM DISCLOSED

Mr. CHURCH. Mr. President, moving from the northeast to the southwest of the lower portion of Idaho is a gigantic underground river. This body, the largest of its kind in the world, coursing its way through the subterranean geological formations of my State, eventually emerges from its submerged streambed and enters the Snake River, the chief artery of life for all of southern Idaho. The Snake Plain aquifer, as this gigantic water resource is named, provides water for drinking, irrigation, recreation, power production, fish farming and other industrial activities.

The multipurpose use of the aquifer makes it of cardinal importance to the people and the economy, both present and future, of my State. For that reason, when articles appeared in the September 11 and 12, 1969, issues of the Idaho Daily Statesman describing atomic waste disposal practices at the National Reactor Testing Station—NRTS—which indicated that radioactive wastes were placed in a "burial ground" directly above the aquifer, many citizens of my State expressed concern over the possible contamination of this essential underground resource.

In an earlier statement, I pointed out in general terms the problems we face with nuclear waste disposal. Today, I would like to examine in depth the problem of storing radioactive waste as it arose and currently exists in Idaho.

I ask unanimous consent, Mr. President, that the three newsstories dealing with the waste problem in my State, which appeared in the September 11 and 12 editions of the Idaho Daily Statesman appear at this point in the RECORD.

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

[From the Idaho Statesman, Sept. 11, 1969]

SNAKE RIVER DUMPING GROUND FOR ATOMIC WASTE

A site above Idaho's Snake Plain Aquifer serves as a dumping ground for radioactive wastes, an AEC spokesman acknowledged Wednesday. The spokesman, William Ginkel, AEC manager of the NRTS, west of Idaho Falls, told the Idaho Statesman the dumping process poses no danger to the Aquifer. Studies have shown the Idaho Aquifer, by definition a geological formation that transmits water, is one of the world's largest underground water resources.

"We have substantial technical experience. There is no real or potential basis for alarm—ever," Ginkel said.

Initial concern over the use of the Idaho test site as a disposal ground was voiced by Robert A. Erkins, president of the Snake River Trout Company, located near Buhl. Erkings wrote Governor Samuelson he had learned that contaminated material from a plutonium fire at the Rocky Flats, Colorado plant of the AEC were being shipped to Idaho for burial.

Erkins noted that the Aquifer feeds the famous springs of the Snake River Canyon. The spring waters, he said, are a resource utilized by the state's trout farming industry.

"Contamination of these spring waters not only would make the trout farming industry for which Idaho is so famous impossible, but also would destroy millions of dollars of farm-produced products, farmland, and could have a serious effect on the population of this area," he wrote. "I fail to see why Idaho should become a dumping ground for any atomic waste . . ."

He noted a recent news article in the NYT said that 330,000 cubic feet of contaminated material from Rocky Flats would be buried below ground in Idaho.

Ginkel said the Idaho site had served for a number of years as "burial grounds" not

only for locally produced atomic wastes but also for the Colorado site near Golden. Wastes from Colorado are primarily from plutonium contamination, he said.

Ginkel denied that wastes would be as large as the quantity stated in the NYT story. We have received some shipment from Rocky Flats from the fire," he said, "But not in the quantity you are talking about.[1] They are still doing clean-up up on the fire. We don't have a figure on total radioactivity from the shipment, but it is low enough that these have been shipped through commercial channels."

It was learned also that Idaho Department of Health Water pollution officials have been concerned for some time over disposal practices at the NRTS. The subjects will be considered at the Idaho Water Pollution Control Advisory Council meeting later this month.

Mel Alsager, chief of the Water Pollution section, said studies have shown that some forms of plutonium 239, the substance being shipped from Colorado, are deadly when inhaled or consumed in water. He also said plutonium, though relatively low on the scale of dangerous material so far as radioactivity is concerned, is one of the longest-lived. It will maintain full radiation potency for more than 20,000 years, he said.

Ginkel pointed out, however, that the plutonium 239 shipped to Idaho for disposal is not the most dangerous form since it is insoluble in water. He said the shipments arrive in Idaho in steel drums or crates, wrapped in polyethylene bags. He said it is buried in the form about 600 feet above the Aquifer.

Ginkel explained the AEC has "for about 15 years" taken water samples at various points in the Aquifer and has not yet found evidence of contamination.

Alsager said the usual practice at the site is to dig through the topsoil to the basalt layer, which continues to the level of the Aquifer, bury the material, and cover them with 3 to 4 feet of earth. At some points the burial grounds are located only about 400 feet above the Aquifer, he said.

One of the dangers of the practice, he believes, is that the basalt is "creviced and fissured all the way down to the Aquifer."

Ginkel said, "Idaho's semi-arid climate, soil factors, and relative distance from underground water make the Idaho Falls NRTS almost as ideal a burial place as there is available in the U.S."

"Our own people here are drinking from the Aquifer. Our operation is conducted on a totally sound basis. It is reviewed continually by the Department of Health, the AEC, and people like the National Academy of Sciences.

He said that as an additional precaution burial points are plotted and monuments erected so we know where the material is. It is susceptible to recovery in case something else should be developed in the future, but we're not even thinking that might happen."

"We have heard this, too, but we don't necessarily buy it all," Allison said.

Meanwhile, a spokesman for Governor Samuelson, who was out of town, said he was certain the Governor would give the matter "prompt personal attention" when he returns.

[From the Idaho Statesman, Sept. 12, 1969]

OFFICIAL THINKS AEC TRIES TO AVERT CONTAMINATING GROUND WATER

An Idaho Public Health Official said Thursday he is convinced the AEC is "doing the very best it can" to prevent radioactive contamination of the Snake Plain Aquifer.

"Definitely, there will be better ways to decontaminate equipment and dispose of it, but they don't exist now," said Michael Christie, head of the Radiological section of the Idaho Department of Health.

Christie indicated his agency has monitored the AEC operation since 1960 and is satisfied with its integrity.

"You've got to remember it's located on the desert and you've got to have water to carry this stuff off if it's going to get into the Aquifer. If it rained 40 days and 40 nights—maybe yes—there would be a danger," Christie said.

"There is always a possibility but it's highly unlikely—extremely unlikely. From my understanding, the site was chosen with extreme care. They've located it on a very high piece of ground." [2]

The possibility of pollution had been posed by Robert A. Erkins, president of the Snake River Trout Farm near Buhl, in a letter this week to Governor Don Samuelson. Erkins expressed fear radioactive pollution of the Aquifier eventually could affect springs in the Snake River Canyon where trout farming operations exist.

"I hope they find better ways to get rid of it or re-use it. I undertsand there's $10 million worth of plutonium sitting in the ground.

Christie acknowledged that the burial containers used at the site are subject to normal deterioration and said seepage of radioactive materials into the Aquifer could pose a danger for future generations.

He stated also that plutonium 239, a man-made substance, is "one of the most highly radiotoxic materials that exists," meaning that it is most dangerous when ingested into the body.

He said it is his understanding that about 80% of the nuclear wastes buried in the Eastern Idaho desert is locally-produced. The other 20% comes from the Rocky Flats AEC site near Golden, Colorado, he said.

Most of it is cobalt 60, all locally produced, he said. Plutonium 239, regarded as the most dangerous of the substances, and Americium 241, also man-made, comprise about 20%. A fraction of a percent of the waste material is composed of uranium 234, uranium 238, and plutonium 240.

Christie also stated that his agency is planning a check to determine if stream pollution is resulting from commercial operations elsewhere in the state. He cited in particular phosphate producing operations located in SE Idaho. "There is a possibility that radiological substances are escaping into water from phosphorus tailings," he said.

Erkins cited an article in the *New York Times* which said that 330,000 tons of wastes from a plutonium fire at Rocky Flats was being shipped to Idaho, as the basis of his concern. Christie said wastes from the Colorado plant had been shipped to Idaho over 15 years.

He noted also that the AEC maintains burial sites at Hanford, Washington, where plutonium is manufactured and at Las Vegas, Nevada. "There are quite a few commercial burial sites across the country, too," he said. However, he pointed out that no commercial disposal grounds are located in Idaho.

[From the Idaho Statesman, Sept. 12, 1969]

AEC WASTES MISS GOALS SET BY IDAHO

Liquid wastes dumped directly into the underground water table of Eastern Idaho by the AEC do not meet the State's standards for radiation tolerance, a health official said Thursday.

Mel Alsager, water pollution control chief, said liquid waste disposal practiced by the AEC is an even greater concern to his Department than are methods used to bury solid wastes.

Alsager said the Water Pollution Control Advisory Council to the State Board of Health will consider various problems related to the Snake Plain Aquifer at a September 26 meeting in Boise.

He said the liquid materials, the result of water used to dilute "low level radioactive wastes," in some cases are tubed directly into the Aquifer.

Alsager said the AEC, instead of setting an example for private industry, is "setting a precedent. We'd like the Federal Government to be the leader." Industry, he added, is not allowed to practice this method of disposal.

He explained that the materials discarded into the Aquifer are "well within the AEC's own standards, but slightly below our standards.

"But it's more what they're doing, not what they're putting down there," he said. He said some of the materials are placed into ponds to leach into the ground. Others are discharged into wells only going part way down. But the actual fission by-products are placed in tubes that go directly down to the water table, he said.

"This is something I think should be looked at," he said. "There's a difference of opinion here not only as to what the quality of the water should be, but also in outlook as to the actual owner of the water under the AEC site."

ASKS FOR INVESTIGATION

Mr. CHURCH. I shared the concern expressed by the people of Idaho over the possibility of radioactive contamination of the aquifer. As soon as I was apprised of the situation in Idaho and the possibility of contamination to the underground water, I called upon four Federal agencies with proven expertise in the field of environmental pollution control to conduct a coordinated study of the long-range implications to life and health of continued burial of radioactive wastes above the Snake Plain aquifer. The following day I informed the Chairman of the Atomic Energy Commission of my action and asked for his comments.

Mr. President, I ask unanimous consent that copies of my letters of September 12, 1969, to: First, Director of the Bureau of Sport Fisheries and Wildlife; second, Administrator of the Public Health Service; third, Director of the U.S. Geological Survey; fourth, Commissioner of the Federal Water Pollution Control Administration, and my September 13, 1969, letter to the Chairman of the Atomic Energy Commission, as well as a copy of a press release regarding my actions of September 12 appear at this point in the RECORD.

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

SEPTEMBER 12, 1969.

JOHN S. GOTTSCHALK,
Director, Bureau of Sport Fisheries & Wildlife, Washington, D.C.

DEAR DIRECTOR GOTTSCHALK: Recently it was revealed by officials at the National Reactor Testing station in Idaho that a site above Idaho's Snake River Plain Aquifer serves as a dumping ground for radioactive waste materials, both from the Idaho AEC and from Rocky Flats, Colorado.

This aquifer is one of the largest in the United States and the waters which flow through it eventually enter the Snake River between Milner and King Hill, Idaho. The Snake River, as you know, is a major source of water for the Columbia which flows into the Pacific Ocean.

Because of the nature of the Snake River Aquifer and the great potential damage

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[1] See AEC reply dated January 13, 1970. Paragraph 2.

[2] See part II paragraph 1 of Public Health Service Report.

which could result from accidental contamination of these waters to human and animal life, I request that the Bureau of Sport Fisheries & Wildlife immediately undertake a study in conjunction with the Geological Survey, the Public Health Service, and the Water Pollution Control Administration to determine the long-range implications to life and health of continued storage of radioactive wastes above the Snake River Plain Aquifer.

Should present authority granted you under law be insufficient, to conduct such a study, I would appreciate a full report detailing the changes which you would deem necessary in statutory authority to make such a report possible.

Sincerely,

FRANK CHURCH.

SEPTEMBER 12, 1969.

CHARLES C. JOHNSON, Jr.,
Administrator Public Health Service, Washington, D.C.

DEAR ADMINISTRATOR JOHNSON: Recently it was revealed by officials at the National Reactor Testing station in Idaho that a site above Idaho's Snake River Plain Aquifer serves as a dumping ground for radioactive waste materials, both from the Idaho AEC and from Rocky Flats, Colorado.

This aquifer is one of the largest in the United States and the waters which flow through it eventually enter the Snake River between Milner and King Hill, Idaho. The Snake River, as you know, is a major source of water for the Columbia which flows into the Pacific Ocean.

Because of the nature of the Snake River Aquifer and the great potential damage which could result from accidental contamination of these waters to human and animal life, I request that the Public Health Service immediately undertake a study in conjunction with the Bureau of Sport Fisheries & Wildlife, the Water Pollution Control Administration, and the Geological Survey to determine the long-range implication to life and health of continued storage of radioactive wastes above the Snake River Plain Aquifer.

Should present authority granted you under law be insufficient, to conduct such a study, I would appreciate a full report detailing the changes which you would deem necessary in statutory authority to make such a report possible.

Sincerely,

FRANK CHURCH.

SEPTEMBER 12, 1969.

Mr. WILLIAM T. PECORA,
Director, Geological Survey, Washington, D.C.

DEAR DIRECTOR PECORA: Recently it was revealed by officials at the National Reactor Testing station in Idaho that a site above Idaho's Snake River Plain Aquifer serves as a dumping ground for radioactive waste materials, both from the Idaho AEC and from Rocky Flats, Colorado.

This aquifer is one of the largest in the United States and the waters which flow through it eventually enter the Snake River between Milner and King Hill, Idaho. The Snake River, as you know, is a major source of water for the Columbia which flows into the Pacific Ocean.

Because of the nature of the Snake River Aquifer and the great potential damage which could result from accidental contamination of these waters to human and animal life, I request that the Geological Survey immediately undertake a study in conjunction with the Bureau of Sport Fisheries & Wildlife, the Public Health Service, and the Water Pollution Control Administration to determine the long-range implications to life and health of continued storage of radioactive wastes above the Snake River Plain Aquifer.

Should present authority granted you under law be insufficient, to conduct such a study, I would appreciate a full report detailing the changes which you would deem necessary in statutory authority to make such a report possible.

Sincerely,

FRANK CHURCH.

SEPTEMBER 12, 1969.

DAVID D. DOMINICK,
Commissioner, Water Pollution Control Administration, Washington, D.C.

DEAR COMMISSIONER DOMINICK: Recently it was revealed by officials at the National Reactor Testing station in Idaho that a site above Idaho's Snake River Plain Aquifer serves as a dumping ground for radioactive waste materials, both from the Idaho AEC and from Rocky Flats, Colorado.

This aquifer is one of the largest in the United States and the waters which flow through it eventually enter the Snake River between Milner and King Hill, Idaho. The Snake River, as you know, is a major source of water for the Columbia which flows into the Pacific Ocean.

Because of the nature of the Snake River Aquifer and the great potential damage which could result from accidental contamination of these waters to human and animal life, I suggest that the Water Pollution Control Administration immediately undertake a study in conjunction with the Bureau of Sport Fisheries & Wildlife, the Geological Survey and the Public Health Service to determine the long-range implications to life and health of continued storage of radioactive wastes above the Snake River Plain Aquifer.

Should present authority granted you under law be insufficient, to conduct such a study, I would appreciate a full report detailing the changes which you would deem necessary in statutory authority to make such a report possible.

Sincerely,

FRANK CHURCH.

SEPTEMBER 13, 1969.

Mr. GLENN T. SEABORG,
Chairman, Atomic Energy Commission, Washington, D.C.

DEAR GLENN: Recognizing your primary responsibility in the area of atomic waste disposal I enclose a copy of a letter which has been delivered to the Bureau of Sport Fisheries and Wildlife, Geological Survey, Public Service and Water Pollution Control Boards.

Your comments relative to this matter would be welcomed.

Sincerely,

FRANK CHURCH.

Enclosure.

WASHINGTON, September 12.—Senator Frank Church today called for a detailed study by four Federal agencies to determine the long range implications to life and health of continued storage of radioactive wastes above the aquifer of Southeastern Idaho.

Church acted after officials at the National Reactor Testing Station in Idaho acknowledged publicly this week that radioactive wastes from NRTS, as well as wastes from an atomic plant in Colorado, are being buried above the Idaho aquifer, a vast underground river which feeds rivers and streams throughout Southern Idaho and, ultimately, throughout the Pacific Northwest.

Church said it is "important that an independent study of the implications of such disposal practices be conducted by officials of the U.S. Geological Survey, the U.S. Public Health Service, the Federal Water Pollution Control Administration, and the Bureau of Sport Fisheries and Wildlife.

He urged officials of all four agencies to pool their talents in a joint effort, and said that the study should be conducted independently of the AEC.

Beyond this, Church said that, "in view of the experimental work carried out at NRTS over the past several years on nuclear reactors, the Idaho facility would be an ideal installation at which new research on the impact of disposal methods could be carried out by the AEC."

Church cited this testimony of the U.S. Geological Survey before the Joint Congressional Committee on Atomic Energy several years ago.

"The waters on the land, whether in streams or in the ground, are constantly on the move, headed toward the sea or toward interior drainage basins . . . Therefore, any waste that is released on or in the ground may be moved by natural water either in solution or in sediment."

Water, the Geological Survey testimony noted, "is a universal solvent as fission products, whether solid or liquid, radioactive or stable, may be picked up by water and carried in solution. Solubility, moreover, is a relative term. Practically nothing is absolutely insoluble in water, and "insoluble" radioactive materials may be dissolved in sufficient quantity to make water highly dangerous. Water also transports solid material as sediment. Therefore, any radioactive solid matter that gets into water may be transported as sediment."

Church said that while burying radioactive wastes in the Idaho aquifer may not have immediate polluting effects, "we need more information on the long-term impact of such disposal methods in view of the fact that some radioactive wastes have a hazard life of centuries."

As the Geological Survey has pointed out, the Idaho lawmaker said, "precedents are hard to break, especially those in large-scale operations. If disposal practices are allowed now that are found later to be unsafe, the unsafe practices are bound to continue long after their danger has been demonstrated. The best assurance that unsafe practices will develop and become entrenched is continuous monitoring."

IDAHO PRESS REACTS

Mr. CHURCH. Idaho rightfully takes pride in our environment. We enjoy some of the loveliest scenery in the world. Children can still swim in our streams and a thirsty hunter can still kneel beside many a flowing river and drink at its banks. At the same time, we take pride in the National Reactor Testing Station and its role in the development of the peaceful atom. The city of Arco, Idaho, was the first in the world to be lighted by nuclear power, and our people fully understand and appreciate the tremendous potential that nuclear power presents for the improvement of our environment. They appreciate, as I do, that nuclear power may preempt the headlong rush to dam our few remaining wild and scenic rivers; that it could also abate the sulfurous fumes that belch from smokestacks where fossil fuels are burned to produce electric power. The Idaho press reflected the tug-of-war between two conflicting concerns—on the one hand, the promise of nuclear power to improve the environment, and on the other, the fear that its byproducts might do that same environment serious harm.

Mr. President, because they reflect the concern in Idaho over the problem of nuclear waste disposal above the aquifer, I ask unanimous consent that the following articles, representative of news stories and editorials appearing within my State dealing with the waste disposal problem, the latest of which

appeared on January 31 of this year, be included at this point in the RECORD.

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

[From the Idaho Falls Post Register, Sept. 11, 1969]

RADIOACTIVE WASTES DISPOSAL NOT HAZARDOUS, AEC CLAIMS

BOISE, IDAHO.—Idaho officials anticipated Thursday a prompt study of the long-standing practice of disposing of radioactive wastes underground in the Eastern Idaho desert, after a complaint that the procedure might be hazardous.

A spokesman for Gov. Don W. Samuelson said the chief executive had the matter under advisement and likely would issue a statement before nightfall.

The spokesman said he was sure Samuelson was aware of the practice, which was brought to his attention in a letter from a trout farm operator who expressed fear the dumping might contaminate water he uses.

LETTER TO GOVERNOR

Robert A. Erkins, president of the Snake River Trout Farm near Buhl, said in a letter to Samuelson he had learned contaminated materials from a plutonium fire in Golden, Colo., were being shipped to Idaho for burial.

Erkins said he feared contamination might get into water which flows underground across Southern Idaho and feeds the Thousand Springs in the Snake River Canyon near Buhl.

William L. Ginkel, manager of the Idaho Operations Office of the Atomic Energy Commission at Idaho Falls, said the disposal plan poses no threat. He said it has been used for several years and added:

"We have substantial, technical experience. There's no real or potential basis for alarm—ever," Ginkel said.

"Our operation is conducted on a totally sound basis," Ginkel said. "It is reviewed continually by the Department of Health, the AEC and people like the National Academy of Sciences."

Ginkel said radioactive wastes from the AEC plant at Rocky Flats, Colo., as well as from the National Reactor Testing Station in Eastern Idaho have been buried in Idaho.

He said plutonium 239 used at the Colorado plant is shipped to Idaho in steel drums or crates, wrapped in polyethylene bags. He said it is buried not lower than about 600 feet above the aquifer which underlies the Snake River Plain and through which flows huge volumes of water.

SOUND BASIS

For 15 years he said the AEC has sampled water from the aquifer and has never found evidence of contamination.

Mel Alsager, chief of the Water Pollution Section of the State Health Department, said state health authorities have been concerned about the procedure, believing it could cause contamination.

He said basalt under which the water flows in the aquifer "is crevassed and fissured all the way down to the aquifer."

Ginkel said the sites where the waste is buried are marked "so we know where the material is."

"It is susceptible to recovery in case something else should be developed from studies in the future, but we're not even thinking that might happen," he added.

WASTE BURIED HERE

Shipments of radioactive wastes from Rocky Flats, Nevada, have been sent for burial to the National Reactor Testing Station over the past 16 years with no single instance of any movement of any radioactive substances from the burial site itself, the Idaho Operations of the AEC stated here Thursday.

A shipment of 330,000 cubic feet of material was sent to the Idaho reactor station last May, the local office confirmed, following a fire at the Rocky Flats site. The materials, the AEC office stated, were packaged in cellophane bags and then encased in steel drums before being sent by railroad on piggy back trailers to the Idaho site.

The drums were buried at the Idaho site in a designated burial area. The AEC office said that the site selected for this burial had 600 feet of earth between the point of burial and the water table.

W. L. Ginkel, manager of the Idaho AEC office, said that there is no possibility that these buried solid wastes from Rocky Flats could reach the water table. It was also noted that the material handled is plutonium which is not soluble in water. It was also noted that while 330,000 cubic feet represents a large amount of material comparatively, the radioactivity is not commensurate with the size because it is spread throughout the shipment. Only fork-lift, but not remote handling equipment, was used to handle and bury the material at the Idaho site.

The Idaho station also introduces low level liquid wastes into the underground at selected sites at the Idaho station—residue from the station's own operations. The AEC office has pointed out that these liquid wastes are of drinking water standard when they reach the water table. While the underground wastes are tagged, there has been no instance of off site detection of any radioactivity in the ground water from regular testing by the station, the AEC office stated.

In the past, a scientist at the Idaho station has stated that if radioactivity did reach the ground water table at the station's site, it would require some 100 years for it to move to Thousand Springs.

The Station, the office stated, has a monitoring network for air, ground level and underground radioactivity detection which extends to checking stations off site as well as on-site.

[From the South Idaho Press, Sept. 15, 1969]

THOROUGH INVESTIGATION NEEDED

Idahoans should be alarmed generally and residents of this valley should be excited to say the least about the hazards which could arise from the Atomic Energy Commission using the desert plains south of Arco as a depositary for atomic wastes. These wastes come not only from the Arco installation. They are also being hauled in by truckloads from Golden, Colorado. The New York Times recently stated that 330,000 tons of waste plutonium fire from Rocky Flats near Golden were being shipped to Idaho for burial. Reports as to why the Colorado waste was shipped to Idaho is to avoid water pollution there.

The controversy over contamination was initiated by Robert Erkins, president of the Snake River Trout Farm at Buhl. He sees contamination of Thousand Springs waters which seep from the world's largest underground bodies of water which originate in eastern Idaho immediately below the atomic burial caverns.

But, Mr. Erkins' fear is insignificant to the massive issue involved here. What about the vast farming tracts on the Minidoka project? The hundreds of thousands of acres of private pumping projects for which the waters from the aquifer are lifted to the fertile soils of the valley plains on the north side of the Snake River? How about this hazard where human lives, farms, cities and entire societies are involved?

Robert Lee, director of the Idaho Water Board, put it mildly when he said: "If the aquifer became radioactive, we would be wiped out." LeRoy Stanger of Idaho Falls, another board member, said, "I'd be worried to death if the AEC was not disposing of the waste in proper fashion. It would cost the state millions of dollars." If contamination actually resulted from present practices we're talking of billions of dollars in damage—not millions.

These officials have just barely touched on the tragedy that could arise should William Ginkel, AEC manager at Idaho Falls be mistaken just slightly in his assumptions on the hazards involved. In the first place, of all the places in the U.S. for waste disposal, why must the AEC choose a site above an aquifer? Down in Nevada, out on the sprawling desert lands of that barren state are literally millions of acres of desolate lands where no aquifer is present. The Golden Colorado wastes could easily be taken there along with the Arco Reactor wastes and completely eliminate any such possibility. What if Mr. Ginkel should be wrong in the statements which he made to the press as to the probability of contamination of the aquifer? Certainly we need to know more of his qualifications to speak on this subject before Idaho citizens accept his conclusions.

It was just eleven years ago that eastern Idaho near West Yellowstone suffered the worst earthquake in recorded history. The epicenter of this quake was just a hundred miles northeast of the present AEC depository. Everyone in this area well remembers this particular quake because it was felt throughout the area. Could a similar or more severe tremor fracture or damage the present stored waste sufficiently to release the deadly radiotoxic materials? It could happen! AEC officials, including Mr. Ginkel, openly admit the deadly deposits are buried only 200 feet above the aquifer.

Mel Alsager, water pollution control chief for the Idaho Department of Health, revealed that present practices at Arco of the AEC do not meet state standards for radiation tolerance. This is especially true as to liquid disposal which in some cases are tubed directly into the aquifer. In our book, we would prefer at this time to accept Mr. Alsager's professional opinion than Mr. Ginkel's analysis.

And it's about time responsible Idaho leaders in agriculture, government and science make a thorough investigation of the whole situation. We cannot afford to rely on glib, off-the-cuff explanations by the AEC. We have our future livelihood, our community and society at stake in the state and particularly in this locality.

[From the Lewiston (Idaho) Morning Tribune, Sept. 27, 1969]

AEC ASKED TO STUDY WAY OF ATOM WASTE DISPOSAL—LEWISTON-AREA TOWNS LAUDED

BOISE.—The State Water Pollution Control Advisory Council recommended Friday that the Atomic Energy Commission reassess its methods of disposing of radioactive wastes in eastern Idaho.

The council acted after State Reclamation Engineer R. Keith Higginson expressed concern that the aquifer which underlies the Snake River plain across southern Idaho could become contaminated.

"We are pumping 2½ million acre-feet of water annually from the aquifer," Higginson said. "It would be a tragedy if anything was done to make it unusable.

"If there is even the slightest possibility of an accident, then we can't stand to take that chance."

Mel Alsager, chief of water pollution control in the State Health Department, said the AEC is confident its procedures in disposing of both solid and liquid waste materials from the National Reactor Testing Stations have been the best possible over the past 15 years.

But he said there have been great advances in technology in that period of time and better methods now might be devised.

Alsager said he was concerned particularly with the use of wells which lead directly to the aquifer and into which the AEC dumps liquid wastes. He said precautions are taken to guard against disposing in the wells of any liquids which are dangerously radioactive.

DIRECT ACCESS

But he said the wells provide direct access between the surface and the aquifer and through an accident could be the vehicle by which the underground water became contaminated.

[From the Twin Falls (Idaho) Times-News, Sept. 30, 1969]

LET'S MOVE NOW

Citizens of the City of Twin Falls should join Robert A. Erkins in demanding that a "full and impartial" investigation be made into the practice of burying dangerous atomic waste material in the Arco atomic plant area.

Mr. Erkins is concerned because he is owner of the Snake River Trout Co., the world's biggest trout producer. He gets the needed water from springs in the Clear Lakes area near Buhl and contamination of the water would put him out of business.

Perhaps residents of Twin Falls have not thought they were mixed up in this controversy which is developing, but they are. We now get our drinking water from Blue Lakes and the water we drink comes from the same Snake River Plain Aquifer.

Because of the dumping and burial of atomic wastes which could possibly contaminate this water source, we are all in the same boat with Mr. Erkins.

Therefore, the Times-News calls for a complete and impartial investigation of the practice so that all the facts may be known. We call upon Governor Samuelson to start a concentrated move toward this end. He has the authority to do so and should be concerned enough about this area to get the ball rolling.

Why do we call upon Governor Samuelson to lead the program? Because several other state officials who should be doing it are lax to the point of being derelict in their duty.

Says Robert E. Lee, director of the Idaho Water Resource Board, in a letter to Mr. Erkins:

". . . We have been assured by W. L. Ginkel, manager, Idaho Operations office, U.S. Atomic Energy Commission, that disposal of the radioactive wastes poses no threat of contamination on the Snake Plain aquifer. We have no evidence to suggest that contamination of the aquifer has or will occur.

"If such a threat does seem imminent, I can assure you that the Idaho Water Resource Board will do all that it can to prevent such an occurrence from happening."

Says R. Keith Higginson, state reclamation engineer, in a letter to Mr. Erkins:

"This office has been aware for some time of the practices relative to disposal of radioactive waste at the NRTS. They (NRTS and U.S. Geological Survey officials) assure us that all precautions have been taken to prevent contamination of the Snake River Plain ground-water aquifer system.

"We continue to be interested, however, because we could not allow the remotest possibility of contamination to remain unchallenged. If any information comes to my attention which would indicate there is a potential problem, I will certainly let you know."

We must admit that it would be mighty nice of the two gentlemen to call Mr. Erkins in case something comes up. It would be sort of a "don't use it anymore, Bob, because it's contaminated" warning.

Really, now, does such an approach make sense? Wouldn't it be much wiser to instigate an investigation right now—an investigation of experts not directly involved in the situation—rather than to wait and see if contamination did appear?

We think it would. The possibility alone is causing concern among citizens of this part of Idaho. This is why we call upon Governor Samuelson to get an investigation going while there is still time to investigate.

This is certainly no time for a wait and see and a "we will call you if something develops" attitude. It's just too serious a thing to drop.

And in case you are interested, what assurance have we that the Atomic officials are right and that there is no danger?

It wouldn't be the first mistake the Atomic Energy Commission has made!

WHY IDAHO HASTE ON WASTE STUDY?

Instead of "clearing the air" as it was intended, the examination of the radioactive waste disposal program at the National Reactor Testing Station is becoming unnecessarily confused.

Even before a special task force appointed by the governor to investigate the radioactive waste disposal question had opportunity to begin its study, the Idaho State Board of Health preempted the investigation by a preemptory request of the AEC to find a new way or a new place to dispose of its wastes.

The State Board of Health still has not adequately explained why its made the hasty request to this date—save for an airy generalization, like:

"It would better be elsewhere than over Idaho's valuable underground water aquifer."

The board needs to explain why it pulled the rug from the task force appointed by the governor—especially in view of the fact that Dr. Terrell Carver, director of the State Board of Health and himself a member of the task force, stated only two weeks before the sudden decision by the State Board of Health that the task force probe would be thorough and might even take a year to complete.

What was the big hurry? Did Boise bow to the anxiety of those who have been placing all kinds of uninformed interpretations on "the radiation threat" in Idaho? Does it make political sense to be safe but not right because the state did not take the time to really examine the question?

Not only to these questions, but to the central question of the why of the decision itself, deserves a much more definitive answer than the State Board of Health has given to date.

Particularly, this newspaper wants to know if the decision was based on present practices of the AEC or the remote possibility—which no scientist will remove—that an incredible accident of some kind, like an earthquake, could present a problem on the Idaho Site.

The governor was told by an authority in the field, the director of the Northwest Region of the Federal Water Pollution Control Agency, that present practices of the AEC, did not present a hazard to the aquifer or to Idaho's environmental health otherwise. The radiologist, the only radiation specialist on the Idaho Health department staff, has confirmed the same thing. The Board of Health has not only chosen to ignore these authorities and the governor's task force but has not even explained why it is making this decision.

The mystery of the State Board of Health stance is it appears to agree that the AEC is not creating a hazard off the the National Reactor Testing Station. But the board has not delineated what other hangup it has on the waste question. In a television interview after the Board's visit to the Idaho site, Dr. Carver appeared to minimize the "incredible accident" worry. The board did say it could see no reason why atomic wastes from Colorado had to be buried at the Idaho site. This may be the only legitimate question involved in the board's position to date. The reason the AEC will give undoubtedly is that Idaho is equipped to handle such wastes, whereas Colorado is not. But it is a good question, nevertheless—the one lonely one.

The only valid questions which this newspaper has heard out of the current worry-exchange on the disposal question, is the remote possibility of incredible accident and the fact that the state may not want to allow direct-burial waste methods which it denies to at least some industries generally over Idaho. The Idaho AEC site, of course, is federal land with a public purpose. The only legitimate question should be: is the AEC either now, or posing for the future, a threat to Idaho water, soil or people? The question has not even been posed to date late alone really been answered.

After such consuming haste on its radioactive waste disposal decision, Idahoans should hope that the State Board of Health shows equal dedication in examining why the radioactivity in the air is higher at Idaho Falls and Blackfoot than at the Idaho reactor station. Admittedly, the State Department of Health does not have the instrumentation and staff to cope with consistent radiation monitoring. Fortunately, it has announced it intends to utilize AEC istrumentation to find the answer.

But we would presume the State Board of Health staff receives the regular environmental reports of the AEC. The redioactivity has been higher, although not of any health hazard, at Idaho Falls and Blackfoot for some two years now. State Health authorities only seem to move fast when the Idaho AEC site is involved.

The State Board of Health has not also answered the question why Pocatello, which is one of the heaviest contributors to air pollution, is never monitored. And what concern is the State Air Pollution Control commission exercising in this problem?

The State Board of Health may have made a decision—but it did not measure or answer the questions its decision has raised.

[From the South Idaho Press, Nov. 19, 1969]

DISPOSAL STOPPAGE ASKED

The first break in the dispute with AEC officials over disposal methods for radioactive waste from the National Reactor Testing Station came this week. It was a formal request by the State Health Board directed to the NRTS that it stop burying nuclear wastes in the desert near the station. The action was taken at the two-day session in Pocatello after the board had visited the site near Arco.

Dr. Terrell O. Carver, administrator and secretary for the board, made the announcement. He had visited the waste site five years ago and noted no change in the method of waste disposal. Basically, the board will ask the AEC to implement an end to disposal of liquid and solid wastes by underground practices at the present site. A formal resolution will be presented the federal agency shortly.

The action came after a week of firm assurances all in the same vein as previous statements by the AEC that little or no danger to the great aquifer of the Minidoka North Side project could result from present disposal methods. The health board is just one state agency that has now taken action on the threat which was first raised by Robert Erkins, Buhl, early this summer. He feared contamination of the waters of the Clear Lakes springs which feed the famous Snake River Trout farm north of Buhl. All of the springs and subterranean waters on the north side plains of the Snake River throughout this area are fed by the aquifer.

Gov. Samuelson named a state committee two months ago to study the problem and come up with a recommendation. Dr. Carver and some members of the health board are also members of the committee which has had only one formal session thus far. Mr. Erkins in subsequent protests against continuation of AEC methods has called for a "National Dump" for wastes of this nature at some less vulnerable location in the west. This concept in theory appears to be a good one, which this newspaper feels should be explored and determined as national policy.

[From the Post Register, Nov. 25, 1969]

AEC COMMISSIONER BACKS IDAHO AEC OFFICIALS, IDAHO NUCLEAR ON ISSUES

AEC Commissioner Dr. Theos J. Thompson, when he was in Idaho Falls and the National Reactor Testing Station last Thursday and Friday in connection with dedication of Zero Power Plutonium Reactor, answered a number of questions which generally backed the layoff of 125 men by Idaho Nuclear Corp., and the continuance of the present Idaho AEC safety and Health program on water and air pollution.

After asked a number of pertinent questions on these issues which have become controversial, Thompson submitted the following reply to the questions:

Q. Dr. Thompson, are you aware that 125 National Reactor Testing Station employes were laid off as of November 15 by Idaho Nuclear Corporation?

A. Yes, members of the Atomic Energy Commission have been aware of the considerations prompting this action for an extended period of time.

Q. Are you familiar with the layoff criteria used by Idaho Nuclear?

A. Well, aside from the usual inevitability of certain duplications in staffing such as there must have been with the consolidation of Idaho Nuclear and Phillips Petroleum Company's Atomic Energy Division last July 1, we feel that studies showed the need of more engineering strength—particularly engineers with power reactor technology experience—to expedite the LOFT and PBF projects. So the reduction in force was partly to accommodate program shifts.

BUDGET CUT

Q. You said that was part of it. Anything else?

A. Idaho Nuclear has been told the facts of life concerning the House action earlier this fall in cutting the AEC's appropriation bill for operations by $78.5 million. And that is for the current fiscal year remember. Also, Idaho Nuclear was undoubtedly told it appeared unlikely the Senate, despite its historical pattern of restorative action, would restore any of the House cut, but on the contrary might make further cuts. And that has since happened. The senate has imposed an additional cut of $44 million on top of the House $78.5 million.

Q. Does Idaho Nuclear have to be affected by such cuts when it is working on vital programs like LOFT and PBF?

A. This is determined by where the cuts are imposed by the Congress; however many AEC operating contractors have been affected this year.

Q. Why was it necessary to accomplish the personnel reduction just before Christmas?

A. As you can see, this was determined by the pace of Congressional action on the fiscal year 1970 appropriations bill. Had that taken place earlier, then the necessary stringencies that the appropriations cut places on the contractors could have been accomplished earlier.

HIRE AEROJET PEOPLE

Q. We have heard that the reduction was made to make room for hiring Aerojet General Corporation people laid off in California. Would you know about that?

A. The answer to that lies in the fact that several Aerojet people with the experience and expertise needed in the LOFT and PBF programs are, or were, employed on the NERVA nuclear space rocket reactor program in Nevada.

Q. To what extent was seniority a factor in determining the ones to be laid off?

A. It was the determining factor only in the case of those who were working under union agreements.

Were nontechnical people among those laid off?

A. Yes, and also technical people, and organized or bargaining group people. It was an across-the-board reduction.

SEEK JOBS

Q. Did Idaho Nuclear just cut those who lost their jobs adrift?

A. I am reliably informed that Idaho Nuclear surveys were underway even before the layoff to find jobs elsewhere for those affected either with the parent companies, other nuclear firms, or other industries. Some 400 companies were contacted and 79 responded with job openings. And, of course, they received severance pay, based on their tenure of service, and all received at least two weeks notice.

Q. Weren't some pretty well along in years?

A. A few. I'm told, but a number of these were eligible for early retirement.

Q. Charles Ray Rice (president of Idaho Nuclear) has stated that no further reductions are anticipated in the light of currently available information. Do you see it that way, Dr. Thompson?

A. I believe Mr. Rice went on to say that Idaho Nuclear hopes to be able to control its readjusted manpower levels at around 2,500 to close attention to replacement in line with attrition, despite the impending shutdown of the MTR on June 30. I think he was sincere in that statement, although he may not have been aware, at the time, of the dynamic budget and funding situations and Senate action in imposing an additional operations funding cut of $4 million in the 1970 appropriations bill on top of the previous House cut of $78.5 million.

Q. Is there anything to the contention that some of the terminated employes did not get vacation benefits they were entitled to?

A. I am advised that all employes received all the vacation benefits they had earned under a policy of long-standing established by their employers.

NRTS BURIAL GROUND

Q. Many people in Idaho are concerned about the AEC's practice of burying radioactive solid wastes underground at the NRTS. Considering that one of the world's largest pure-water aquifiers is underneath that area, do you think this practice should be continued?

A. It is true the aquifier underlies the NRTS burial ground. But approximately 600 feet of soil and lava separates the buried waste from the aquifier. We consider our burial practices safe for several reasons. First, the buried material itself is relatively insoluble even if it were to become completely immersed in water. And that is most unlikely due to the Site's semi-arid, desert climate . . . about 8 inches of precipitation annually. This means there simply is not sufficient moisture available to carry any of the wastes down through hundreds of feet of soil and rock. Monitoring shows no radioactivity has moved from the burial ground, down or out. Our surveillance includes monitoring the aquifer itself for any evidence that we have been wrong in our judgment, and no radioactivity from the burial ground wastes has been found in the underground water.

Q. But the site may not always be a desert and some of the wastes will be hazardous for 24,000 years. Shouldn't this be of concern?

A. We have considered that extremely remote possibility. This is one of the reasons why buried wastes are carefully catalogued and monumented. If the climate or other circumstances were to change, and another acceptable site were available we could remove the material and place it elsewhere.

OTHER PLACES

Q. Nevertheless, the people of Idaho would prefer that radioactive wastes—particularly those imported from Colorado—not be buried above the aquifer. Couldn't something else be done with them?

A. It must be remembered that the NRTS is the closest to Colorado of three federal burial grounds. However, the Commission is studying the feasibility of alternative sites for burial of Rocky Flats wastes. It must be remembered that feasibility includes economic considerations, too. Meantime, we are continually studying and evaluating our waste disposal methods to assure that better and safer alternatives are not being overlooked. Rest assured that if improved waste management practices can be developed they will be adopted. Our research programs continue to point the way to improved waste-handling procedures. Meantime, we believe that the wastes are being carefully managed to avoid creating hazards to human health.

LIQUID WASTE

Q. The Idaho State Department of Health is also worried about putting low-level radioactive liquid wastes directly into the aquifer. Isn't that dangerous?

A. This is a carefully planned and monitored operation that cannot possibly cause a hazard to health, regardless of how it sounds if you don't know all the facts. First of all, we are talking about very tiny amounts of radioactive material dispersed in huge volumes of water. The material becomes further diluted in the aquifer. In fact, we regularly repump this water for reuse in Site operations. Our employes drink it, and we would not let them do so if it were a hazard to health.

Q. As a matter of principle, wouldn't it be better if some other agency were to monitor the AEC's operations?

A. The AEC would have no objection to that. In fact, U.S. Public Health Service does conduct a program of independent monitoring outside the Nevada Test Site. But you have to bear in mind that to do so here could involve duplication of equipment and personnel. The AEC could not discontinue the monitoring it now performs for operational control of effluents in addition to operational safety and controls within plant facilities. But if the congress and the taxpayers were to decide that the extra costs were justified, the Commission would not oppose offsite radiation monitoring by, say, the State or the U.S. Public Health Service, but this would be in lieu of monitoring presently done by AEC-ID.

OFF-SITE RADIATION

Q. In recent environmental monitoring reports published by the AEC's Idaho Operations Office, it was reported that alpha radiation levels were detected in the Idaho Falls area that were 34 per cent higher than at the Station. Has the AEC determined where this radiation is coming from?

A. I heard about this anomaly and learned that it is not coming from operations at the NRTS. You should keep in mind, though, that the levels identified to date are extremely low and are not a health hazard. The Idaho State Health Department has requested our assistance in making more widespread air samplings than we regularly perform. We intend to help them as needed in determining the increased alpha radiation source. We have already found that responsible radionuclide is polonium—210, a naturally-occurring radioactive material.

Q. Where does polonium come from?

A. Polonium is a natural byproduct of uranium, which is found in varying quantities throughout the earth's crust. Any operation involving the heating of materials containing trace quantities of uranium will result in the release of polonium. The polonium escapes with the combustion off-gases and then condenses when it encounters cooler air. Plant roots take up polonium from the soil, and so it is found in differing concentrations in practically all growing plants.

Q. Specifically, what kind of operations could result in putting polonium in the air?

A. Any operation involving the heating of materials containing the nuclide could re-

lease polonium. A specific example would be roasting of ores containing natural uranium. These ores would also contain some polonium.

HEALTH BOARD RESOLUTION

Q. Last week the Idaho State Board of Health adopted a policy statement calling on the AEC to establish a schedule for ceasing all existing underground disposal of low-level radioactive wastes at the NRTS. The Board also urged the eventual elimination of the long term storage of high-level wastes at the Station. What does the AEC plan to do about this?

A. I have read newspaper accounts of the board's recommendations, but I would not want to comment on this until I have seen and studied the board's official statement on this matter. As of the start of this week, the AEC has not received any such communication from the Idaho State Board of Health.

STATUS OF MTR

Q. The AEC has announced that there is no provision in future budgets for operation of the MTR beyond June 30, 1970. Do you know of any government-sponsored research projects assignable to the MTR that could turn this around?

A. The answer would have to be no. In light of the extremely tight budget throughout the AEC and the other government R & D activities provide no basis for encouragement that funds will be available.

[From the Idaho Daily Statesman, Jan. 9, 1970]

AEC AFFIRMS RADIOACTIVE DEBRIS FROM COLORADO BLAST DUMPED IN ARCO

(By J. Schifferdecker)

The Atomic Energy Commission confirmed Friday it has shipped 94,325 cubic feet of radioactive debris from a May 11, 1969, explosion at Rocky Flats, Colo., to its Eastern Idaho site.

Disposal of plutonium active wastes from the explosion is about 85 per cent complete, the AEC says.

Meanwhile, a governor's task force investigating the practice of utilizing the Idaho National Reactor Test Station near Arco as a dumping ground scheduled a meeting Jan. 20 and 21 with AEC authorities in Idaho Falls and at the site.

The task force, which has met twice to date behind closed doors, intends to tour the site the second day of the meeting. The meeting dates are still tentative, according to the office of Dr. Terrell O. Carver, Idaho health administrator, who also serves as task force chairman. Carver was out of town Thursday.

The Idaho Board of Health was afforded a tour of the site in November after protests were raised over the dumping practices of the AEC.

The main concern of the public and Gov. Don W. Samuelson is over the fact the dumping grounds are located directly above the Snake River Plain Aquifer, one of the world's largest underground bodies of water. The aquifer is the source of Thousand Springs near Hagerman.

The AEC has repeatedly denied that the radioactive wastes it buries at the NRTS pose a pollution hazard. W. L. Ginkel, manager of the site, has pointed out that the AEC has carried on the waste disposal for 15 years under constant monitoring and that no pollution has been evidenced.

He said wastes from the explosion at the AEC's Colorado plant are placed in plastic bags and sealed in 55-gallon drums prior to shipment by rail under Department of Transportation regulations.

[From the Idaho State Journal, Jan. 13, 1970]

AEC SCIENTIST RAPS SAFETY STANDARDS

DENVER—One of the Atomic Energy Commission's own scientists testified in federal court Monday that federal radiation safety standards are 10 times more liberal than they should be.

Dr. Arthur G. Tamplin of the AEC's Lawrence Radiation Laboratory in Livermore, Calif., soid standards established by the Federal Radiation Council should be reduced "at least by a factor of 10" because of the suspected effects of radiation on human genes and chromosomes.

Tamplin testified there is a whole new body of evidence indicating standards, established originally 10 years ago, are not sufficiently restrictive.

He said the AEC has set the allowable dose of radiation as .17 rads—the unit of the amount of radiation absorbed by the body. He said this should be reduced to .017 rads.

"Any amount of radiation, no matter how small, is deleterious to man," Tamplin testified.

His testimony came at the start of a trial stemming from Project Rulison, an underground nuclear explosion designed to stimulate natural gas production from deep underground sandstone formation in western Colorado.

The suit seeks to block the AEC and its private partner, Austral Oil Co., Houston, Tex., from reopening the vast underground cavern created by the Sept. 10 blast, which was equivalent to a blast of 40,000 tons of TNT.

The action is a consolidation of three suits, brought by property owners in the area; the Colorado Open Space Council, a conservation group and Dist. Atty. Martin Dumont of Garfield County.

Attorney Morgan Smith, representing the plaintiffs, said the case will be based on the contention that Austral and the AEC "underestimated the risks and overestimated the benefits" of the blast, 8,442 feet under Battlement Mesa near the town of Grand Valley.

[From the Intermountain Observer, Jan. 31, 1970]

POLLUTION: AN ISSUE THAT BEATS GOD, FLAG AND MOTHERHOOD

"Brethren, let us pray for those less fortunate members of society, who, in their lust for profit are limiting the life of babes in arms, bringing smothering death to the sick and aged and blighting our land with insidious poisons!"

"Good news! The gross national product is down! We can now hope the balance of nature may be restored by this heartening news of economic imbalance."

Comments from the pulpit of another lunatic fringe L.A. religion? Meetings from the minutes of the Sierra Club . . . or, will they become actual quotes as the accent of the Ecological Seventies becomes ecumenical and economic?

This fall the National Council of Churches established an Environmental Stewardship Action Team to put theologians and scientists to work on the ecological problem. St. Francis of Assisi, the 13th Century saint who challenged the idea of man's limitless rule over nature, has been proposed as the patron saint of those who have joined the fight against pollution of the environment.

The Rev. Norden Murphy of the Council issued the statement that "If we are serious about the quality of life for all men we may have to declare a moratorium on how much we consume."

Significantly, the first bill President Nixon signed in San Clemente on New Year's Day was the National Environmental Act of 1969, declaring that it was the policy of the U.S. Government to "create and maintain conditions under which man and nature can exist in productive harmony . . ." In his State of the Union message, Environment ran a close second to Crime.

Nature's watchdog, Sen. Edmund Muskie (D) of Maine, publicly wondered if this were just "window dressing." Senator Muskie has a healthy distrust of public officials when it comes to pollution, stating "The lesson of history of our Federal System is that State and Local governments tend to slough off responsibility for dealing with public problems until there is no recourse but national policy, national agencies and national enforcement." Then he adds, for those who love to blame the government for everything, "Traditionally, the public has become concerned only in the event of a crisis."

In Idaho, not all citizens fit this pattern, however. Take the matter of air pollution, considered the most dangerous offender by the President's environmental advisors. It has been with us since Prometheus first stole fire from the Gods, but that doesn't daunt Dick Meyer of the architectural firm Environment West in Ketchum. Also a member of the Idaho Environmental Council, a new organization dedicated to keeping Idaho a place of high quality environment, Meyer is working professionally and as a private citizen to this end. As an architect he incorporates the past history of an area with the limitations of population and industry for a total environmental design. As a citizen he is now arming himself with facts with a view to attending future meetings of the Air Pollution Commission in Boise.

In Buhl, Robert Erkins, owner of the world's largest trout farm, has opened a can of worms with his questioning of the wisdom of the Atomic Energy Commission in dumping its atomic waste on top of what is considered the world's largest underground source of stored water, the Snake River aquifer. This aroused Governor Don Samuelson sufficiently to appoint a task force to study the problem, but some editorials complained of the secrecy of its hearings. One citizen, Jerome Eden of Idaho Falls, formerly Editor of Waterworks Magazine, took them to task on their methods of gathering facts. Rather than relying on the opinions of others, Eden suggested that the atmosphere and both public and private sources of water be monitored regularly by geiger counters.

One thing so often leads to another . . . and one contamination often reveals another. Erkins suggested that after the Governor's task force had investigated the nuclear waste problem, perhaps they could check a report by Geologist Consultant Keith Anderson of Boise to the effect that the most common method of raw sewage disposal in South Central Idaho is to pipe it into the Snake River Aquifer. Anderson estimated that 7,500 "drainage wells," euphemism for cesspools, are in use today.

Back to nuclear contamination. The Idaho Falls *Post Register* in an October 31 editorial suggested that the Atomic Energy Commission's monitoring of nuclear contamination be cross-checked. According to the newspaper the U.S. Public Health Service is charged by law to do so but lacks the people and funds. One might question any such reports, however, for this is the same U.S. Public Health Service that is now monitoring air pollution in Twin Falls, Idaho Falls and Boise, and not in Pocatello, which is producing more air pollution than any other city in the state.

Trout farm owner Erkins tries to see the brighter side of the picture when he voices the opinion that the Snake River Aquifer is probably in no immediate danger of nuclear contamination barring an earthquake. One is then really shaken up on reading a recent issue of the New York Times which points out that the Snake River Aquifer and nuclear dumping ground of the A.E.C. are located in the heart of a high risk area where major earthquakes may occur.

In addition to Dick Meyer, the Idaho Environmental Council includes among its members Gerald A. Jayne of Idaho Falls, who is also its president; Dr. Lyle Stanford, biology department, College of Idaho at Caldwell; Professor Lloyd R. Pierson, biology science, Ricks College at Rexburg and Dr. Wayne Minshall, biology department, Idaho State University at Pocatello. I interviewed Dr. Stanford and he echoed trout farmer Erkins'

contention that the A.E.C. nuclear fuel dump is most inappropriately located, saying "What a mislocated site! It should have been placed at the bottom of a natural basin rather than the top of an aquifer. What a tremendously valuable resource to take even the remotest chance with. If there is any place it shouldn't have been located, that's it." He hopes for a regional approach to environment rather than the provincial one of towns and states, and he devotes much of his time to helping develop an interstate regional working solution.

Not too far from Professor Stanford, Boise lawyer-ecologist Bruce Bowler was not afraid to call a spade a spade. Echoing Muskie's warning, he declared "In our state our governor and attorney general are linked in their political positions to the industrial capital that helps them stay there. They make pro-environmental pronouncements. They can't get out of it altogether, but one can't believe that they really mean what they say. The top administration in Idaho doesn't care, never has, never will and this has put Idaho back 20 years in environmental control.

"The basic truth is national government will have to force agriculture and industry to clean up. It isn't a question of whether we can afford . . . we have GOT to afford. National enforcement is necessary . . . even international . . because air and water are transitory. They aren't localized in any sense."

"Furthermore, the thing thinking people can't tolerate is people in high places saying one thing and meaning another. They curry the voting public's favor with words and then cut the heart out of the program by cutting financial help."

Bowler feels that as a sacrosanct issue, pollution is replacing motherhood. Perhaps this is literally so, for when I interviewed Edith Kinucan, ecologist and member of the American Association of University Women, I learned that mother's milk carries 2 to 3 times more DDT than the amount considered to be safe. Just recently this group of mothers succeeded in preventing the City of Boise from using its remaining supply of DDT.

And so the struggle is undertaken. Individuals all over the state are starting the long, uphill fight for a cleaner environment.

One can only hope that the choice of Saint Francis of Assisi is not forebodingly correct. He spent many precious hours talking to the birds.

AMOUNT OF OUT-OF-STATE CONTAMINATED WASTE VERIFIED BY AEC

Mr. CHURCH. As indicated in the above stories, there was also a question as to the exact amount of high yield waste brought into Idaho from outside of the State. I instituted an inquiry with the Atomic Energy Commission to get the exact figures and discovered that waste materials had been shipped into Idaho to the NRTS burial ground from out-of-State for 15 years. It was further disclosed by the AEC that 350,000 cubic feet of such wastes were shipped to the site from Rocky Flats, Colo., in 1968 alone. I ask unanimous consent that the reply sent pursuant to my inquiry regarding the impact of radioactive waste into the NRTS burial ground appear at this point in the RECORD.

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

U.S. ATOMIC ENERGY COMMISSION,
Washington, D.C., January 13, 1970.

Hon. FRANK CHURCH,
U.S. Senate.

DEAR SENATOR CHURCH: The radioactive waste burial program at the NRTS is one of five such programs operated by the Atomic Energy Commission on Federally-owned land. There are five others—similar but commercially operated and on state-owned land. The NRTS burial site is the nearest such site to the Rocky Flats (RF) operations.

Wastes from RF have been shipped to the NRTS for burial since April of 1954. The volume of RF waste shipped to the NRTS in 1968 was 350,000 cubic feet. The volume received in 1969 was 250,000 cubic feet, of which approximately 95,000 cubic feet were attributable to the RF fire damage cleanup. An estimated 200,000 cubic feet of waste attributable to the RF fire remain to be shipped during 1970 and 1971. The capacities of the various types of railway cars that deliver the RF wastes vary from 1000 to 2000 cubic feet per car.

Should you require any further information concerning this matter, please let us know.

The enclosure to your letter is returned herewith as you requested.

Sincerely,

E. J. BLOCK,
Deputy General Manager.

Mr. CHURCH. Mr. President, in addition to this problem of imported wastes, it was brought to my attention that the AEC had commissioned a report in 1966 on burial ground activities at the NRTS, that such a report had been completed by a special committee of the National Academy of Sciences, but its content had never been revealed. I made immediate inquiry of the AEC asking why the contents of the disputed report had not been made public. The AEC replied that the study group had exceeded its authority in the study and thus the AEC had not published the findings. Mr. President, I ask unanimous consent that the text of my letter to the AEC and the reply I received pursuant to my request be printed at this point in the RECORD.

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

OCTOBER 7, 1969.

Hon. GLENN T. SEABORG,
Chairman, Atomic Energy Commission,
Washington, D.C.

DEAR CHAIRMAN SEABORG: It has recently been called to my attention that, in 1965, a review of waste disposal practices at the National Reactor Testing Station and certain other AEC installations was conducted by a committee of the National Academy of Sciences. I further understand that the committee, called the Committee on Geologic Aspects of Radioactive Waste Disposal, was advisory to the Atomic Energy Commission and, because of this fact, a completed report was transmitted directly to the Commission in May of 1966.

I have been advised that even though the Academy had been granted permission to publish two prior reports of the same committee, no such permission was granted by the AEC for the May 1966 report, despite the efforts of two successive chairmen of the Academy's Division of Earth Sciences.

The members of the Committee in questions were:

Chairman, John E. Galley, Midland, Texas.
Charles W. Brown, Mobil Oil Co., Dallas.
George B. Maxey, University of Nevada.
John C. Maxwell, Princeton.
Charles Meyer, Univ. California (Berkeley).
Robert S. Scott, U.S. Geol. Survey (Denver).
Charles V. Theis, USGS (Albuquerque).
A. F. VanEverdingen, DeGolyer & McNaughton (Dallas).
M. King Hubbert, USGS, (Washington, D.C.) Ex officio.

In light of the concern which waste disposal over the Idaho Aquifer is causing in my state, I would appreciate a report from the AEC explaining why this report has not been made public.

Sincerely,

FRANK CHURCH.

U.S. ATOMIC ENERGY COMMISSION,
Washington, D.C., October 17, 1969.

Hon. FRANK CHURCH
U.S. Senate.

DEAR SENATOR CHURCH: Your letter of October 7, 1969 inquires about a report of a Committee of the National Academy of Sciences and requests an explanation as to why it has not been made public.

In May of 1966, the Academy Committee on Geologic Aspects of Radioactive Waste Disposal submitted a report to the AEC's Division of Reactor Development and Technology (RDT). The Committee was organized to advise RDT on its research and development program pertaining to radioactive waste disposal pursuant to a contract between that AEC Division and the Academy.

The May 1966 report has not been published by AEC. However, this is not unusual since AEC receives many reports and communications from its advisory committees which are not published because, in most instances, AEC is seeking advice pertaining to its own programs.

In its May 1966 report, the Committee went beyond the requested appraisal of AEC's R&D program on radioactive waste disposal and commented at length on operational activities not under the jurisdiction of RDT and concerning which the Committee had been given only a short briefings incidental to the R&D program appraisal. AEC staff had many criticisms concerning the Committee report and these were not resolved before the Committee was dissolved by the Academy in 1967 preparatory to the establishment of another advisory committee with a broader spectrum of scientific disciplines.

The current Academy Committee on Radioactive Waste Management has been active since early 1968 and has recently completed visits to each of the AEC operating sites where significant radioactive waste management operations are conducted. The Commission has requested that Committee to prepare a report on its visits which will include the Committee's comments on the AEC R&D program and waste management operational practices. The May 1966 report is but one facet in the lengthy history of Academy Committees which have been advisors to AEC on radioactive waste management. The first Committee was established in 1955 and there have been a number of communications between the Committees and AEC.

Cordially,

GLENN T. SEABORG,
Chairman.

SECRECY IS UNWARRANTED

Mr. CHURCH. Mr. President, the refusal of the AEC to release its 1966 report is regrettable for, unless it contains severely damning evidence, the imaginations of people concerned with the issue will conjure up demons far worse than would be revealed by the report. I am increasingly troubled over the trend toward secrecy in our Government. If security reasons are involved, or the Commission does not feel the report is factual, it should say so. But to simply indicate that the committee did more than the AEC felt it should, and use that as a basis for not releasing the report is a dubious procedure. The AEC, like all Government agencies, is created for the benefit and protection of the people, and should make public as much information as possible.

AGENCIES AGREE TO CHURCH STUDY PROPOSAL

The location of the burial ground for nuclear wastes above the Snake Plain aquifer certainly presents a legitimate basis for concern. In light of this, I was pleased when the agencies I had called upon to conduct a study of the problem informed me of their willingness to do so. In addition, the Public Health Service agreed by phone to compile a written report based on the findings of the four agencies.

Mr. President, I ask unanimous consent that the replies I received from the four agencies, as well as the comments provided by the AEC at my request, be printed at this point in the RECORD.

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

U.S. DEPARTMENT OF THE INTERIOR,
BUREAU OF SPORT FISHERIES AND WILDLIFE,
Washington, D.C., September 22, 1969.

Hon. FRANK CHURCH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CHURCH: Thank you for your letter of September 12 concerning the use of a site above Idaho's Snake River Plain Aquifer as a dumping ground for radioactive waste materials. For at least 10 years the Fish and Wildlife Service, particularly the Bureau of Commercial Fisheries' Radiobiological Laboratory, has conducted basic research on the effect of radionuclides on fish and wildlife. Our concern for protection of fish and wildlife was expressed to the Atomic Energy Commission at an early date.

In late 1961 an arrangement was negotiated with the Licensing Division of the Commission to review all applications to install nuclear energy plants. At the present time our review of the fish and wildlife aspects of other Commission functions has been rather limited. However, we also are concerned with the possibility of radioactive contamination of the Snake River Plain Aquifer, and we have requested our Regional Office staff to look into this matter. A further reply will be made to you at the earliest possible time.

Sincerely yours,

JAMES T. MCBROOM,
Assistant Director.

U.S. DEPARTMENT OF THE INTERIOR,
BUREAU OF SPORT FISHERIES AND WILDLIFE,
Washington, D.C. October 10, 1969.

Hon FRANK CHURCH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CHURCH: This is in further response to your letter of September 12 concerning the use of a site above Idaho's Snake River Plain aquifer as a dumping ground for radioactive waste materials.

Inquiry into this matter has taken longer than anticipated. A full reply will be provided as soon as all the information available can be assembled.

Sincerely yours,

J. P. LINDUSKA,
Acting Director.

U.S. DEPARTMENT OF THE INTERIOR,
BUREAU OF SPORT FISHERIES AND WILDLIFE,
Washington, D.C., October 31, 1969.

Hon. FRANK CHURCH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CHURCH: This is in further response to your letter of September 12 concerning the use of a site above Idaho's Snake River Plain Aquifer as a dumping grounds for radioactive waste material.

As we indicated in our letter to you on September 22, we have a continuing concern for the protection of fish and wildlife resources from radioactive contamination. We would be pleased to cooperate in any studies of the storage of radioactive wastes above the Snake River Plain Aquifer, to determine whether or not these wastes do reach fish and wildlife habitats.

Since the principal questions to be answered by a future study appear to be geologic and hydrologic in nature and the Geological Survey has done preliminary studies of the area, that agency may take the lead in future studies of percolation rates and ground water movement. We will cooperate with the Geological Survey, the Federal Water Pollution Control Administration, and the Public Health Service in any future study. Although we have adequate statutory authority to participate in a study, the funding of additional work is a persistent problem. A series of meetings is scheduled among the concerned agencies with a view to taking a closer look at the situation so that necessary studies can be developed to answer all questions raised.

Sincerely yours,

JOHN S. GOTTSCHALK,
Director.

U.S. DEPARTMENT OF THE INTERIOR,
GEOLOGICAL SURVEY,
Washington, D.C., October 13, 1969.

Hon. FRANK CHURCH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CHURCH: Reference is made to your letter of September 12, 1969, requesting that Geological Survey make a study in conjunction with Bureau of Sport Fisheries and Wildlife, The Public Health Service, and the Water Pollution Control Administration to determine the long-range implications to life and health of continued storage of radioactive wastes above the Snake River Plain Aquifer.

Mr. Wetherell of your staff met with Messrs. Nace, Schneider, Baltz, and Sinnott of Geological Survey on September 16, 1969, for a general discussion of the situation with respect to waste disposal and with respect to Survey operations at the National Reactor Testing Station (NRTS). At that time Mr. Wetherell was briefed specifically on the location of the burial ground and the general hydrologic and geologic characteristics of the location.

Preliminary to joining representatives of the other agencies to which you have directed requests for a study of the stituation, we have been in consultation with J. T. Barraclough, Geological Survey project chief at NRTS, to gain the most up-to-date appraisal of the situation with respect to the technical matters for which Geological Survey is responsible. We are advised that the approximately 100-acre site at the burial ground has a few to about 20 feet of fine-grained, alluvial deposits extending from ground surface downward. Underlying the fine-grained alluvium is basalt with some inter-bedded sediments extending downward about 575 feet to the Snake Plain Aquifer. Trenches and dikes have been constructed around parts of the burial ground to minimize the potential for flooding from local rainfall or snowmelt. Incidentally, for the past three years we have been conducting a study for the Atomic Energy Commission of the long-range potential for flooding of various parts of the NRTS by the Big Lost River which is about two miles north of the burial ground. This study includes an analysis of the hydrology of the existing diversion channels and spreading grounds that were constructed by AEC to control flood waters from the Big Lost River.

It is the responsibility of Geological Survey under repay funding from the Atomic Energy Commission to provide advice on geologic and hydrologic factors bearing on waste-disposal operations. The amount of such work done in any period of time is controlled by the AEC via the normal procedure of review and approval of proposals for studies of specific problems and the allocation of supporting funds. Thus, specific information on the burial ground that has been obtained by the Geological Survey personnel stationed at NRTS has been limited to that derived from studies arranged under this procedure. About 16 years ago we made a brief evaluation of geologic and hydrologic conditions at the burial ground site in consideration of the waste management practices that were anticipated then. Since that time these practices have been changed.

A fully adequate evaluation of the geologic and hydrologic characteristics of the burial ground site, which would determine whether waste solutions can seep down or have seeped down to the water table and the rate of their lateral movement from the site, should be based on many more data than are available now. Drilling of test holes to provide detailed information on the lithology and character of the alluvial deposits and the underlying basalt, and to sample the water beneath the burial site, would be necessary for an adequate study. Since investigations of this scope have not been authorized or funded by AEC, the Geological Survey finds it impossible to provide a report that would answer adequately the question posed in your letter.

We believe that a thorough evaluation of geologic and hydrologic controls on the transmission of radioactive wastes through the soil and basalt at the burial ground is the heart of a study of the long-range implications of radioactive waste storage with respect to possible hazards to human and animal life. If the character of the alluvial deposits is found to be such that percolating wastes would be promptly absorbed and retained and the percolation of wastes to the local water table would not occur, the site could be evaluated as safe. Unless the necessary new data can be collected for evaluation of the situation, conjunctive efforts with FWPCA, SF&WL etc. would be unproductive.

Nevertheless, we will be pleased to collaborate with the other agencies you have requested to join in a study. We are in contact with representatives of these agencies regarding initial plans for the study. We do wish, however, to point out the limitations of such a study based on presently available data and without the additional basic data on the geology and hydrology discussed above.

Sincerely yours,

W. T. PECORA,
Director.

OCTOBER 14, 1969.

Mr. W. T. PECORA,
Director, Geological Survey, Washington, D.C.

DEAR DIRECTOR PECORA: I am in receipt of your letter of October 13 in which you point out in detail the feelings of the Geological Survey relative to the safety of present practices used by the AEC for atomic waste disposal above the Idaho aquifer.

You point out that a great deal of study would be necessary to pass on the safety of present practices and that money for such a study is not currently available. It would be most helpful to me if you could give me an estimate of the probable cost of such an investigation. And, if possible, a draft of legislation which would allow appropriation of that amount to the Geological Survey to conduct a survey in conjunction with the other agencies mentioned in my earlier letter.

With best wishes and thanks for your kind cooperation,

Sincerely,

FRANK CHURCH.

U.S. DEPARTMENT OF THE INTERIOR,
GEOLOGICAL SURVEY,
Washington, D.C., November 6, 1969.

Hon. FRANK CHURCH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CHURCH: Since receiving your letter of October 14, the Survey has participated in one meeting with other agencies interested in possible environmental problems at AEC sites in Idaho. Another is planned during the early part of this month to discuss existing data and data needs.

Although extensive and costly testing would be required to determine in detail the hydrologic conditions that would affect the behavior of radioactive waste products, it is possible that more limited testing would suffice to determine if present operations involve significant environmental hazards. As soon as an assessment of this possibility has been made, information regarding costs of an investigation and the status of legislative authority will be prepared.

Sincerely yours,

W. T. PECORA,
Director.

U.S. DEPARTMENT OF THE INTERIOR, FEDERAL WATER POLLUTION CONTROL ADMINISTRATION,
Washington, D.C., October 2, 1969.

Hon. FRANK CHURCH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CHURCH: This is in reply to your letter of September 12, 1969, concerning possible contamination of the Snake River Plain Aquifer by radioactive wastes from the National Reactor Testing Station in Idaho and from Rocky Flats, Colorado.

In 1968 the Federal Water Pollution Control Administration and the Idaho Department of Health were invited by the Idaho Operations Office of the Atomic Energy Commission (AEC) to make an examination of the waste treatment and disposal practices at the National Reactor Testing Station. The examination was made during the period October 15 to 22, 1968. A report of this study has been reviewed by the Atomic Energy Commission and is now being completed. We will be pleased to provide you with a copy of the final report as soon as it is available.

The Northwest Regional Office of the Federal Water Pollution Control Administration has already been in contact with the Bureau of Sport Fisheries and Wildlife and the Geological Survey in this matter, and plans further talks in which the Public Health Service will be asked to participate. The purpose of these talks will be to determine the types of studies, other than the one mentioned above, that have been made, the information that is available from these studies, and what further investigations are needed.

Please be assured that this Administration is keenly aware of the potential water pollution arising from the current methods of waste disposal at the Arco site and is working closely with other Federal and State agencies to do all possible to prevent any degradation of the quality of the waters of the Snake River Basin.

Thank you for your continued interest in our program to abate water pollution and to enhance the quality of the waters of our Nation.

Sincerely yours,

DAVID D. DOMINICK,
Commissioner.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
September 19, 1969.

DEAR SENATOR CHURCH: This is to acknowledge receipt of your September 12 letter in which you inquired about the dumping of radioactive wastes above the Snake River Plain Aquifer. I have asked our Environmental Control Administration to investigate the matter, and as soon as I receive their report I will be in further communication with you.

Sincerely yours,

CHARLES C. JOHNSON, JR.,
Assistant Surgeon General, Administrator.

U.S. ATOMIC ENERGY COMMISSION,
Washington, D.C., October 15, 1969.

Hon. FRANK CHURCH,
U.S. Senate.

DEAR SENATOR CHURCH: This is in response to your letter of September 13, 1969, requesting comments on your proposal that four other Federal agencies make a joint study of radioactive waste storage at the AEC's National Reactor Testing Station (NRTS) in Idaho.

At the time of startup, the best geological and hydrological information was used to select a site within the NRTS suitable for burial of its solid radioactive wastes.[1] The site has also been used for burial of solid radioactive wastes from the AEC's Rocky Flats, Colorado, plant and was used for wastes from AEC licensees until commercially operated burial sites became available.

The NRTS has always operated an environmental monitoring program to detect radioactivity which could escape into the air or water from its operations. The radiation exposure standards of comparison are basically those of organizations independent of the AEC—the Federal Radiation Council, the National Council on Radiation Protection and Measurement, and the International Commission on Radiological Protection. The environmental monitoring results, which are summarized in semiannual public reports, show radioactivity concentrations in offsite waters and in onsite underground waters have always been well below these applicable limits.

The average annual precipitation at the NRTS during the past 15 years has been 8.5 inches. Studies at the burial ground indicate that 96 percent of all precipitation is lost by evaporation from the soil or transpiration by vegetation. The remaining 4 percent is not sufficient to cause saturation. Therefore, once the wastes are buried and covered by about 3 feet of soil it seems reasonable to believe they are not leached by water but remain virtually dry.[2]

From the foregoing, there is no reason to believe that the acquifer has been contaminated, or will become contaminated, from rainfall. We plan to intensify our efforts to detect any changes due to spring snow melt, and to take corrective action accordingly. In addition, because of the presence of long-lived plutonium in the burial ground, we are evaluating the hazard potential of some future major flood which might exceed any flood in the known history of the site.

The four agencies named in your letter already have some familiarity with NRTS operations. The AEC has always sought the expert advice of the U.S. Geological Survey (USGS), and the USGS has always maintained a small staff of scientists at the NRTS for that reason. Additional USGS consultation has been provided at the headquarters level. The Bureau of Radiological Health, U.S. Public Health Service, routinely integrates the NRTS environmental monitoring results with those from the monitoring networks operated by itself and by State health agencies. Technical staff from the Denver Regional Office of the Public Health Service recently visited NRTS for orientation on radiocative waste disposal. The Regional Director of the Federal Water Pollution Control Administration has visited NRTS to review both radioactive and nonradioactive waste disposal practices. The Bureau of Sport Fisheries and Wildlife has direct knowledge of fish and game conditions on the NRTS through staff visits in connection with predator control programs. The AEC will continue to cooperate with these agencies on matters of common interest. The AEC, of course, is responsible for the decisions which have been made and the preceding references are not intended to imply full endorsement of such decisions by these other agencies.

As a final comment, a proposed policy on siting of private nuclear fuel reprocessing plants, published in the Federal Register on June 3, 1969, provides in part that the high-level *liquid* wastes from such plants would be solidified and transferred to a limited number of Federal repositories which would provide permanent isolation of the wastes from man's environment. By letter of July 23, Mr. Donald J. McKay, Chairman of the Idaho Nuclear Energy Commission, agreed with the proposed policy and requested that the NRTS be designated as one of the Federal repositories.

We hope this information is sufficiently responsive to your inquiry. If you have any further questions, or if you would like a briefing by AEC technical staff, please let us know.

Cordially,

GLENN T. SEABORG,
Chairman.

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[1] See paragraph 4 of Geological Survey reply of Oct. 13, 1969.

[2] See paragraph 5 of Geological Survey reply of Oct. 1969.

[From the New York Times, Feb. 11, 1970]

COLORADO ATOM PLANT IS CALLED RADIATION HAZARD

(By Anthony Ripley)

WASHINGTON, February 10.—A group of Colorado scientists contends, on the basis of its investigations in the Denver area, that one of the nation's key atomic bomb manufacturing plants has been releasing dangerously radioactive plutonium into the air, water and soil.

Officials of the Atomic Energy Commission acknowledged that over the years small amounts of plutonium had been released by its Rocky Flats plant, 16 miles northwest of downtown Denver, but emphasized that the amount was too "minuscule" to pose a public health hazard.

A different conclusion was reached by the private scientific group in Colorado, which found that enough plutonium had been released to pose "a serious threat to the health and safety of the people of Denver."

The group recommended that the plant be phased out of production, relocated elsewhere and built with much more stringent safety precautions.

The plant, operated for the Atomic Energy Commission by the Dow Chemical Company, makes plutonium triggers for atomic devices. Last May 11 it was struck by a $45-million fire when plutonium, which ignites spontaneously, caught fire in a work room. It was one of the largest of a long series of fires over the 18 years that the plant has been in operation near Denver.

The investigation of that fire led the Atomic Energy Commission to conclude that there was no danger involved and that the radiation was entirely contained within the plant itself and the immediate vicinity.

But the scientists, a group of five working independently of the commission, reported finding plutonium deposits not only from the fire but also from years of leakage from the plant.

Their findings were contained in a report sent Jan. 13 to Dr. Glenn T. Seaborg, chairman of the commission, by Dr. Edward A. Martell. Dr. Martell, a former program director of the Armed Forces Special Weapons Project, headed the study group for the

Colorado Committee for Environmental Information. The committee is a nonprofit group of 25 persons, mostly scientists, that deals with the impact of technology on man's environment.

Dr. Martell is a West Point graduate who now works with the National Center for Atmospheric research, in Boulder, Colo.

A.E.C. officials, when questioned about the Martell report, said the commission had never attempted to conceal the fact that what it called "minuscule" amounts of plutonium were released through the ventilation system during normal operation of the plant.

They conceded, however, that until the recent investigation by the Colorado committee, the commission had not conducted adequate ground sampling to detect any build-up of plutonium in the soil of the environs of the plant.

In what officials described as a step to "contribute to public confidence" in the safety of the plant, the monitoring and ground sampling program has been expanded in recent months.

A.E.C. officials today began two days of private meetings in Denver with the Colorado committee, a representative of Gov. John A. Love and Lloyd Joshel, general manager of the plant. An A.E.C. spokesman said a joint statement would be issued after the meetings.

Following the fire last May, a special investigating board was appointed by A.E.C. officials. The board stated, "There is no evidence that plutonium was carried beyond the plant boundaries" at the time of the fire.

Dr. Martell, however, reported that of 20 earth samples taken from two to four miles east of the plant, nearly all showed plutonium "of Dow Rocky Flats origin," as opposed to deposits of plutonium and strontium-90 left by worldwide nuclear bomb tests.

The deposits ranged "from five to 300 times" the readings obtained in areas far removed from the plant, Dr. Martell reported. Deposits were heaviest at the surface of the soil but were found at all levels down to five inches, indicating a long series of leaks from the plant, he said.

"The estimated total plutonium deposited in off-site areas which we have examined so far is in the range from curies to tens of curies," the report states.

"Depending on the amounts deposited nearer the plant, and in other areas, the total could be much greater.

"Stack [smokestack] effluent data furnished by Dow Rocky Flats indicates that the total stack release during the past year, including that from the May 11, 1969, fire, was less than one millicurie.

"The actual off-site accumulation of plutonium is at least 1,000 times greater."

Maj. Gen. Edward B. Giller, an Air Force officer in charge of the commission's Division of Military Applications, said the commission was in "reasonable agreement" with the Colorado committee's report of the levels in the ground. Where the commission and the scientific group differ is in assessing the public health hazard represented by the plutonium and now detected in soil samples.

A.E.C. officials insisted that the amount released by the plant was "very, very small"—far below the permissible levels recommended by the International Committee on Radiation Protection—and therefore does not pose a public health hazard.

Even the amounts of plutonium found in the soil by the Colorado committee, A.E.C. officials said, were well below the permissible radiation concentrations for plutonium. Furthermore, they said once plutonium reaches the soil, it does not pose a particular health hazard.

Plutonium, which was once described by an A.E.C. commissioner as a "fiendishly toxic" substance, is one of the most toxic materials ever produced by man. Its lethality comes from its alpha radiation, which can damage the tender tissues inside the body.

To be lethal, however, plutonium must be ingested or inhaled into the body, either through food or from the air. In the oxide form, however, plutonium is chemically inert and once in the soil does not tend to be absorbed in the food chain, as do some other radioactive materials, such as iodine and strontium.

For the plutonium found in the environs of Denver to be dangerous therefore, A.E.C. officials said people would have to eat the dirt—and large amounts of dirt, in view of the low levels of plutonium in the soil.

In an interview in Boulder on Monday, Dr. Martell said he submitted the report to the Atomic Energy Commission rather than making it public immediately because he felt it was the proper way to handle a scientific matter. He had planned to make the report public next week after the Denver meetings.

During the interview, Dr. Martell said that all testing was not completed when the report was submitted in January. Later findings, he said, indicated readings of plutonium spread by the wind as far as 15 miles from the plant. He estimated that 200,000 to 300,000 persons live in the area immediately downwind.

There were no reports of any tests taken inside Denver. Dr. Martell expressed most concern about the suburbs of Westminster, Broomfield and Arvada.

The scientists taking part in the study with Dr. Martell were Paul D. Goldan, Dion W. J. Shea, J. J. Kraushaar and Robert H. Williams. Professor Kraushaar teaches physics at the University of Colorado. The other three men are all physicists in the aeronomy laboratory of the Environmental Science Services Administration laboratories.

Dow did not find any traces of plutonium, the report said, because its tests and monitoring devices were not sensitive enough and because soil samples were not taken.

Whether the plutonium now being observed in the soil comes from routine operation of the plant or was accidentally released during the fire last May is uncertain and probably not determinable, A.E.C. officials said.

General Giller said, in an interview, that during and after the fire no plutonium was detected beyond the plant boundaries by the various monitoring methods used by the commission. It was not until recently, however, that the commission started taking soil samples.

The general said that most of the plutonium observed in the soil probably came from normal operation of the plant.

Because of its toxicity, plutonium is fabricated in remotely controlled chambers that are kept slightly below atmospheric pressure. As part of the air pressure and ventilation system, air is pumped through the chamber and then exhausted through ventilation stacks resembling smokestacks.

Filters in the ventilation stacks are supposed to pick up specks of plutonium created during the fabrication processes, but some plutonium escapes up the ventilation stack.

"You can't run an atomic processing plant and guarantee that one molecule won't escape," General Giller observed.

The amount released, he said, is so small that once it is diluted in the air it cannot be detected by air monitoring devices maintained by the commission on the perimeter of the plant and in downtown Denver.

Dr. Martell's group found plutonium by specifically testing earth samples for it, rather than only measuring the radiation plutonium gives off.

High readings were also found in water along Walnut Creek, which runs on the north side of the plant and feeds into the Great Western Reservoir, a water supply source for the Denver suburb of Broomfield. The report suggests that the water was contaminated by liquid plutonium wastes from the plant but that further study is needed.

Plutonium oxide, formed when the element burns, is regarded as a "high specific activity" radioactive substance, in that it gives off heavy radiation dosage for its size. However, little experimental work has been done on its effects.

Plutonium leakage from the plant, including the fire last May, the report notes, would not be absorbed to any great extent by the dry, treeless hills near the plant.

Instead, the plutonium particles would be caught up in the prevailing westerly winds that this time of year are measured up to 120 miles an hour coming over the eastern edge of the Rocky Mountains. They kick up giant dust clouds, often gently sandblasting automobiles in the Rocky Flats area.

The report noted that Dow was doing "criticality" experiments to find out more about carrying and storing plutonium. In such experiments, two pieces of plutonium are pushed close enough together to begin a small chain reaction, then allowed to push themselves apart. Heat is produced, which, in a criticality accident, can vaporize the metal.

DOW SPOKESMAN COMMENTS

DETROIT, February 10—A Dow Chemical Company spokesman at the company headquarters in Midland, Mich., said today that the assertions by a group of Colorado scientists were "just not credible."

The Dow public relations men would say nothing else about the scientists' report. One in Denver said, "We're kind of preempted from making any statements" by the Atomic Energy Commission.

They did say that the Colorado group had been invited to visit the Rocky Flats plant and inspect the monitoring system but had refused. Some of the scientists, however, have been at the plant for meetings, the public relations man said.

CHURCH-ORDERED REPORT ON SOLID WASTES COMPLETED

Mr. CHURCH. Mr. President, the study group which I requested has completed its work on part I of its study regarding waste disposal practices at the NRTS. The first part of the report deals with the land burial of solid radioactive wastes. The second portion of the report, yet to be completed, will deal with waste disposal problems via seepage ponds and injection into deep wells. When that portion of the report becomes available, I will also make it public in the CONGRESSIONAL RECORD.

RECOMMENDATIONS OF REPORT

In the report, written by the Public Health Service, the combined agencies have called for the implementation of seven specific reforms in the treatment of solid radioactive wastes at the National Reactor Testing Station. Those recommendations are:

First. Each trench and pit should be covered and maintained with a minimum of 3 feet of soil above the ground level.

Second. A minimum of 2 feet of alluvial soil should be required beneath all buried wastes.

Third. Flood control measures should be taken to prevent any accumulation of water in the trenches and the pits.

Fourth. Test holes should be drilled in the vicinity of the burial site to provide detailed information on the lithology and character of the alluvial deposits of underlying basalt.

Fifth. Plutonium and americium waste should be segregated in special pits.

Sixth. Monitoring should be intensified to provide a positive indication that radioactive material has not migrated from the burial ground.

Seventh. Plutonium and americium waste should be accessible for removal from the burial ground should it be detected in monitoring holes.

To those recommendations, I would add two of my own:

Eighth. That no liquid waste be stored at the present burial site at any future date.

I am assured by the AEC that no liquid wastes are currently located at the NRTS burial ground; however, the temptation to store such wastes may arise in the future. In view of the fact that this site is above an aquifier and located in an earthquake belt, I feel that the AEC should commit itself now to a policy which precludes the storage of any liquid wastes at this burial site at any time in the future.

Ninth. That the AEC initiate soil tests in addition to air, water, and foodstuffs data gathered in relation to radiation levels around the NRTS site.

This request is made in view of the recent situation at the Rocky Flats, Colo., testing site. I feel that is in the best interests of both the AEC and the public to know of any contamination of the soil in the area. I note from the "Environmental Monitoring Report No. 23," published by the AEC and released on October 20, 1969, covering the period of July to December 1968, that regular monitorings of radioactivity in air, water, and foodstuffs are the only functions performed at present.

Mr. President, because the problem at Rocky Flats, Colo., is so closely linked to this recommendation, I ask that a recent story which appeared in the New York Times by Anthony Ripley, which deals with the Colorado case in some detail, be printed at this point in the RECORD.

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

COLORADO ATOM PLANT IS CALLED RADIATION HAZARD

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The group recommended that the plant be phased out of production, relocated elsewhere and built with much more stringent safety precautions.

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The investigation of that fire led the Atomic Energy Commission to conclude that there was no danger involved and that the radiation was entirely contained within the plant itself and the immediate vicinity.

But the scientists, a group of five working independently of the commission, reported finding plutonium deposits not only from the fire but also from years of leakage from the plant.

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They did say that the Colorado group had been invited to visit the Rocky Flat plant and inspect the monitoring system but had refused. Some of the scientists, however, have been at the plant for meetings, the public relations man said.

Mr. CHURCH. Mr. President, I ask unanimous consent that the full text of the report and those charts which may be reproduced in accordance with the rules regarding insertion of materials in the CONGRESSIONAL RECORD be printed at this point in the RECORD. Unfortunately, drawings which graphically show the location of the waste dump in regard to the aquifer may not be reproduced in the RECORD.

I further ask unanimous consent that the text of my letter to the Chairman of the Atomic Energy Commission, calling for the most rapid possible implementation of the recommendations, be printed at this point in the RECORD.

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

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., February 5, 1970.

Hon. FRANK CHURCH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CHURCH: This is in further response to your request of September 12, 1969, and my interim reply of September 19, 1969, concerning disposal of solid radioactive material above the Snake River Plain. I am pleased to transmit to you a staff study prepared by our Bureau of Radiological Health entitled "Public Health Aspects of the National Reactor Testing Station Radioactive Burial Grounds." The Bureau of Radiological Health is also making a public health evaluation of the National Reactor Testing Station's operation for disposal of radioactive material into seepage ponds and by injection into deep wells. A copy of this report will be provided to you at a later date.

The attached report was prepared based on a site visit and discussions with the Atomic Energy Commission staff in Idaho, an analysis of technical reports of the geology of the area, and radiation measurements around the site. In addition, two meetings were held with the U.S. Geological Survey, the Federal Water Pollution Control Administration, and the Bureau of Sport Fisheries and Wildlife for the purpose of coordinating this study. The results of the technical discussions at these meetings have been incorporated into our report.

It is our judgment that the land burial techniques currently in use meet the radiation safety criteria of the Federal Radiation Council for protection of the public. Extensive environmental radioactivity data are available for the site which show that no health and safety problems have occurred as a result of burial of solid radioactive wastes. This experience also indicates that it is not likely that radioactivity will migrate from the burial grounds in the future if current procedures are continued. Because of the potential long-term effects, additional safety measures, consistent with a conservative approach regarding radioactivity, are recommended in the staff study.

Sincerely yours,

CHARLES C. JOHNSON, Jr.,
Assistant Surgeon General Administrator.

PUBLIC HEALTH ASPECTS OF THE NATIONAL REACTOR TESTING STATION RADIOACTIVE BURIAL GROUNDS

[Illustrations not printed in RECORD]

SUMMARY AND RECOMMENDATIONS

The public health evaluation by the Bueau of Radiological Health of the technical reports, burial techniques, and analysis of the data made available by the Atomic Energy Commission indicates that land burial of solid radiological material does not result in a health and safety problem in the off-site area. Further, since no radioactivity has been detected off-site which was attributable to this operation, it can be concluded that there is no population exposure and thus, the radiation safety criteria of the Federal Radiation Council have been met. Because of the potential long term effects, additional safety measures consistent with a conservative approach regarding radioactivity are required. The following recommendations are made to provide confirmation that long half-life radioactive materials will be confined in the waste disposal ground:

1. Each trench and pit should be covered and maintained with a minimum of three feet of soil above the ground level.

2. A minimum of two feet of alluvial soil should be required beneath all buried wastes.

3. Flood control measures should be taken to prevent any accumulation of water in the trenches and pits.

4. Test holes should be drilled in the vicinity of the burial site to provide detailed information on the lithology and character of the alluvial deposits of underlying basalt.

5. Plutonium and americium waste should be segregated in special pits.

6. Monitoring should be intensified to provide a positive indication that radioactive material has not migrated from the waste burial ground.

7. Plutonium and americium waste should be accessible for removal from the burial ground should it be detected in the monitoring holes.

I. INTRODUCTION

This report has been prepared in response to a request from Senator Frank Church for the Public Health Service to undertake a study in conjunction with the U.S. Geological Survey, Bureau of Sport Fisheries and Wildlife, and Federal Water Pollution Control Administration to determine the effects on public health and safety of storing radioactive wastes in a burial ground at the AEC's National Reactor Testing Station (NRTS), Idaho. This study was limited to evaluating the land burial of radioactive material. The attention of the public was focused on this problem following a fire at the Rocky Flats Fuel Fabrication Facility when it was reported that the long half-life radioactive material would be buried at the NRTS waste disposal facility. The Bureau of Radiological Health has a separate study in process to evaluate the NRTS's operations for disposal of radioactive material into seepage ponds and by injection into deep wells.

From a public health viewpoint land burial of solid radioactive waste must provide a place of permanent storage, such that no uncontrolled movement of radioactive materials to the environment occurs. These operations have been examined to determine if (1) buried radioactive material can migrate into the environment to a point of human intake, (2) monitoring methods are adequate to detect such migration, and (3) disposal methods should be modified to prevent migration.

II. DESCRIPTION OF NRTS

The NRTS is located in the Snake River Plain of southeastern Idaho. This area has a relatively arid climate and receives approximately 8.5 inches of precipitation per year. The prevailing winds at the NRTS are from the southwestern and northeastern quadrants. The northeastern winds occur mainly at night as a result of radiation cooling of the desert floor. The terrain is relatively flat, sloping, and consists almost entirely of sagebrush and basalt fields. The geology at the NRTS presents the geophyisicist with a particularly difficult problem; the rocks filling the Snake River depression are a complex of basaltic lava flows which are massive to scoriaceous and cindery and have interbedded lenses and tongues of alluvial and lacustrine clays, sands, and gravels. The sequence is thus extremely heterogeneous, both laterally and vertically, with regard to porosity, permeability, density, magnetic properties and seismic velocity. The soil of the Snake River Plain is composed primarily of a mixture of alluvial deposits interspersed with basalt beds. The aquifer underlying this area is considered to be the most productive in the United States, with a lateral flow of ground water in the order of 5,000 million gallons per day. Figure No. 1 illustrates the location of NRTS and the Snake River Plain within the State of Idaho, as well as the direction of generalized water flow. Figure No. 2 shows the location of the various facility sites within NRTS.

Population density in the vicinity of NRTS is relatively sparse, ranging from one to ten persons per acre within a 30-mile radius of the center of the site. The various munici-

palities located near the NRTS and their respective populations are shown in Figure No. 3.

III. ACTIVITIES AT NRTS

The National Reactor Testing Station (NRTS) is a Federally owned facility administered by the U.S. Atomic Energy Commission (AEC). The NRTS site encompasses 894 square miles of land on the Snake Plain in southeastern Idaho and is located approximately 29 miles west of Idaho Falls at its nearest boundary. The major operating contractors engaged in activities at the NRTS are: Argonne Laboratory, General Electric Company, Idaho Nuclear Corporation (a jointly owned subsidiary of Aerojet General Corporation and Allied Chemical Corporation), Phillips Petroleum Company, and Westinghouse Electric Company.[3] The principal activities conducted at the NRTS are testing and operation of nuclear reactors, processing of spent fuel for uranium recovery and land burial of solid radioactive waste.

IV. SOLID WASTE DISPOSAL OPERATIONS

The ground burial facility is located in the southwestern portion of the NRTS about 3½ miles north of the southern (nearest) boundary as shown in Figure #2.[4] Solid radioactive wastes generated at NRTS and other wastes from off-site facilities are shown in Tables 1 and 2.[5] During 1968, solid waste from Dow Chemical Plant, Golden, Colorado, and Aerospace Corporation, Dallas, Texas, were buried at the NRTS site. Table 1 provides a breakdown of levels of solid radioactive wastes buried at NRTS during 1968 and summarizes the total amounts of waste deposited annually for the years 1955 through 1968. Table 2 provides data on the quantities of uranium, plutonium, americium, and cobalt-60 buried at the site.

Low and intermediate level solid radioactive wastes generated at NRTS are placed in cardboard boxes or other type containers, transported to the burial ground, and dumped in trenches. The arrangement of pits and trenches is shown in Figure #4.[5] The trenches are about 8 feet wide by 20 feet deep and 16 feet center to center. Wastes in trenches are compressed with a heavy metal plate and backfilled weekly with 2 to 3 feet of compacted alluvial soil. All wastes are backfilled until the radiation level at one meter at the surface is 1.0 mr/hr or less. In cases where waste material has a radiation level of 25 R/hour or greater at 1 meter at the surface, it is backfilled immediately. The solid wastes received from the Rocky Flats, Colorado fuel processing facility are generally in the form of dried slurries, fiberglass air filters and miscellaneous contaminated equipment. It is shipped to NRTS in 55- and 30-gallon metal drums or plywood boxes designed to prevent dispersal of radioactive material in transit. The radionuclides associated with the Rocky Flats wastes are for the most part americium–241 and plutonium–239. Plutonium–239 is the most important radioisotope, because of its toxicity and long half-life. These off-site wastes are disposed of in rectangular pits which are 20 feet deep and 100 to 200 feet wide in both horizontal dimensions. The separation distance between pits is 25 feet. Dumping of wastes in these pits begins at one edge and progressively proceeds to the other edge until the pit is filled.

Backfilling closely follows placement of wastes to provide trucks with access for dumping; thus, these pits are covered as required in the burial operation.

The current operational burial procedure does not require a minimum soil barrier between the radioactive material and exposed basalt formations. During a visit to the burial ground, it was observed that while very little basalt was exposed in the unfilled pit and trench, some basalt outcroppings were found.

VI. ENVIRONMENTAL SURVEILLANCE

The USAEC Health Services Laboratory, NRTS, conducts an on-site and off-site radiological surveillance program. The data obtained from this program have been regularly reported since 1959 in *Radiological Health Data and Reports*. The current surveillance program includes the collection of:[4]

1. On-site well water samples from 22 stations biweekly;
2. Off-site well water samples from 12 stations semiannually;
3. Surface water samples from 2 stations semiannually;
4. On-site air samples from 8 stations continuously;
5. Off-site air from 2 stations continuously; and
6. Off-site milk from 12 stations monthly.

Off-site sampling stations shown in Figure No. 3 include the towns of Carey, Dietrich, Minidoka, Aberdeen, and Atomic City, all of which are generally downstream from NRTS with regard to ground water flow in the Snake River Plain Aquifer. External radiation is also continuously measured both off- and on-site at 84 locations by means of thermoluminescent dosimetry. Six of these locations are in close proximity to the NRTS perimeter. These dosimeters are collected and radiation levels determined biannually. An examination of the surveillance data reveals that no radioactivity or radiation levels could be attributable to NRTS operations.

In 1960 the Health Services Laboratory established ten monitoring holes as shown in Figure 4 for detecting any migration of radioactivity from burial waste. Each monitoring hole consists of a two inch diameter perforated plastic pipe placed in an auger hole in close proximity to buried wastes and extending below the maximum depth of these wastes. These holes are checked periodically and if water is found, a sample is obtained and analyzed for radioactivity. Because of the relatively arid climate, water has been found in the monitoring holes on only two occasions. In the spring of 1969, as a result of large snow melt, water samples were obtained from holes numbers 4, 5, and 7 and analyzed for gross alpha, beta, and gamma radioactivity. The data obtained from these samples indicated that the levels were within the normal range of variability for water as compared to control samples.

Since 1968, the Southwestern Radiological Health Laboratory of the Bureau of Radiological Health has conducted a tritium monitoring program in cooperation with the Idaho State Department of Health.[6] Other States participating in this program include Utah, Wyoming, and Montana. This surveillance program consists of the collection of both ground and surface water samples from various locations on the Snake River in addition to public water supplies. Sampling stations include the cities of Idaho Falls and Boise as well as municipalities downstream on the aquifer such as Atomic City, Jerome, and Minidoka. The results of the Southwestern Radiological Health Laboratory study indicate that the tritium levels in ground and surface waters are in the expected range of background variability. Although the samples and sampling locations do not coincide with those of the NRTS program, the tritium results are in agreement. Tritium is considered to be an excellent tracer of water. The tritium in this case is primarily in the chemical form of tritiated water which, for all practical purposes, behaves identically to normal water. Since surveillance results show that no measurable tritiated water has migrated off-site into the ground and surface waters, it is unlikely that other more chemically active compounds of radionuclides could have migrated off-site.

Footnotes at end of article.

VII. PUBLIC HEALTH EVALUATION

The public health evaluation of the solid radioactive waste burial ground is based on a site visit, consultation with AEC staff, and an evaluation of the Atomic Energy Commission and United States Geological Survey technical reports of the NRTS operations. Also, an examination was made of the United States Geological Survey's preoperational evaluation of the NRTS which was used as a basis for selection of the site for the radioactive waste burial ground?

The air transport of radionuclides is possible only if the radioactive material is in a form which will permit such migration; i.e., particulate or gaseous. Since no gaseous materials, entrained or contained, are buried at this site, the particulates in the form of unfixed or loose contamination would be the only potential source. The operational procedures require that all material received for disposal is placed in trenches, compacted, and covered with three feet of soil. These procedures provide adequate assurance that aerial dispersion of any particulates will not occur.

From a public health and safety standpoint, the waste burial site must provide a protective barrier so that radioactivity will be confined to the waste burial pits. The control mechanism which limits any movement of radioactivity from the site is dependent upon such factors as solubility, permeability of the soil, ion exchange capacity, availability of water, and distance to the source of potable water. The geology, hydrology, and the permeability of the soils in the vicinity of NRTS have been reported by the U.S. Geological Survey[8 9]. Substantial thicknesses of continuous layers of alluvial soils beneath the burial ground would be expected to provide a barrier to migrating radionuclides through ion-exchange. However, there is a lack of data on geology and lithology beneath the burial site. The closest drill holes which have been logged are several miles away[8 1]. It must, therefore, be considered conceivable that continuous cracked and/or channeled basalt formations could extend from the bottom of the burial pits and trenches to the aquifer. Until more information on subsurface geology at the burial ground becomes available, the separation distance to the aquifer cannot be considered as a protective barrier. It is therefore recommended that a minimum of two feet of alluvial soil be required beneath all buried wastes. Unless several feet of soil separate buried wastes and basaltic rock formations, no credit can be allowed for removal of radioactivity by the ion-exchange mechanism.

In discussions with NRTS personnel, it was stated that snow melts have occurred in recent years which caused the flooding of trenches for periods as long as 30 days. Therefore, despite the low average precipitation, water is available during certain periods of time as a leaching and transport agent to the aquifer. Even if measures to provide alluvial soil cover under buried wastes are employed, the presence and residency of leaching water in the trench is highly undesirable. Flood control measures for the burial should, therefore, be taken to prevent any accumulation of water in the trenches and pits. These control measures include covering and mounding each trench and pit with a minimum of three feet of soil above the ground level, digging a drainage ditch around each pit and trench, and removing snow. During the visit to the burial site, it was noted that flood control measures have been initiated to provide for drainage of water from the area.

On the basis of the evaluation of the waste disposal burial operations and the examination of environmental surveillance data, there is no evidence which indicates that any radioactive material has migrated from the burial ground. However, as an added safety measure, the on-site monitoring should be intensified to provide confirmation that no

migration is occurring. Because of the long half-life radioactive material, such as plutonium and americium, buried at the site and its location above a highly productive acquifier, a great degree of conservatism has been exercised in examining the precautions which have been employed in the solid waste disposal operations. Because of the long-term considerations that apply to the burial of plutonium and americium, additional protectice measures should be adopted by the AEC in management of the waste burial ground. Thus, it is recommended that (1) the operational procedures for burial of long half-life radioactive materials be modified so that the plutonium and americium waste is segregated in the burial pits, (2) monitoring be intensified to provide a positive indication that radioactive material has not migrated from the waste burial pits, and (3) plutonium and americium waste be accessible for removal from the burial pit, should it be detected in the monitoring holes.

Additional information of the geological formations beneath the burial site is needed to fully evaluate the possibility of waste solutions seeping down to the water table and to determine the rate of the lateral movement from the site. Therefore, it is recommended that test holes be drilled in the vicinity of the burial site to provide detailed information in the lithology and character of the alluvial deposits and underlying basalt.

In summary, the present operational procedures and land burial methods meet the radiation safety criteria and will not result in a health and safety problem in the off-site area. The additional safety measures recommended in this study will provide further assurance that long half-life radioactive materials are confined to the waste disposal grounds.

TABLE 1.—ON- AND OFF-SITE SOLID RADIOACTIVE WASTE

Identification	January through June			July through December		
	Containers	Volume (cubic feet)	Activity (curies)	Containers	Volume (cubic feet)	Activity (curies)
1968						
Category I:						
(A) Onsite:						
High level	21	88	626,266	42	718	872,600
Intermediate	208	3,392	316,074	169	4,020	147,231
Low level	4,543	64,375	22,476	4,202	68,689	3,025
(B) Offsite:						
High level						
Intermediate	1	10	122			
Low level	13,821	159,400	4,641	11,185	186,057	4,641
(A) and (B) total	18,594	227,265	969,579	15,598	259,484	1,027,497

SUMMARY

Year	On-site		Off-site		On- and Off-site	
	Volume (cubic meters)	Activity (curies)	Volume (cubic meters)	Activity (curies)	Volume (cubic meters)	Activity (curies)
1955					1,910	1,500
1956	2,754		1,066		3,820	10,000
1957	3,269		1,701		4,970	15,000
1958	5,909		971		6,909	10,500
1959	2,813		1,667		4,480	23,600
1960	3,462		1,948		5,410	9,200
1961	3,022	134,038	4,662	21,737	7,684	155,775
1962	4,468	112,369	3,703	5,808	8,171	118,177
1963	3,278	239,518	5,477	14,047	8,755	253,565
1964	3,133	143,194	3,752	2,291	6,885	145,485
1965	4,095	1,446,686	3,434	10,032	7,529	1,456,718
1966	4,568	3,303,410	4,858	17,276	9,516	3,320,686
1967	3,843	4,059,299	5,843	11,458	9,686	4,070,757
1968	3,998	1,987,674	9,777	9,404	13,774	1,997,078

TABLE 2.—SOLID WASTE NUCLIDE RADIOACTIVITY

Origin of waste	Identified activity in curies					
	U-235	U-238	Pu-239	Pu-240	Am-241	Co-60
NRTS (1960 through 1967)	1.40	<0.01	130	<0.01		170,000
NRTS (1968)	14.4	<0.01	59	80.00		129,000
Offsite (1954 through 1967)	5.23	64.5	19,288		20,120	
Offsite (1968)		14.1	3,579		5,689	
Total	21.03	78.9	23,056	80.00	25,809	298,952
Nuclide half-life (years)	7×10^8	4×10^9	2×10^4	7×10^3	470	5

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[3] "National Reactor Testing Station", U.S. Atomic Energy Commission, Idaho Falls, Idaho, "Thumbnail Sketch", July 1967.

[4] "Environmental Monitoring Report No. 24", U.S. Atomic Energy Commission, National Reactor Testing Station, Scoville, Idaho, June 1969.

[5] Osloond, Joe H. and Newcomb, D. L.: "Radioactive Waste Disposal Data for the National Reactor Testing Station, Idaho", Idaho Operations Office, U.S. Atomic Energy Commission, April 1969.

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U.S. SENATE, COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
Washington, D.C., February 13, 1970.

Mr. GLENN T. SEABORG,
Chairman, Atomic Energy Commission,
Washington, D.C.

DEAR MR. CHAIRMAN: On September 12, 1969, as you know, I called upon four Federal agencies to study the waste disposal practices of the National Reactor Testing Station in Idaho.

That portion of the report regarding solid waste disposal practices, written by the Public Health Service, has now been completed. It is my understanding that the AEC is in receipt of the recommendations of the study group. Their recommendations were:

(1) Each trench and pit should be covered and maintained with a minimum of three feet of soil above the ground level.

(2) A minimum of two feet of alluvial soil should be required beneath all buried wastes.

(3) Flood control measures should be taken to prevent any accumulation of water in the trenches and pits.

(4) Test holes should be drilled in the vicinity of the burial site to provide detailed information on the lithology and character of the alluvial deposits of underlying basalt.

(5) Plutonium and americium waste should be segregated in special pits.

(6) Monitoring should be intensified to provide a positive indication that radioactive material has not migrated from the waste burial ground.

(7) Plutonium and americium waste should be accessible for removal from the burial ground should it be detected in monitoring holes.

To those recommendations, I would add two of my own:

(1) That no liquid waste be stored at the present burial site and that if liquid wastes are presently on the site, they be removed to an area not located over the Aquifer.

It is apparent from the whole background of my studies into this problem that the possibility of high yield liquid waste seepage into the Aquifer makes this site particularly unsuited for liquid disposal. The great care taken to avoid the possibility of water seepage through the site and into the Aquifer, and the recommendations by the Public Health Service designed to reduce the possibility of on-site water to the lowest possible level, indicates to me a genuine, high hazard situation if liquid wastes are now stored, or are contemplated for storage at the present burial site.

(2) That if the AEC is not already conducting such tests, soil tests as well as air and water data be gathered at the NRTS and surrounding lands.

This request is made in view of the recent situation at the Rocky Flats, Colorado site. I feel it is in the best interests of both the AEC and the public to know of any contamination of the soil in the area. I note from the *Environmental Monitoring Report No. 23*, published by the AEC and released on October 20, 1969, covering the period of July to December 1968, that regular monitoring of radioactivity in air, water and foodstuffs are the only functions presently performed.

I respectfully call upon the Commission to implement at the earliest possible date the recommendations contained in this letter.

Sincerely,

FRANK CHURCH.

Mr. CHURCH. Mr. President, I have described today a case of nuclear waste problems concerning the nuclear reactor testing station in Idaho. Other cases have appeared in the press throughout the country. Safe and sure practices for the disposal of nuclear wastes must be perfected if peaceful uses for the atom are to flourish in future years. The time to start is now.

Two weeks ago I called for a greatly expanded research program on the whole question of safe disposal practices. I will follow up with further recommendations at a later time. For the moment, however, I think it important that the full record concerning the situation at the NRTS in Idaho, including the report which has just been given by these four Federal agencies, together with their specific recommendations for reforms in the current practices at the NRTS "burial ground," be made a part of the public record. It is for this purpose that I have placed these materials in the RECORD today.

THE PORT OF HAIPHONG AND THE NORTH VIETNAM ECONOMY

Mr. BYRD of Virginia. Mr. President, one of the ablest news writers, in my judgment, is Daniel DeLuce, of the Associated Press. Mr. DeLuce is the first American newspaperman in recent years to visit the important North Vietnamese Port of Haiphong. He was a combat correspondent in World War II and won the Pulitzer Prize for reporting.

I know Mr. DeLuce well. He is an unusually able news man and is a person of the highest integrity. His dispatch from Haiphong, North Vietnam, was distributed by the Associated Press several days ago. I shall read several paragraphs into the RECORD.

HAIPHONG, North Vietnam.—North Vietnam's industrial recovery from more than four years of American bombing begins on the bustling docks of Haiphong.

Freight from many countries unload new tractors, cranes, bulldozers and steamrollers for repair of cratered roads and smashed bridges. Trucks of many shapes and sizes arrive to redevelop commercial transportation. Power generators come in for dispersed factories, and a variety of machine tools.

* * * * *

The Soviet Union, East Germany, Romania, Czechoslovakia and Poland continue to contribute essential imports which funnel through Haiphong. China's important trade is carried on not only on ship but by road and rail across a long land frontier.

Now, Mr. President, at the same time that I was reading the dispatch about Haiphong this morning, I was reading the casualty lists for Americans this past week, which amounted to 100 killed and nearly 500 wounded.

That brings to mind the free world shipping which goes into Haiphong to supply North Vietnam.

Mr. DeLuce, in his dispatch from North Vietnam, brought out the fact that the Soviet Union, East Germany, Rumania, Czechoslovakia, and Poland continue to ship through that port.

I hold in my hand the figures for calendar year 1969, by months, of the amount of free world shipping which has been going into Haiphong.

I emphasize that I am speaking now about free world shipping, those nations who are, presumably, friends of the United States.

During calendar year 1969, 74 ships flying the flag of Great Britain carried cargo into Haiphong for North Vietnam. The total dead weight displacement of those ships was more than 500,000 tons.

Eight ships flying the flag of Somali carried cargo into Haiphong for North Vietnam during 1969; nine ships flying the flag of Cyprus, four carrying the flag of Singapore, one ship carrying the flag of Malta, and three ships carrying the flag of Japan, all carried cargo into Haiphong for North Vietnam.

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

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent to proceed for 3 additional minutes.

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

Mr. BYRD of Virginia. I thank the Chair.

As we all know, the freedom of Japan is being guaranteed by the United States. Japan has asked the United States to turn over the island of Okinawa to the administrative control of Japan.

I think it is of some significance that although Japan also wants the United States to return to her administrative

control over the Ryukyus, which were given to the United States by treaty, still, three ships flying the flag of Japan carried cargo into the enemy port of Haiphong for North Vietnam.

In all, a total of 99 free world ships, flying the flags of free world nations, carried cargo into Haiphong into North Vietnam during calendar year 1969.

Mr. President, I ask unanimous consent to have a table on this subject printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. BYRD of Virginia. Mr. President, I also ask unanimous consent to have printed in the RECORD at the conclusion of my remarks, a table entitled "Free World Shipping to Cuba."

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

(See exhibit 2.)

Mr. BYRD of Virginia. Mr. President, we find, in this regard, that during calendar year 1969, 204 ships flying the flags of free world nations, carried cargo to Cuba. Of the 204, 50 flew the flag of Great Britain, and 117 the flag of Cyprus.

Mr. President, I regret that our free world friends are not cooperating better with the United States.

The United States has suffered 350,000 casualties in Vietnam during the past few years, of which 50,000, in round numbers, have been killed; yet, we find that one of America's oldest allies, Great Britain, is continuing to permit ships to fly her flag in order to carry cargo into Haiphong for North Vietnam.

Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from a statement by Gen. Albert C. Wedemeyer, U.S. Army, retired, on this subject.

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

Today in South Viet Nam we could quickly bring the Communists to their knees if all the members of SEATO were to join realistically in establishing a tight economic blockade around North Viet Nam. Further, they should boycott those who attempt to supply the enemy with munitions of war. Why should the U.S. commit over half-a-million men in Southeast Asia when we know there are over a billion people in that general area? If those people really value their freedom, let them fight for it. Only Korea and the South Vietnamese are doing their share along with the U.S.

EXHIBIT 1.—FREE WORLD SHIPPING TO NORTH VIETNAM 1969

	British		Somali		Cyprus		Singapore		Japanese		Maltese		TOTAL	
	Number	GRT DWT	Number	GRT DWT	Number	GRT DWT	Number	GRT DWT	Number	GRT DWT	Number	GRT DWT	Number	GRT DWT
January	8	34,597	2	8,973	1	2,137							11	45,707
		47,200		12,600		3,100								62,900
February	6	30,824			1	2,137	2	8,148	1	3,896			10	45,005
		44,300				3,100		11,000		6,000				64,400
March	6	27,870	1	8,997									7	36,867
		39,600		13,500										53,100
April	7	29,714	1	3,378					1	695			9	33,787
		50,000		5,000						717				55,717
May	9	45,802	1	4,534	1	2,137					1	5,333	12	57,806
		63,400		6,000		3,100						9,400		81,900
June	6	30,195	2	7,912	2	7,308	1	4,224					11	49,639
		47,100		11,000		12,200		6,500						76,800
July	6	31,660	1	3,378									7	35,038
		42,400		5,000										47,400
August	4	25,589			2	9,226							6	34,815
		41,100				13,200								54,300
September	4	16,714			1	2,137	1	4,880					6	23,731
		23,400				3,100		8,900						35,400
October	4	20,024			1	6,996			1	695			6	27,715
		27,500				10,900				717				39,117
November	7	33,889											7	33,889
		41,100												41,100
December	7	30,797											7	30,797
		40,400												40,400
Total	74	357,675	8	37,172	9	32,078	4	17,252	3	5,286	1	5,333	99	454,796
		507,500		53,100		48,700		26,400		7,434		9,400		652,534

EXHIBIT 2—FREE WORLD SHIPPING TO CUBA 1969

Flag	January	February	March	April	May	June	July	August	September	October	November	December	Total
British	3	4	7	8	2	7	2	4	3	2	3	5	50
Cyprus	7	7	4	8	14	7	8	14	16	11	9	11	117
French	1		1										2
Italian	1	1		2	2	1	2	1	1	1	2	1	15
Somali	1	1		3		1	1						7
Yugoslav			1	1	1	1		1			1		6
Maltese					1								1
Lebanese			1	1	1			1					4
Finnish			2										2
Total	13	13	16	23	21	17	13	21	20	14	15	18	204

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Public Law 82–414, appoints the following Senators to the Joint Committee on Immigration and Nationality Policy: ERVIN, FONG, and THURMOND.

LAOS

Mr. GURNEY. Mr. President, the discussion on Laos and the war in Southeast Asia is intensifying.

The major statement made yesterday on this subject in an address before the National Press Club, was made by the distinguished Senator from Maine (Mr. MUSKIE), a leading contender for the Democratic nomination for President. All of us know of his honest and genuine concern over the war in Southeast Asia.

Of course, all Senators share his concern. The speech was widely reported in the news media. It was published on the front page of the New York Times, and the Washington Post gave it considerable space.

The New York Times article said that the Senator from Maine was suggesting a new approach to the peace talks in Paris.

I would therefore suggest that the Senator from Maine has a responsibility to furnish the administration and the public with his concrete ideas about a new approach to the Paris peace talks. What are they? If they have any merit I am sure that President Nixon will be more than happy to examine them closely, and perhaps even give them a try.

From the reports I read, both in the Times and the Post, he said nothing new whatsoever, about the recent reports from Laos, or about Vietnam, except general criticism about the war in Southeast Asia.

What is new about that?

The brandnew approach has been President Nixon's policy in Vietnam, of turning the war over to the Vietnamese, the substantial troop withdrawals which have been made to date, and the recent announcements of further troop withdrawals for the near future.

The Senator from Maine was reported

in the New York Times as accusing the administration of ambiguous promises and no alternatives.

I do not see what could be more ambiguous than the suggestions made by the Senator from Maine as reported in the New York Times which said that:

Mr. Muskie urged basic policy changes ranging from a "new approach to the peace talks in Paris" to "a fresh look at the Saigon regime."

Frankly, Mr. President, using the same words of the Senator from Maine, I do not see that anything could be more ambiguous on new alternatives in Southeast Asia than that statement.

Again, I inquire of the Senator from Maine, Mr. MUSKIE, that if he has indeed any new approaches to the peace talks in Paris, that he should advise the Nation at once.

In this morning's Washington Post there is an article written by Joseph Alsop entitled "Prevailing Double Standard on Laos Should Be Abandoned."

I recommend this to the reading of all Senators, and by all those who have been talking about Laos recently.

The major thrust of the article is to say that while, much has been said recently about the business going on in Laos right now, nothing has been said about the past events in Laos, especially the previous peace treaty regarding Laos, and especially the Ho Chi Minh trail, was violated by the opposition before the ink was hardly dry.

That is a meaningful part of this debate, too. Those so critical of Laos should bring into the picture some of the background on what has gone on through the years.

Mr. President, I ask unanimous consent to have this article printed in the RECORD.

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

PREVAILING DOUBLE STANDARD ON LAOS SHOULD BE ABANDONED

(By Joseph Alsop)

Where is Gov. Averell Harriman, one wonders? And why has he not been speaking up about the currently dangerous problem in Laos?

With great patience and astuteness, and under instruction from President Kennedy, Gov. Harriman negotiated the Geneva Accord on Laos in 1962. At Gov. Harriman's urging, the leading neutralist and Laotian patriot Prince Souvanna Phouma, was therefore installed in the prime ministership, which he still holds.

The key features of the Harriman-negotiated accord further seemed to guarantee a free run to Prince Souvanna in his own country. Both the United States and North Vietnam undertook to withdraw all their troops from Laos.

Hanoi further promised, most solemnly, to cease using Laos as a transit route for men bound for the war in South Vietnam. To make the outlook still more hopeful, the Soviet Union guaranteed that the North Vietnamese would keep these promises.

As soon as the accord was signed, the United States immediately withdrew every last one of the considerable number of United States soldiers and officers who had been serving in Laos in advisory and supporting roles. Hanoi, meanwhile, had a far larger number of troops in Laos—no less than 6,000 at that time, and therefore quite enough to cause a decisive tilt in the military balance in such a tiny country. But of these 6,000 North Vietnamese troops, exactly 40 were withdrawn!

Hanoi's flagrant disregard for the accord that Gov. Harriman negotiated did not end there, either. The promise to cease using the so-called Ho Chi Minh Trail to South Vietnam was also broken before the ink on the treaty was dry. In this century's ugly history of such episodes, there has been no cruder, more open, more shameless instance of treaty violation.

Before long, the Soviet guarantees, given to Gov. Harriman and embodied in the treaty in apparent good faith, had also proved to be utterly worthless. In these circumstances, the neutralist, Prince Souvanna Phouma, had nowhere to turn except to the United States.

Prince Souvanna therefore asked for U.S. aid, though not for a return of any Americans in uniform. Granting Prince Souvanna's request was urgently advised by Gov. Harriman's personal choice for the U.S. Embassy in Laos, the able William Sullivan, now in charge of the Vietnamese problem in the State Department.

Ambassador Sullivan's request was warmly approved by President Kennedy; and U.S. aid therefore began to be provided in the form of supplies, additional money and civilian volunteers capable of helping Laos in various ways. And as the North Vietnamese violations of Gov. Harriman's treaty continuously grew more massive, more outrageous and more dangerous to Laos, U.S. aid had to be increased.

This is the long and short of the U.S. role in Laos, which is now being "exposed" by certain senators and could have no better illustration of the curious double standard invariably employed by people like Sen. J. W. Fulbright.

One wonders why he and his friends are not rather more busy exposing the North Vietnamese violations of the Harriman-negotiated treaty. These violations, after all, are the sole cause of the U.S. role in Laos. But of these violations, nothing has been said by the expose-experts.

Aside from these ironies, moreover, this is now an acutely dangerous situation. In the recurrent offensives in each year's dry season in Laos, Hanoi has never before employed more than elements of two North Vietnamese regiments.

This year, in sharp contrast, major elements of two North Vietnamese divisions, the 312th and the 316th, are being used in Laos, without counting the tens of thousands of North Vietnamese troops along the Ho Chi Minh Trail in eastern Laos. The North Vietnamese are also using tanks and heavy artillery for the first time. These are the reasons they are now two months ahead of the schedules of the past, in reaching the most advanced positions they have ever occupied.

The betting is at least even that Hanoi's men will continue to use their superior power to go forward. The aim, obviously, is to reap a cheap victory in Laos, to compensate for the setbacks being caused by the Vietnamization program in South Vietnam.

But North Vietnamese occupation of most or all of Laos will be too gross and damaging an act to be treated cheaply. Thailand cannot tolerate North Vietnamese control of the other bank of the Mekong. President Nixon will also have to think about withdrawing some or all of President Johnson's enormous quite unrequited concessions to Hanoi. So the prevailing double standard had better be abandoned with some haste.

VOTING RIGHTS ACT AMENDMENTS OF 1969—SUPPORT FOR THE SCOTT-HART PROPOSAL

Mr. COOK. Mr. President, I rise today to support the Scott-Hart voting rights package which is currently pending in the nature of a substitute to the House-passed proposal.

Civil rights legislation was too long delayed and passage too arduous a task for the Congress to now allow the clock to be turned backward and progress in human relations to be impaled upon the petard of political expedience.

I believe, as the Senator from Pennsylvanvia (Mr. SCOTT) has suggested, that the substitute we are offering includes the major points which the President stressed in urging support for the House-passed bill, even though there could be no question that President Nixon supports the entire bill. A close reading of his letter to House Minority Leader GERALD R. FORD reveals that he considered two features which we have included in our compromise proposal. The President said in that letter, and I quote:

I would stress two critical points:

(1) Instead of simply extending until 1975 the persent Voting Rights Act, which bans literacy tests in only seven States, as the committee bill would do, the nationwide bill (H.R. 4249) would apply to all States until January 1, 1974. It would extend protection to millions of citizens not now covered and not covered under the committee bill.

(2) H.R. 12695 (now H.R. 4249) assures that otherwise qualified voters would not be denied the right to vote for President merely because they changed their State of residency shortly before a national election.

Now, I know there has already been some discussion and disagreement over the intent of the President's letter, but I think that it is perfectly apparent to any objective reader that the emphasis is on the sections I have mentioned. It is for this reason that we have included these provisions in our compromise, even though the House Judiciary Committee was unimpressed by arguments that separate sections on residency and literacy should be added to the 1965 act. However, these sections have generated no controversy in the Senate as indicated by the fact that they are a part of both the administration and the Scott-Hart bills. Therefore, I will make no further reference to them.

Why do we favor so strongly the continuance of the 1965 act intact for another 5 years? To answer this query, let us look briefly at what the act attempted to do and whether it has worked.

In our statement of joint views by 10 members of the judiciary committee in support of the Scott-Hart bill we summarized the reasons for and contents of the act:

The main provisions of the Voting Rights Act of 1965 were carefully designed to prevent certain States or political subdivisions from continuing their well-documented practices of systematically denying the right to vote on the basis of race. If a State or subdivision is determined to be subject to the automatic or "trigger" provisions of sections 4, 5, and 6 of the act, four basic consequences follow:

First. It may not use any test or device to limit voting eligibility.

Second. The Attorney General may, under specified circumstances, send in Federal examiners to list eligible but non-registered voters, who are then fully qualified to vote.

Third. The Attorney General may send Federal observers to any county designated for examiners to observe the polling places and the counting of the votes.

Fourth. The act prohibits the State or political subdivision from applying new voting qualifications or procedures without obtaining either the acquiescence of the Attorney General or a declaratory judgment from the U.S. District Court for the District of Columbia that the new practice does not have a discriminatory purpose and will not have a discriminatory effect. The burden of proving the non-discriminatory purpose and effect is on the Governmental body seeking exemption.

The act contains an escape clause. By section 4(a) a State or political subdivision can obtain a declaratory judgment removing itself from coverage by showing that for the preceding five years it has not used a literacy test or other device to deny the right to vote on account of race.

The New Republic in its January 3, 1970, issue, described the Voting Rights Act as "the most uncompromising and effective piece of Federal civil rights legislation since Reconstruction."

Representative WILLIAM MCCULLOCH, the ranking Republican on the House Judiciary Committee and a supporter of extending the 1965 act, called it "the most effective civil rights law enacted in our history."

Senate Republican leader HUGH SCOTT said:

I do not believe that we can fail now, as a first consideration, to reaffirm our moral commitment to the effective principles of this established act.

And all who believe that irrational restraints placed upon those who would otherwise be qualified to vote should be eliminated, know that this act must be continued for another 5 years. Since the enactment of this historic act, over 800,000 blacks have been registered to vote in the South. That is a record of legislative success virtually unparalleled in American history.

The charge has repeatedly been made that the act is discriminatory in that it treats one section of the country differently from all the rest. My answer to that charge is twofold.

First, the act does not specify any area of the country, instead. It states that no person shall be denied the right to vote in any Federal, State, or local election—including primaries—for failure to pass a test if he lives in a State or political subdivision which:

First, maintained a test or device as a prerequisite to registration or voting as of November 1, 1964, and

Second, had a total voting age population of which less than 50 percent were registered or actually voted in the 1964 presidential election.

Admittedly, this formula applies primarily to the States of the Deep South, but other jurisdictions were also covered. They included, outside the South, three counties in the State of Arizona, one county in Hawaii, one county in Idaho, and the State of Alaska. Since that time, all of these jurisdictions, except the county in Hawaii, which has not petitioned the court, have asked the district court of the District of Columbia to grant a declaratory judgment terminating statutory coverage. And it is my understanding that all of these jurisdictions plus one of the 26 counties in North Carolina covered by the act have now been exculpated by the courts. It is clear, then, that coverage is not confined to a single area of the country and that if the discriminatory practices which the act is designed to eliminate can be shown not to have occurred, then removal from the jurisdiction of the act is easily accomplished.

Second, even if the act does operate primarily against one section of the country, every piece of legislation is discriminatory. Any act designed to remedy some wrong will be directed at those perpetrating the evil.

Representative MCCULLOCH put it quite well when he pointed out that—

There is nothing in reason or authority which requires that a remedy treat all alike. We don't put all men in jail because some commit a crime. We don't give flood relief to everyone because one locality experiences a flood. We don't give food stamps to everyone because some are poor . . . likewise, we should not require every jurisdiction to clear its voting laws and practices with the Attorney General because some jurisdictions have shown a pattern of racial discrimination.

It has been suggested that the States and political subdivisions which have vastly improved registration and voting records since the enactment of the act should be rewarded by a change in the reference date from the statistics of the 1964 election.

To rebut this contention, which appears reasonable on its face, one must simply look to the joint views we have issued in support of the Scott-Hart proposal. We said:

The 50-percent level, measured as of November 1, 1964, was deemed a valid test for determining that abusive practices necessitated the automatic powers of sections 4, 5, and 6. It was not intended as a measure of an adequate level of political enfranchisement, but as a reasonable basis for the presumption of the existence of official actions to deny or abridge the right to vote on account of race or color . . . the 1968 election turnout reflects the success and impact of the Federal presence in the covered States where tests were suspended. Federal examiners and observers had been appointed and election law changes were subject to Federal review. The numerous efforts to circumvent sections 4 and 5 offer little basis for confidence that this progress will not be undone if the 1968 voting statistics are employed, let alone that the momentum in these areas will continue.

Mr. President, the real question before the Senate is whether we want to go forward or backward in our efforts to insure all citizens the right to vote regardless of color. The Voting Rights Act works and it should be continued.

We are moving into new and especially complicated areas in this country in our efforts to insure human equality. If the 1960's were the decade of legislative change, then the 1970's must be an era of mutual respect and cooperation. It was argued at the time of the passage of the Civil Rights Act of 1957, 1960, 1964, 1965, and 1968 by opponents that morality or understanding could not be legislated. I agreed with that then and I agree with that now.

Where they were wrong was that the Congress was not legislating morality or understanding. It was placing upon the books laws designed to guarantee the basic rights which all citizens of the United States are entitled to enjoy. Most of this legislation has done what it was designed to do, with the Voting Rights Act standing out as the most auspicious example.

It may now be true that there is little left that can be legislated upon in the area of civil rights and that we are, indeed, moving into an era when mutual respect can only emanate from willing and understanding hearts. But this is not to say that our legislative achievements were not necessary and it is certainly not to say that we should, for even one moment, attempt to render ineffective any of the great civil rights legislation of the last 15 years. This bill would, I regretfully conclude, destroy the Voting Rights Act of 1965.

As we move into the new and more subtle period of progress in human relations in America, such progress must be built upon a sound legislative foundation. The Voting Rights Act is the cornerstone of this foundation.

Even though the Justice Department has recommended the House-passed bill, the Republican Party will not, if I am able in any small way to influence its course, preside over the destruction of the civil rights laws of this land. Maintaining our current laws undiluted, let us confidently move forward to an era of better understanding and mutual respect, heeding the admonition of our first Republican President, Abraham Lincoln, when he said:

Let us discard all this quibbling about this man and the other man. This race and that race. Let us discard all these things, and unite as one people throughout this land, until we shall once more stand up declaring that all men are created equal.

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

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

Mr. SCOTT. Mr. President, I ask unanimous consent that the Senator may proceed for 5 additional minutes so that I may ask him a question.

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

Mr. SCOTT. Mr. President, first of all I wish to express my very great admiration for the effective, lawyer like, and judicial exposition of what lies behind the rationale for the Voting Rights Act. In pointing out that the remedy in law goes to where the problem is, I think the Senator made a most important contribution; and in indicating that in the high sense of the word, all legislation has within it elements of discrimination, I think the Senator made another very important point.

I think the Senator made other important points as he referred to the food stamp program; and as we might consider that every time there is urban legislation that legislation discriminates against rural areas, every time there is rural legislation the opposite is the case; that whenever we appropriate funds for needed irrigation providing water to certain sections of the country, in that sense we discriminate against some dry area that is not supplied with water.

I think we all agree that wherever possible we want national, even, uniform

application of the law. But such application can go only to where the difficulty lies. Here the difficulty lies in securing just and free registration and voting of all persons who are old enough to have the right to be qualified voters.

I think the Senator has made an extremely good presentation. I congratulate him upon it. I would hope that during the ensuing 5 years the situation will have been so thoroughly improved and the voting pattern so fairly equalized in this country as to permit us then to consider that future legislation need not be in this particular form. No one would be happier to see that than I. No one wants to appear to be penalizing any section or region nor, indeed, are we; we are only asking that sections or regions not penalize members of their own States.

I thank the Senator for his presentation.

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

Mr. COOK. I yield.

Mr. MATHIAS. Mr. President, I wish to associate myself with the very thoughtful presentation of the Senator from Kentucky. I think he has analyzed the problem which is confronted by the country and he has effectively dealt with it. I feel that he has expressed the situation precisely and accurately, and I am very proud to be associated with him in support of the substitute.

I also think he has very thoughtfully identified the initiative of our distinguished minority leader, the Senator from Pennsylvania, with the earliest and most fundamental principles of the Republican Party.

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

Mr. MATHIAS. Mr. President, I ask unanimous consent that I may proceed for 1 additional minute.

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

Mr. MATHIAS. Mr. President, I am also particularly happy that the Senator from Kentucky quoted the language used by the distinguished Representative from Ohio, Mr. McCULLOCH, who, I think is one of the real ornaments of Congress in our time, a thoughtful, prudent, and restrained man who does not advocate the use of Federal power indiscriminately, and a man who is distinguished by his record in civil rights; and, as the Senator from Kentucky pointed out, a man who feels this is one of those unique situations when we must act decisively and promptly.

I think the Senator from Kentucky has contributed greatly to this entire debate.

Mr. JAVITS. Mr. President, I, too, wish to congratulate the Senator from Kentucky on the fine analysis he has made of the situation and especially as he touched the one chord that I think needs to be touched in this voting rights bill. I refer to the fact that whatever may have been our desires on school desegregation, on equal opportunity in employment, places of public accommodation, and so forth, as these debates have gone on through the years one thing everyone seems to have agreed upon, including those from States where segregation was a matter of law for so long, is that voting would be the key to enfranchisement of the Negro in the South. We accepted that and there was real cooperation in the effort to proceed with that kind of opportunity. That seemed to be unchallenged.

I hope very much this will be remembered in the course of this debate, as the Senator from Kentucky very clearly implied. I also hope that a fundamental proposition will be understood that when there is projected forward an effort to cure a situation there has to be provided an opportunity to see that the problem is really cured and dealt with until we are convinced the problem has been met.

Therefore, I think the substitute offered by the Senator from Pennsylvania really meets the problem because it does not take for granted the fact that although the situation has improved, the problem is at an end. We have too much evidence to the contrary. I hope very much the fine statement of the Senator from Kentucky will enable us to act relatively soon and affirmatively on this excellent substitute introduced by the distinguished minority leader.

S. 3554—INTRODUCTION OF OLDER AMERICANS INCOME ASSURANCE ACT OF 1970

Mr. PROUTY. Mr. President, I introduce, for appropriate reference, the Older Americans Income Assurance Act of 1970 and ask unanimous consent that the bill be printed immediately following my remarks.

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. 3554), to amend the Social Security Act so as to add thereto a new title XX under which aged individuals will be assured a minimum annual income of $1,800 in the case of single individuals, and $2,400 in the case of married couples, introduced by Mr. PROUTY, was received, read twice by its title, and referred to the Committee on Finance.

Mr. PROUTY. Mr. President, this bill is identical in concept to S. 3654, a bill I introduced in the 90th Congress.

The proposal itself is simple in operation, but basic in its concept and profound in its consequences. It assures an income to all citizens age 65 or over to be paid out of the general revenues. The Social Security Administration would administer the program and make the appropriate monthly payments based on both earned and unearned income. It would not require a means test based on assets.

I have set the assured income level at $1,800 per year for an individual and $2,400 for an aged couple. These amounts exceed slightly the present poverty threshold of $1,665 and $2,100, for the elderly. As we know, the established figures for poverty level income provide only for bare subsistence, and my proposal takes this into account.

Mr. President, I am firmly committed to the elimination of poverty within all groups in our country, and it is encouraging that President Nixon has taken the initiative in his comprehensive welfare reform proposals to establish a minimum standard income coupled with work incentive and training programs. Poverty among the aged, many of whom have worked a lifetime only to reap a bitter harvest in retirement, is intolerable. I do not believe it is too much to ask that we commit ourselves to abolishing poverty among the group which suffers most from it and can do the least about it, the elderly. For these reasons, I am proposing that Congress face up squarely to the acute and special needs of the elderly.

I was pleased to learn yesterday that the House Ways and Means Committee has favorably reported President Nixon's family assistance plan, demonstrating that the Congress is now prepared to formulate sensible programs designed to eliminate poverty. The House bill, which was released today, includes a revised old age assistance program which offers one possible approach toward alleviating the plight of the elderly poor. I believe, however, that my proposed measure offers a better overall deal to older Americans. It withdraws the stigma of welfarism and acknowledges the right to participate in our abundant society.

Older people have no means for relieving themselves of the burden of poverty. Most of them cannot work. Job incentives and training programs, which are necessary for welfare reform affecting younger Americans, are almost meaningless to the great majority of older persons.

President Nixon quite properly lays stress on work incentives and training in his family assistance plan. As the President said in his welfare message to Congress, a guaranteed minimum annual income for all Americans, without work incentives, would "wipe out the basic economic motivation for work, and place an enormous strain on the industrious to pay for the leisure of the lazy."

We all recognize the need for comprehensive welfare reform and for better means of attacking the problem of poverty. The difference between what we in this Nation could do toward alleviating poverty and hardship among our citizens and what we are doing are enormous.

I fought hard for the continuation of the Economic Opportunity Act, Mr. President, but at that time it was crystal clear that we had no meaningful facts for determining how best to eliminate poverty among children, young adults, and the middle aged. For that reason, I sponsored an amendment authorizing an in-depth investigation and analysis of the war on poverty by the Comptroller General.

In addition, I undertook a comprehensive study of my own to determine how we could fight a more effective war against poverty.

Nearly 1 year ago, Mr. President, I published the results of a survey I had conducted concerning the effectiveness of the war on poverty in the Nation's Capital. In March 1969 the Comptroller General released the overall report of

the General Accounting Office concerning the effectiveness of the war on poverty, and finally we had some of the facts necessary for a pragmatic and effective attack against all poverty.

Having been a student and supporter of the war on poverty since its inception, I am particularly pleased that President Nixon has taken the initiative in welfare reform. As the President said:

> My purpose is not to review the past record, but to present a new set of reforms—a new set of proposals—a new and drastically different approach to the way in which government cares for those in need, and to the way the responsibilities are shared between the state and Federal Governments.

The need for a new approach to welfare in this country has been long overdue. President Nixon is to be congratulated for his courage and insight in calling for a totally new approach.

If the President's proposal is adopted, no longer will welfare inspectors search for a man in the house during the dark of night.

No longer will social workers justify their jobs by preoccupation with the origins of the few semi-luxury items found in the homes of the poor.

No longer will welfare recipients avoid job training or job taking for fear of a reduction in their family income.

Now, Mr. President, the New Federalism President Nixon spoke of last August will help keep together young poverty stricken families by discarding the vindictive man-in-the-house rule presently prohibiting aid for dependent children.

The New Federalism will provide the child born into poverty with a better than average beginning for his education through child day care centers.

The New Federalism will restore to the able bodied the dignity that can come from self-support by removing the disincentives of the welfare dole and replacing them with meaningful job training, job placement, and income incentives.

A national standard for old age assistance is a third of a century old. By experience we now know that it represents an abrogation of Federal authority by permitting tyrannical, inhumane, and degrading State eligibility standards for old age assistance.

The old Federalism tolerated State eligibility requirements for old age assistance which permitted each State to insist that an older American had to exhaust his savings, lose all his property and have virtually no income before he could qualify for old age assistance.

I think that my efforts now and in the months ahead will demonstrate the need for the Older Americans Income Assurance Act of 1970, thereby assuring the faith that older Americans have for the New Federalism. The favorable response I received in support of my similar bill in 1968 was overwhelming, proving that the public approves of my approach to the problems of poverty.

We already have comprehensive data concerning the largest single group trapped by poverty—almost 7 million Americans age 65 or over.

Not only do older Americans constitute the largest single group trapped by poverty, but also that group is growing at an alarming rate. Overall, the number of poor persons has dropped since 1965 from 32,669,000 to 25,400,000 in 1968.

This was a significant improvement, but where did it come from? Getting behind the statistics, who actually moved out of poverty?

Mr. President, the fact is that the improvement in the poverty statistics was totally in the under-age-65 population. The shocking truth is that the number of poor over age 65 has actually increased between 1965 and 1968. Nearly 20 percent of those now living in poverty are age 65 or over. Ten years ago, 15 percent of the poor were older people. Three out of ten people aged 65 and older are living in poverty and many of them did not become poor until they became old.

I say this is shocking, because here is a group of Americans living in poverty and the shadow of death while we know the solution to their plight.

The solution is not education.

The solution is not job training.

The solution is not make-work.

The solution, Mr. President, is simply cash income.

Many of those age 65 or over are not able to work and indeed should not be expected to work. They have completed a lifetime of productive activity. In an affluent society such as ours it would seem they have a right to expect to live out their years without having to continue to work.

But, as a matter of fact, Mr. President, since the enactment of the Social Security Act in 1935 we have created in illusion of old-age protection in this country. I say "illusion" because for too many Americans there is no old-age protection.

It is an illusion because many Americans, who were covered by social security, earned such low wages they find themselves eligible for a grossly inadequate minimum payment when they retire.

It is an illusion, because inflation continues to outdistance social security increases.

It is an illusion because many Americans were excluded from social security coverage during their working years.

In 1966, my amendment to the Tax Adjustment Act was adopted. That amendment provided the modest sum of $35 a month to individuals over age 72 who had never been covered under social security.

When I first introduced the amendment I expected that from 300,000 to 350,000 individuals would be eligible for benefits. In fact, Mr. President, over a million Americans have received the benefit and 650,000 are currently receiving it.

Thousands have written to me in gratitude explaining that this paltry amount of money had made a significant difference to them.

Some were able to buy meat once a week rather than once a month.

Some were able to buy all of the medicine they needed rather than only a portion of it.

Some were able to regain dignity by getting off welfare.

That $35 monthly payment has recently been increased to $46, Mr. President, but I feel we can do better for those Americans existing in poverty and the shadow of death. Equally important, Mr. President, are those older Americans only eligible for minimum social security. An income of $64 a month is simply not enough to live on.

Did you know, Mr. President, that over 1 million social security recipients are forced to supplement their meager social security benefits with welfare payments?

What disillusionment must plague those good people? Think about it. For a lifetime they have worked and paid the social security payoll tax, but then retire only to receive a benefit unable to sustain them.

Since 1964, I have sought to have the minimum social security benefit increased to $70 a month. Nevertheless, the best we have been able to do in Congress was to raise the minimum to $64 a month.

This then is the problem. Over 6 million Americans age 65 or over live in abject poverty. Over 2 million Americans, one-half of whom receive social security, are forced to abandon dignity and receive a welfare dole in order to exist.

The bill I introduce today would help those, who through no fault of their own, were never covered by social security during their working years. It would also help those Americans who receive low social security payments either because they were covered late by social security or always had a low paying job.

In addition, this bill would strengthen the social security system by retaining the insurance principles without depriving older Americans of an adequate income. As originally intended the social security system was designed to maintain a relationship between earnings and benefits for all who paid the special tax. Over the years we have moved toward a welfare benefit concept by paying lower wage earners a progressively higher benefit.

Certainly, this is justified by compassion and need. However, in the process we are illogically shifting a welfare burden to employees and employers subject to the social security payroll tax. In my mind, an adequate income for older Americans is vitally needed. But it should be paid for by all taxpayers—not just those subject to social security. Moreover, under our social security system, which is wage related, all income over $7,800 a year escapes taxation. What more equitable scheme than to spread the burden and the duty of caring for our elderly poor than to finance it out of the progressively scaled income tax revenues.

My bill represents a major step toward removing welfare from the social insurance concept. In the future we could have a two-tier system of income maintenance for older Americans. One tier would be social security, representing a wage-based retirement income supplement. The other tier would be a supplement to

social security financed by a broadly based tax in the form of a federally assured annual income.

Moreover, Mr. President, the welfare burden now facing almost all the States would be relieved to the extent that they discontinue old-age assistance. In the process much of the degrading stigma now attached to welfare would be ended. This coupled with the proposals made by President Nixon would make certain that we have turned the corner in our efforts to eliminate poverty.

Let the Federal Government, under "New Federalism" finally assume a responsible role toward the older American after neglect and promises of over a third of a century.

The cost of keeping our promises will be substantial; but we cannot afford not to fulfill the promise, for the cost of broken promises is the immeasurable loss of human welfare and dignity.

In 1966 we in Congress took a step forward when the Prouty amendment was adopted. It provided Federal help to those most in need, using general revenue financing.

I sincerely hope that the year 1970 finds us taking the next important step by providing assured income for older Americans. The facts are too revealing. The need is too great. The answer is too clear.

The text of the bill, ordered to be printed in the RECORD, is as follows:

S. 3554

A bill to amend the Social Security Act so as to add thereto a new Title XX under which aged individuals will be assured a minimum annual income of $1,800 in the case of single individuals, and $2,400 in the case of married couples

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 Older American Income Assurance Act of 1970." Section 2 of the Social Security Act is amended by adding after title XIX thereof a new title XX as follows:

"TITLE XX—ASSURED MINIMUM ANNUAL INCOME BENEFITS FOR THE AGED

"Eligibility for Benefits

"SEC. 2001. Every individual who—

"(1) has attained age 65,

"(2) is a resident of the United States (as defined in section 2009),

"(3) has an annual income (as determined pursuant to section 2004) of less than $2,400 in the case of an indiivdual who is married and living with his spouse, or $1,800 in the case of any other individual.

"(4) has filed application for benefits under this title,

shall (subject to the succeeding provisions of this title) be entitled to assured minimum annual income benefits for the aged.

"PAYMENT OF BENEFITS

"SEC. 2002. (a) Benefits under this title shall be paid on a monthly basis, except that, if the benefit payable to an individual for any month is less than $5, such benefit may be paid on such other basis (but not less often than semiannually) as the Secretary shall by regulations provide.

"(b) Benefits under this title shall be payable to any individual only for months (i) after the month in which his entitlement thereto is established pursuant to an application therefor filed under section 2001, and (ii) prior to the month in which such individual dies.

"(c) No married individual who is living with his spouse for any month shall be entitled to a payment under this title for such month if the spouse of such individual receives such a payment for such month.

"AMOUNT OF BENEFITS

"SEC. 2003. The amount of the monthly benefit of any individual under this title shall be equal to one-twelfth of the amount by which $2,400 (in the case of a married individual living with his spouse), or $1,800 (in the case of any other individual), exceeds the amount of such individual's annual income (as determined under section 2004) for such year.

"DETERMINATION OF ANNUAL INCOME

"SEC. 2004. (a) For the purposes of this title, the term 'annual income' means, in the case of any individual, the total amount of income (other than income derived by reason of benefit payments under this title) from all sources received in the calendar year with respect to which a determination of annual income of any individual who, during the calendar year, engaged in any trade or business, there shall be deducted any expenses incurred in carrying on such trade or business, and except that, income derived from the sale or exchange of property shall be taken into account only to the extent of the gain derived therefrom.

"(b) In determining the amount of annual income, for purposes of this title, of any individual who is married and living with his spouse, the annual income of such individual shall be regarded as the sum of the annual income of such individual and of the spouse of such individual.

"REPORT OF INCOME TO SECRETARY

"SEC. 2005. (a) Any individual applying for benefits under this title shall submit with his application for such benefits and thereafter reports to the Secretary of his income and of any other matter which is relevant to his entitlement to receive, or the amount of, any benefit payable under this title. Such reports shall be filed at such time, in such form, and shall contain such information as the Secretary shall by regulations prescribe.

"(b) Benefits otherwise payable to an individual for any month shall be suspended until such time as any report required pursuant to subsection (a) to be filed prior to such month shall have been received and evaluated by the Secretary.

"SUSPENSION OF BENEFITS FOR MONTHS WHEN INDIVIDUAL IS ABSENT FROM THE UNITED STATES

"SEC. 2006. Any benefit otherwise payable to an individual under this title for any month shall not be paid if such individual is physically absent from the United States (as defined in section 2009) during all of such month, or if such individual is not, during all of such month, a resident of the United States (as so defined).

"OVERPAYMENTS AND UNDERPAYMENTS

"SEC. 2007. Whenever the Secretary finds that more or less than the correct amount of payment has been made to any individual under this title, proper adjustment or recovery shall be made in accordance with regulations of the Secretary patterned so as to conform, to the maximum extent feasible, to the provisions of section 204 (relating to overpayments and underpayments of benefits under title II).

"ADMINISTRATION

"SEC. 2008. This title shall be administered by the Secretary and through (to the extent feasible) the organization and personnel engaged in the administration of title II.

"DEFINITION OF UNITED STATES

"SEC. 2009. For purposes of this title, the term 'United States' means the fifty States and the District of Columbia.

"APPROPRIATION

"SEC. 2010. There are hereby authorized to be appropriated for each fiscal year such sums as may be necessary to carry out the provisions of this title."

U.S. SUGAR PROGRAM

Mr. WILLIAMS of Delaware. Mr. President, a main feature of the U.S. sugar program is the making of payments to sugar beet and sugarcane growers to augment their income and to compensate them for adjusting production when acreage allotments are in effect.

The program provides for a sliding scale rate of payments to be made on the sugar production of a farm. A basic rate of 80 cents per hundredweight is paid on the first 350 tons of sugar cane or sugar beets produced by a farm. This rate is reduced by successive steps to 30 cents per hundredweight on production above 30,000 tons.

The Comptroller General's report to the Congress just released has pointed out how this limitation has been circumvented by dividing their farms into various subdivisions, resulting in payments substantially higher than intended under the law.

I ask unanimous consent that a brief digest of the Comptroller General's report be printed at this point in the RECORD, and suggest that appropriate committees of Congress, in considering the extension of this program, give recognition to the need of correcting this situation by legislation.

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

DIGEST—COMPTROLLER GENERAL'S REPORT TO THE CONGRESS

(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, B–118622)

WHY THE REVIEW WAS MADE

A main feature of the U.S. Sugar Program is the making of payments to sugar beet and sugarcane growers to augment their income and to compensate them for adjusting production when acreage allotments are in effect.

The program provides for a sliding-scale rate of payments to be made on the sugar production of a farm. A basic rate of 80 cents per hundredweight is paid on the first 350 tons of sugarcane or sugar beets produced by a farm. This rate is reduced by successive steps to 30 cents per hundredweight on production above 30,000 tons.

Since this sliding-scale method favors the small-size farm, it is important, for subsidy payment purposes, that reliable procedures be followed in determining what constitutes an individual farm.

State and county Agricultural Stabilization and Conservation committees are responsible for local administration of the Sugar Program in accordance with the Sugar Act and related Department of Agriculture regulations, policies, and procedures.

Because of the significant Sugar Program payments—about $92 million for the 1968 crop to producers in 23 States and Puerto Rico—the General Accounting Office (GAO) wanted to find out how the Agricultural Stabilization and Conservation Service was administering the "farm constitution" aspect

of the program; that is, how it was determining what constitutes a single farm.

FINDINGS AND CONCLUSIONS

In six of the seven States included in the review, county offices and committes had not adequately reviewed constitutions of sugar beet and sugarcane farms. Likewise, State offices and committees had not effectively monitored this aspect of the program.

GAO concluded that a number of sugar beet and sugarcane farms had been constituted improperly. As a result, the Agricultural Stabilization and Conservation Service had made overpayments to producers and had increased program costs.

For example, GAO found instances where two or more separately constituted farms were owned and operated by the same individual or individuals. According to the agency's guidelines, such farms should have been constituted as one farm for subsidy payment purposes. Because of the sliding-scale method of payment, the farm owners received total payments in excess of what they would have received had the farms been constituted as a single farm.

Improper constitutions of farms have also reduced the effectiveness of the National Sugar Beet Acreage Reserve program which was designed to encourage new growers to produce sugar beets. (See p. 9.)

GAO recognizes the difficulties involved in administering the subsidy payment provisions of the Sugar Program—especially the need for individual judgments in deciding the constitutions of farms. These difficulties underscore the need for strong review and control procedures.

The agency's procedures provide for numerous county committees in the several States to determine farm constitutions. GAO believes that to properly implement the agency's procedures, a continual review should be made by higher organizational levels of the Agricultural Stabilizaton and Conservation Service to provide assurance that county-level reviews are timely and adequate and that the agency's criteria are being consistently applied by the committees.

RECOMMENDATIONS OR SUGGESTIONS

The Administrator, Agricultural Stabilization and Conservation Service, should establish procedures at the State and national organizational levels to provide assurance that (1) county offices and committees are making annual reviews to determine the propriety of the sugar farm constitutions and (2) determinations made by county committees are consistent with applicable regulations and instructions.

AGENCY ACTIONS AND UNRESOLVED ISSUES

The Administrator, Agricultural Stabilization and Conservation Service, agreed with GAO's recommendation and proposed certain actions, such as annual reviews, by county committees, of farm constitutions; spot checks by State officials; and annual summary reports to the States and Washington. GAO believes that these actions will, if effectively implemented, significantly improve the administration of the Sugar Program and minimize improper farm constitutions. Agency officials also informed GAO that any overpayments would be recovered where appropriate.

MATTERS FOR CONSIDERATION BY THE CONGRESS

GAO is sending this report to the Congress because of its increasing interest in direct payments to farmers and, in particular, the proposed limitation on individual farm payments, which was the subject of considerable debate during the fiscal year 1970 appropriation hearings. Although the proposed payment limitation was not provided for in the fiscal year 1970 Agriculture Appropriation Act, the House and Senate conferees agreed that the matter should be considered by the appropriate legislative committees and the Congress prior to December 31, 1970—the expiration date for existing agricultural legislation.

GAO believes that the Congress may wish to consider the findings in the report regarding the difficulties in determining what constitutes a farm, since such difficulties would be inherent in any program for limiting individual farm payments.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

REPORT ON VALUE OF PROPERTY, SUPPLIES AND COMMODITIES PROVIDED BY THE BERLIN MAGISTRAT

A letter from the Assistant Secretary of Defense, reporting, pursuant to law, on the value of property, supplies and commodities provided by the Berlin Magistrat for the first two quarters of fiscal year 1970; to the Committee on Appropriations.

REPORT ON PROPOSED CLOSURE OF FOUR NAVAL ACTIVITIES IN THE UNITED STATES

A letter from the Secretary of the Navy, transmitting, pursuant to law, a report on the proposed closure of four naval activities in the United States (with an accompanying report); to the Committee on Armed Services.

PROPOSED CLOSURE OF AN AIR FORCE MILITARY INSTALLATION IN THE UNITED STATES

A letter from the Secretary of the Air Force, transmitting, pursuant to law, a report of the facts, and the justification for the proposed closure of a military installation in the United States (with an accompanying report); to the Committee on Armed Services.

REPORT ON PROPOSED CLOSURE OF CERTAIN MILITARY INSTALLATIONS IN THE UNITED STATES AND ONE IN PUERTO RICO

A letter from the Secretary of the Army, transmitting, pursuant to law, a report of the facts, and the justification for the proposed closure of certain military installations in the United States and one in Puerto Rico (with an accompanying report); to the Committee on Armed Services.

STATISTICAL SUPPLEMENT, STOCKPILE REPORT

A letter from the Director, Office of Emergency Preparedness, Executive Office of the President, transmitting, pursuant to law, the statistical supplement, stockpile report to the Congress, for the period ended December 31, 1969 (with an accompanying report); to the Committee on Armed Services.

PROPOSED DISTRICT OF COLUMBIA FEDERAL PAYMENT AUTHORIZATION ACT OF 1970

A letter from the Assistant to the Commissioner, Executive Office, Government of the District of Columbia, transmitting a draft of proposed legislation to provide additional revenue for the District of Columbia, and for other purposes (with an accompanying paper); to the Committee on the District of Columbia.

PETITION

The ACTING PRESIDENT pro tempore laid before the Senate a resolution adopted by the Common Council of the City of Buffalo, State of New York, praying for the enactment of legislation to provide certain flood relief; which was referred to the Committee on Public Works.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. ELLENDER, from the Committee on Agriculture and Forestry, with amendments:

S. 1148. A bill to amend the Revised Organic Act of the Virgin Islands (Rept. No. 91-718).

BILLS AND A JOINT RESOLUTION INTRODUCED

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

By Mr. PROUTY:

S. 3554. A bill to amend the Social Security Act so as to add thereto a new Title XX under which aged individuals will be assured a minimum annual income of $1,800 in the case of single individuals, and $2,400 in the case of married couples; to the Committee on Finance.

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

By Mr. SPARKMAN (for himself and Mr. BENNETT):

S. 3555. A bill to authorize the appropriation of funds to be utilized by the Federal Home Loan Banks for the purpose of adjusting the effective rate of interest to short-term and long-term borrowers on residential mortgages; to the Committee on Banking and Currency.

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

By Mr. SPARKMAN:

S. 3556. A bill to provide for regular determinations of the extent of air and water pollution throughout the United States; to the Committee on Commerce.

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

By Mr. CHURCH:

S.J. Res. 182. Joint resolution establishing the Commission on United States Participation in the United Nations, and for other purposes; to the Committee on Foreign Relations.

(The remarks of Mr. CHURCH when he introduced the joint resolution appear earlier in the RECORD under the appropriate heading.)

S. 3555—INTRODUCTION OF A BILL TO AUTHORIZE FUNDS FOR THE FEDERAL HOME LOAN BANKS

Mr. SPARKMAN. Mr. President, I am introducing, for myself and the Senior Senator from Utah (Mr. BENNETT), for appropriate reference, a bill to authorize the appropriation of funds to be utilized by the Federal home loan banks for the purpose of adjusting the effective rate of interest to short-term and long-term borrowers on residential mortgages.

This bill was prepared by the Federal Home Loan Bank Board with administration approval. I am introducing it at this time in order to have it before the Banking and Currency Committee while we consider pending mortgage credit and secondary mortgage market bills.

I have not had time to study the proposal in depth to understand its full impact on the mortgage credit activities of the Federal Home Loan Bank Board, but

both Preston Martin, Chairman of the Federal Home Loan Bank Board, and George Romney, Secretary of the Department of Housing and Urban Development, referred to this proposal in their testimony when they appeared before the committee earlier this week.

Considering the nearly prostrate state of the homebuilding industry and the critical shortage of housing throughout our Nation, emergency action needs to be taken very soon to help provide additional assistance needed to improve the flow of mortgage credit.

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

The bill (S. 3555) to authorize the appropriation of funds to be utilized by the Federal Home Loan Banks for the purpose of adjusting the effective rate of interest to short-term and long-term borrowers on residential mortgages, introduced by Mr. SPARKMAN, for himself and Mr. BENNETT, was received, read twice by its title, and referred to the Committee on Banking and Currency.

S. 3556—INTRODUCTION OF A BILL TO PROVIDE POLLUTION REPORTS ALONG WITH WEATHER REPORTS

Mr. SPARKMAN. Mr. President, air and water pollution are two of the grave dangers facing our Nation today. Contributing to the gravity of the situation is the fact that the American public, by and large, has just not faced up to the fact that pollution poses an emergency situation. All the things that still need to be done should have been done years ago.

I am deeply concerned about this problem. My concern leads me to introduce today a bill designed to create the kind of public awareness of the pollution problem that will help to build widespread public support of a crash program to stop pollution.

Simply stated, this bill calls for levels of pollution in both the air and water to be surveyed and made available to the public just like weather reports. This bill would authorize the Secretary of Commerce, through the Environmental Science Services Administration to, first, make daily determinations of the extent of pollutants dangerous to the public health and welfare which are present in the air and, second, make appropriately frequent surveys of the pollution of the navigable waters of the United States.

The state of pollution would be reported right along with the weather report. The Weather Bureau office operated by the Environmental Science Services Administration would make a daily survey of air pollution to be immediately given out to the public. The weather is the most sought after news in just about every part of the world. Nearly everyone sees, hears, or has access to the latest report on the weather. If we can throw the pollution report right into normal weather reporting, then we shall have reached a most effective way to bring home to millions of people three or four times per day the seriousness of the pollution problem.

I believe this bill has a real chance of becoming law.

I believe that the Congress and the people are of a mood to take every possible and practical step in order to fight the growing pollution that soils the air we breathe, the water we drink and our very lives. We have got a lot of catching up to do if we are going to prevent pollution from killing us all, eventually.

Air pollution is especially insidious because it is already a contributing factor in causes of death which may be attributed to such things as heart attacks and just plain old age. When the sulfur content in the air of New York City reaches a certain level it has been known to cause the deaths of 10 or 15 people within a relatively short period of time. Unless something drastic is done in heavily polluted areas like New York City, we may see in 5 to 10 years, 200 or 500, or even 1,000 people die when the sulfur content of the air is too high. We may even see tens of thousands die for this reason in 20 or 30 years unless we move on an emergency basis to stop air pollution.

Following is a digest of my bill:

The Secretary of Commerce, through the Environmental Science Services Administration, shall—

First, make a daily determination, in the area of each Weather Bureau office operated by such administration, of the extent of pollutants dangerous to the public health and welfare which are present in the atmosphere in such area;

Second, make a determination, at appropriate intervals of time and in appropriate areas, of the extent of pollutants dangerous to the public health and welfare which are present in the navigable waters of the United States; and

Third, disseminate to the public the results of such determinations.

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

The bill (S. 3556) to provide for regular determinations of the extent of air and water pollution throughout the United States, introduced by Mr. SPARKMAN, was received, read twice by its title, and referred to the Committee on Commerce.

VOTING RIGHTS ACT AMENDMENTS OF 1969—AMENDMENT

AMENDMENT NO. 547

Mr. ALLEN. Mr. President, I submit an amendment intended to be proposed by me to the Scott amendment, as modified, to H.R. 4249, and I ask that it be printed and lie on the table, to be brought up at a later date.

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

Mr. ALLEN. Mr. President, the amendment I propose to offer is a substitute for the Scott amendment and, if adopted, would remove the principal objections of the junior Senator from Alabama to the Scott substitute. The substitute is short, and I will read it at this time:

In lieu of the language proposed to be inserted by the Senator from Pennsylvania (Mr. SCOTT) insert the following:

"That this Act may be cited as the "Voting Rights Act Amendments of 1970."

"SEC. 2. The Voting Rights Act of 1965 (79 Stat. 437; 42 U.S.C. 1973 et seq.) is amended by repealing sections 4 and 5 of said Act."

AMENDMENT NO. 548

Mr. MILLER submitted an amendment, intended to be proposed by him to the amendment numbered 544, proposed by Mr. SCOTT to House bill 4249, supra, which was ordered to lie on the table and to be printed.

ADDITIONAL COSPONSOR OF AN AMENDMENT

AMENDMENT NO. 545

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Utah (Mr. Moss) be added as a cosponsor to my amendment No. 545 to H.R. 4249, a bill to extend the Voting Rights Act of 1965 with respect to the discriminatory use of tests and devices, which amendment would lower the minimum voting age by statute to 18 years.

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

ADDITIONAL STATEMENTS OF SENATORS

THE SPACE PROGRAM

Mr. GOLDWATER. Mr. President, I was not on the floor yesterday when the distinguished majority leader made his remarks concerning the expenditures in space, but I did have the privilege of reading them in the RECORD this morning.

The substance of his remarks was that nothing of any value has yet come out of the space program, and I wish to take rather strenuous exception to that statement.

In testimony before the Space Committee on March 5, the same day these remarks were made, we were told that an aircraft proximity device was now in the hands of manufacturers and very shortly, probably late this spring, the device will be tested on an aircraft. This will allow a pilot to know that there is another airplane nearby and when fully developed, can prevent mid-air collisions.

Mr. President, if the space program produced nothing else, this device is worth every cent we have spent on space because it will protect the lives of all people traveling on airlines or in private or corporate planes, and this figure already is something near $175 million a year, but there are many other things that have come out of space.

One, for example, is Teflon, which every housewife knows has made cooking a great deal simpler and easier.

One other spin-off that comes to mind is a transmitting device that will transmit a cardiogram from a moving ambulance to a hospital so that a person suffering from a heart attack will have a better chance of survival.

The stimulus that has come from space to the elementary school systems of this country is one of the greatest spin-offs that we can point to. Plutarch said 2,000 years ago, "A child's mind is not an urn to be filled but a member to be kindled,"

and this is precisely what is happening in schools throughout this Nation.

I am not going to attempt to outline everything that has come out of the space program, but I do ask unanimous consent that a paper prepared by the Technology Utilization Division of NASA be printed at this point in my remarks, and at a future date I will have a much more complete story for the RECORD.

I hope the distinguished majority leader will read the RECORD and I hope that his mind will be changed somewhat as a result of the material that I am putting in the RECORD today.

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

TECHNOLOGY TRANSFER EXAMPLES

(Prepared by Technology Utilization Division, NASA Headquarters, Washington, D.C., February 15, 1970)

The Office of Technology Utilization is responsible for making NASA-generated new technology available to all who might benefit from its use in some form or application, other than that for which it was originally intended. The effective utilization of such technology by individuals or organizations apart from NASA or its contractors constitutes a technology transfer. Such transfers are referred to as *indirect*, or secondary, benefits from the space program—as opposed to *direct* contributions to scientific knowledge and to the values which are derived from the use of satellites for improved communication, weather forecasting, navigation, storm warning and remote sensing of the earth's resources.

Secondary benefits range, for example, from a company saving money or increasing profits to improvements in medicine and electronics. They include increased efficiency in fabrication methods, reliability and quality control, development of new or improved products and the establishment of new companies.

The examples to be found under cover are representative of the many cases of technology transfer which have been brought to NASA's attention and which reflect in each instance some measure of bonus return on the public investment in aerospace research and development.

THIN PLASTIC GASKET ELIMINATES NEED FOR PLATING

Maintenance-free time for axial joints being manufactured by a Midwestern power equipment manufacturer may be increased from 1,000 to 5,000 hours by the use of a thin plastic gasket developed for Marshall Space Flight Center. The thin sheet plastic used between mating surfaces eliminates the need for expensive plating and will completely eliminate fretting corrosion. The manufacturer has spent $12,000 and expects to spend $6,000 more before solving necessary redesign and engineering problems.

CONTINUED INTEREST IN EKG TRANSMITTING SYSTEM AND SPRAY-ON ELECTRODES

Two NASA Briefs continue to receive interest and varied application. A system developed by NASA's Flight Research Center for transmitting electrocardiogram data to the hospital from the ambulance while the patient is in transit, continues to be used by ambulance service firms and hospitals. An Arizona manufacturing firm also is applying part of the NASA concept to a system for non-medical use. The firm is conducting an experimental program involving the location and monitoring of moving vehicles and transmission of data from the vehicles.

JPL RESEARCH HELPS SMALL COMPANY DEVELOP NEW PRODUCTS

Work sponsored by Jet Propulsion Laboratory has helped the Maury Microwave Corporation, a small manufacturer of components used in the microwave field, develop two new products. The first device is known as a "cold noise source" and provides an accurately known input noise temperature for use in measure and calibration of microwave equipment. A second product, the insertion loss test set, allows very accurate measurements of losses due to insertion of the microwave component into a given circuit. More than 10 instruments have been sold, and the company expects future sales of insertion loss test sets to be a significant factor in the company's overall sales picture.

FLUID PROPERTIES HANDBOOK A VALUABLE REFERENCE DOCUMENT

Information contained in a Fluid Properties Handbook (helium, oxygen, hydrogen, and nitrogen) prepared for Marshall Space Flight Center has proved valuable to many companies manufacturing instrumentation and equipment for the processing and cryogenic equipment industries. The Handbook has been helpful in equipment design, training new personnel and in calculating density, volume, viscosity and other fluid characteristics.

SPECTROGRAPH MARKETED BY MASSACHUSETTS FIRM

A Lewis Research Center Tech Brief has resulted in the development of an approved apparatus for controlling the energy source of a spectrometer. Unique feature of the new instrument is a highly sensitive DC arc source that offers great precision. The Jarrell-Ash Company expects to find a market for the spectrometer in the laboratory field where great precision is required. One such instrument is now in use at the University of Colorado Medical School.

PHOTO ENHANCEMENT BY DIGITAL FILTERING TECHNIQUES CONTINUES TO ATTRACT ATTENTION

A Jet Propulsion Laboratory technique utilizing digital computers for distortion correction of medical and biological photographs is continuing to find new applications by the technical and medical community:

Researchers at an Eastern technology institute are applying the technique to patient tooth care through computer analysis of x-rays. They enthusiastically envision extension of the technology to general hospitals, school districts, large dental clinics, low-income patient care and analysis, further applications of the pattern-resolution process in fine bone structure analysis, EKG's, ECD's, traffic problems, and mineralization research.

An Eastern management consulting firm is designing the technique into an x-ray enhancement system for a 500-bed hospital.

The vice president of a West Coast R&D firm dealing in digital data, information storage, and instrumentation has said "the work described in this reference Tech Brief is, in my estimation, outstanding relative to its potential uses to industry, government and humanity if utilized correctly. The work performed in NASA Tech Brief 67–10005 proves the feasibility of techniques that we, as a small private development firm, could not financially support."

AUTO MANUFACTURER GETS PROCESSING ASSISTANCE FROM A NASA TECH BRIEF

A new processing technique revealed in a Marshall Space Flight Center Tech Brief led an automobile manufacturer to alter the course of an existing product development program. The new process involves the deposition of silicon on substrates in the fabrication of integrated circuits. The company anticipates considerable improvement in production processes to result from application of the new technique.

FLUIDIC OSCILLATOR BEING TESTED TO MEASURE HUMIDITY AND PAPER DRYING

A large paper company in Pennsylvania is evaluating a prototype fluidic oscillator built from information in a Lewis Research Center Tech Brief. The company uses the oscillator to measure the moisture in recirculating air that passes under hoods in the paper-drying process. Accurate humidity measurement facilitates controlling the humidity and reduces heating costs. Initial testing indicates that the oscillator can be expected to allow a reduction of 5 percent in fuel costs. Since a single dryer consumes about 30 million BTU's per hour, the total savings for a paper mill with 30 dryers would be significant.

INTEGRATED CIRCUIT TESTING PROCEDURE

Information developed at Goddard Space Flight Center describes an external pin-to-pin testing procedure which allows examination of individual element performance thereby improving overall reliability. Two examples of applications are:

A Midwestern temperature regulator manufacturer purchases integrated circuits and incorporates them into its own product assemblies. Since the company's use of integrated circuits is increasing, it is anticipated that the testing technique will be used extensively. The reliability engineer contacted stated that he had no practical means of handling the testing problem before the Goddard technique became known.

A small California electronics firm, which manufactures integrated circuit testers, is reprinting selected portions of the Goddard information for use as sales and promotional literature. The firm's co-founders concluded that parts of the document were "the best testimonial available on the value and applications of our sole product." Product sales are expected to increase somewhat because of the use of the reprint.

INSURANCE COMPANY PROFITS FROM NASA TECHNOLOGY

Information in a Marshall Space Flight Center Tech Brief describing methodology used in performing maintainability studies on complex systems has been adopted by a Midwest fire and casualty insurance firm for planning operations of various departments of the company.

APPLICATIONS OF THE PYROMETER HANDBOOK

The Lewis Research Center developed a handbook dealing with surface temperature measurement by optical and ratio pyrometers. The handbook contains reference literature and results from experiments to provide a collection of applied technology and reference sources for engineers and technicians concerned with problems of measuring the surface temperature of opaque materials.. A Midwestern electronics manufacturer has been able to make more precise measurements of the temperature of graphite used in the manufacture of semi-conductors, and has been able to free a machine operator by use of the pyrometer designed from the handbook material. Others have profited from the use of this handbook.

INSTRUMENTATION DEVELOPED FOR GODDARD SPACE FLIGHT CENTER FINDS COMMERCIAL MARKET

Space Craft, Inc. of Houston, Texas, is manufacturing for sale in the commercial market a Bit Error Rate Detector originally developed for Goddard Space Flight Center. The Detector is used to test magnetic tape recorder designs and to determine malfunctions in such equipment. Several instruments and accessories have been sold at a price of approximately $12,000.

TESTING SEMICONDUCTORS WITHOUT REMOVAL FROM CIRCUIT

A Tech Brief issued by the Marshall Space Flight Center describes a method of testing semiconductors without removing them from the circuitry. As reported a year ago, a Southwest firm working with this method developed its own system, which successfully tests semiconductor components in place, at an appreciable saving in both technician's time, and component or circuit damage. In addition, a Florida firm has success-

fully applied the technique at a savings of $2,000. Finally, a Chicago electronics manufacturer tested modules incorporating about 80 semiconductor devices and termed the experience with the technique a success.

UNIVERSITY SAVES MONEY IN CONSTRUCTION OF COMPUTER

An electronic calorimetric computer has been developed by the Lewis Research Center to calculate nuclear reactor thermal power output to a nominal accuracy of one percent. Personnel at Washington State University had formulated plans to acquire the measurement capability, but were uncertain about the optimum means of acquiring the capability until they learned of the available NASA-generated technology. The University utilized the NASA technology to construct the computer and measure the output of the institution's nuclear reactor. It is estimated that the computer constructed to the NASA design saved the institution about $24,000.

CONTAMINATION SENSOR ADAPTED FOR QUALITY CONTROL

Adaptation of a contamination monitoring device described in a Goddard Space Flight Center Tech Brief enabled a Midwest mercury switch manufacturer to establish needed cleanliness standards for materials in process. For $75 this company constructed a simplified version of NASA's electronic quality control test machine, and inspection time has been reduced by 60%.

COMPANY ESTABLISHED TO MANUFACTURE UNDERGARMENTS FROM FABRIC DEVELOPED FOR ASTRONAUTS

An Eastern consultant who developed a new texturized fabric, under contract to Manned Spacecraft Center, plans to develop and market a line of men's undergarments and women's inner fashions by next summer. The consultant was called upon by NASA to develop a fabric which had unusual properties of comfort and support necessary for the moon voyage. The result was a texturized fabric made from a combination of existing fibers that dries in four and a half minutes. This new fabric is known as Astrolon. The line of commercial men's and women's wear will be introduced this year in the $1.50 to $25 price range.

CLUTCH MANUFACTURER MAKES PROFITABLE USE OF LEWIS RESEARCH CENTER TECHNOLOGY

An Eastern manufacturer of clutches for heavy duty trucks has applied for a patent covering an invention made possible by information in a Lewis Research Center Tech Brief. The Tech Brief described a means for damping vibration of compressor blades, and the manufacturer applied the technique to overcome similar vibration problems in gear trains.

LINEAR ANALOG CONVERTER

This Tech Brief, developed at Goddard Space Flight Center, describes an electrical circuit that converts an input DC analog signal into a proportionate pulse-width signal. An engineer in the Physics Department of an Eastern university is using the circuit to convert information received from a pressure sensing device which is being used in high altitude experiments. The engineer anticipates a savings of approximately $200 and 80 man-hours per experiment with three or four experiments being performed annually.

HEATER CONTROL CIRCUIT DESIGN UTILIZED

A Tech Brief announcing an improved heater control circuit design, developed by the Marshall Space Flight Center, has been reviewed for potential application by two small companies and has been applied by one small firm. Engineers at a California firm utilized the technology to re-design controls on an environmental oven used in testing electrical products. The improved oven now permits the firm to perform environmental testing in-plant which has contributed to reduced operating costs. A New Jersey firm and a California firm, requiring ovens with close temperature control, are considering the NASA design for potential application to their systems. The innovation is considered to be important because it should lower the cost of the systems and also make them more reliable.

AMES RESEARCH CENTER TECH BRIEF LEADS TO INCREASED PRODUCTION EFFICIENCY

Information from an Ames Research Center Tech Brief has enabled a small, Eastern tool and instrument company to fabricate a fixture that holds components in their proper position as they are being soldered to printed circuit boards. The new fixture is expected to have significant effects on production efficiency.

HIGH INTENSITY LAMP

Used by NASA to illuminate an Apollo launch, and as a solar simulator, a 20,000 watt Kenon compact-arc high intensity lamp has stimulated U.S. Department of Agriculture interest as a source of artificial sunlight, which in turn has generated commercial interest. Two broad areas being explored for commercial use are indoor agriculture and animal husbandry and for use in projectors and stadium lighting.

An Eastern manufacturer intends to capitalize on a Jet Propulsion Laboratory version of the lamp, the emissivity of which corresponds closely to naturally filtered sunlight. He envisions green house crops receiving the bactericidal, photosynthetic, and heating qualities of sunlight; and manipulating the reproductive cycle, molting and autumnal fat deposition of domestic animals by controlling the light-dark cycle.

TECH BRIEF AIDS IN SELECTION OF MATERIALS

A California manufacturer of electrical products uses the information contained in a Marshall Space Flight Center Tech Brief to substantiate selection of printed circuit board materials and microsoldering methods used in manufacturing microminiature electronic equipment.

PLASTIC COATING TECHNIQUE FOR DIE CASTINGS

A small die casting firm learned of a plastic coating technique from a Lewis Research Center Tech Brief and now recommends it to its customers who report that it is superior to coatings previously applied to die castings. The manufacturer reports that this has earned considerable goodwill for his company.

BATTERY RECHARGE UNIT APPLIED

Frequent quality control failures in the production of nickel-cadmium batteries led an Eastern manufacturer to develop more effective testing equipment and battery conditioning procedures. Company engineers incorporated into their test equipment a percent recharge unit developed originally for the Goddard Space Flight Center. The remodeled unit increased battery reliability and reduced the number of warranty claims. For an estimated fabrication and installation investment of 500 man-hours and $1,600 in hardware, company officials expect to realize annual savings of $28,000.

NONDESTRUCTIVE TEST (NDT) MANUALS PROVE VALUABLE IN A VARIETY OF SITUATIONS

A Midwest structural steel manufacturer used Marshall Space Flight Center NDT Manuals to develop the capability for inhouse nondestructive testing of materials. Another company uses the Manuals to quality its inspectors to perform government-specified NDT. A ball bearing manufacturer in the Northeast has used the same manuals to upgrade quality control procedures.

NEW FRACTURE TOUGHNESS TEST METHODS FIND APPLICATION

A Lewis Research Center Survey on Fracture Toughness Test Methods has proven helpful to a number of companies as background information for design and testing. Application of the information in the Survey has resulted in, among improvements in other products, an improvement in the quality of porcelain.

OPTICAL ALIGNMENT SYSTEM IMPLEMENTED

A Goddard Tech Brief disclosed that a layer of high-viscosity oil can be added to mercury-pool (gravity reference) reflectors for more precise alignment of optical instruments. A development engineer from the Wisconsin division of a major equipment manufacturer has adopted this method to certify the straightness of pump shafts that are up to 30 feet in length. With the new method, a complete shaft can now be checked, eliminating previous errors which complicated assembly sequence and added to production costs.

CONTAMINATION CONTROL

A "Contamination Control Handbook" has been successfully applied by many firms and institutions. It was developed by the Sandia Corporation for the Marshall Space Flight Center. There were more than 1,000 requestors of this Tech Brief during 1969. As examples of the reaction, three of them reported:

The Southwestern computer division of a major electronics corporation is using the handbook to develop corporate contamination control standards. It may also find company use as a classroom instruction manual.

An instrument engineer at an Air Force missiles and advanced aircraft site has significantly raised contamination standards for preservation of guidance control units as a result of applying the TSP information. The handbook is used elsewhere on the site as a training manual, and for presenting the coordinated, improved procedures to higher echelons. He describes the handbook as "extremely valuable . . . today the instruments work better, last longer, and have a higher reliability; a definite benefit to the Air Force."

A director of laboratories at a suburban Chicago hospital is using the handbook as a reference source for his speeches at professional meetings and his articles. He claims that nation-wide savings by hospitals resulting from this information amount to many hundreds of hours and tens of thousands of dollars, and also believes its use resulted in better protection for hospital workers, better patient care, and shorter confinement.

IMPROVED SYSTEM FOR TRACKING AIRCRAFT

Information contained in a Marshall Space Flight Center Tech Brief has proven valuable to a Southwest company in the design of a carbon dioxide laser system that will enable more accurate tracking of aircraft than is now possible. Considerable savings in development cost can be attributed to the NASA information.

STEPPING DRIVE USED IN DIGITAL CLOCK

Information received on a stepping drive designed by the Marshall Space Flight Center for the precise positioning of scale models of spacecraft has been used by a small California company in the design of a new digital clock. The new clock, to be marketed commercially, uses a plastic molded stepping drive that allows for continuous accurate operation using a tuning fork for indexing once a minute. Company management estimated that sales on the new clock will reach $500,000 per year.

IMPROVED MEMORY CORE DESIGN

A small California manufacturer of computer memory cores is in the process of modifying its production processes and de-

veloping an improved product; the estimated cost reduction is 25 to 30 percent. The firm is using information from Goddard Space Flight Center describing an innovation in memory core design which makes possible completely automatic production processes. Two other firms have evaluated the information and used it as background in the design of new memory word line configurations.

MARSHALL SPACE FLIGHT CENTER STANDARD FOR ESTIMATING LEAKAGE RATES ADOPTED BY THREE COMPANIES

An ethical drug manufacturer in New York requires close environmental control where drugs are prepared. If a serious leak occurs in its processes, a decision to temporarily stop production may result in losing an entire batch of drugs valued anywhere from $500 to $10,000. An electronic leak detector is used to locate a leak and the NASA standards are being used to estimate the gas leak rate. The new method has contributed to production efficiency and reduced operating costs.

A contractor at the AEC–NASA NERVA test-site has replaced measurement systems for measuring gas leaks with the simpler NASA method. With gas leakage being a constant concern, the NASA standards provide an objective, quantitative assessment of gas leak data that has resulted in enhancing operational safety at the test-site.

The NASA standards are used by a Wisconsin manufacturer of automatic controls for refrigeration units as an in-line method to measure leakage rates from control units charged with freon. The result has been improved product quality and reduced quality control costs.

SOLDERING IRON TEMPERATURE REGULATOR

A small engineering company, located on the East Coast, has adapted a soldering iron temperature regulator, developed at Ames Research Center, for use on a subcontracting project. The owner of the firm stated that his company was able to modify the soldering iron temperature regulator and adapt it to their need for soldering and fusion of mechanical components. According to the owner, his engineers saved several hundred dollars in research time by using the available NASA technology.

PHOTO RECEIVER

A photo receiver developed for the Goddard Space Flight Center is being sold commercially. The instrument provides a series of fifteen pictures per day of the earth's cloud cover. These pictures record the extent, speed, and direction of clouds, and therefore, can be used as a basis for weather forecasting. Cameras aboard the ESSA and NIMBUS meteorological satellites transmit the photographs to earth. Electro-Mechanical Research, Inc. has sold over 20 of the units at a price range of $5,000 and $10,000 each. The U.S. Weather Bureau is a customer and is using the receivers for 24-hour monitoring of hurricanes.

CONSTRUCTION EQUIPMENT FIRM ELIMINATES FASTENER FAILURES

Review of a Marshall Space Flight Tech Brief led to the solution of a serious problem that a New York construction equipment firm was having with failure of high tensile fasteners. The Tech Brief described post-heat treat procedures to minimize possibility of hydrogen embrittlement of ultra high strength steels. Process changes incorporating recommended procedures eliminated the problem altogether.

MINIATURE ELECTROMETER PREAMPLIFIER

An Ames Research Center development has economically advanced state-of-the-art capability for many bio-medical researchers investigating bioelectric potentials of the human cell:

School of medicine researchers at a major Northwest University are using an Ames-designed miniature electrometer preamplifier in conjunction with intracellular microelectrodes to investigate the electrical properties of cellular membranes. NASA's design is considered uniquely valuable because of its small size and specialized circuitry.

Investigators at the Brain Research Center of a major Northeast University are using the Ames device to isolate, measure and monitor individual brain cells. Savings attributable to the TSP are currently estimated at about $3,500.

A professor of biology at a major Northeast institute of technology is using four of the preamplifiers in his cell research. Terming the design "quite good", he estimates cost of the units at $50, compared to the less desirable commercial units costing $350-$500 each.

INTEGRATED PACKAGE FOR ELECTRONIC EQUIPMENT

Information contained in Tech Brief 66–10664 was useful to two firms in designing integrated packages for electronics equipment. The information contained in the Tech Brief, which was developed by the Jet Propulsion Laboratory, explained complex methods of calculating the critical parameters (size, shape, weight) for integrating the electronic products' packaging. Sales of the product of a Midwestern refractory metal manufacturer were increased by $1 million in 1968 with a potential market of several times this amount. A Maryland firm found the information helpful in performing a comparative analysis of packaging techniques, with the JPL information saving the company both time and money.

ALUMINUM HEAT SINK CONCEPT EMPLOYED

An electronics company in New York has profited from the application of information in a Tech Brief issued by Marshall Space Flight Center. The technology embodied in the Tech Brief enabled the company to mount power transistors integrally with printed circuit boards in a compact electronics module, and without introducing problems of poor heat dissipation. Manufacturing costs were reduced in the process.

SIMPLIFIED METHOD FOR TENSILE YIELD STRENGTH MEASURES

Formerly, testing the tensile yield strength of various materials required many specimens. When the materials were expensive to make, or when a limited number were available, this was an extremely costly procedure. To overcome this problem, a method for measuring changes in tensile yield strength using a minimum number of specimens was developed at the Space Nuclear Propulsion Office. This new method has wide application possibilities in materials testing situations.

Engineers employed in the research laboratory of a large manufacturing firm utilized the method during one phase of a project to develop new composite materials. Existing test procedures were inadequate for composite materials and the SNPO information was an important input to the research project. The firm estimated that the availability of this information enabled a reduction of research time on the project for a saving of $8,000 to $9,000.

A Midwestern firm, which is a prime contractor for the military, estimated that a considerable savings in both time and materials would be realized when the new method of testing is fully implemented. The quality engineering supervisor estimated that each complete test profile would cost from $10,000 to $15,000 less if the number of specimens per test run could be reduced from 200 to 1 as anticipated.

A small, independent Midwestern consulting firm has incorporated the new testing method into its array of testing techniques. The firm's president estimated that one man-month of professional effort was saved by using the new methods.

NASA TECH BRIEF LEADS TO DEVELOPMENT OF IMPROVED OPTICAL MODULATOR

A small electro optical company used the information in a Marshall Space Flight Center Tech Brief to develop a new light modulator requiring only 10 watts of drive power. Previous models required as much as 270 watts. Two units have been sold at $3,600 each and annual sales of 20–100 units are forecast.

ACCURATE REGISTRY ON TWO-SIDED PRINTED CIRCUIT BOARD

The Bendix Corporation, under contract to Langley Research Center, developed a simple method of eliminating registration errors in the production of printed circuit boards. Three firms have experimented with the technique and found that it has reduced errors and improved production efficiency. One firm noted that accuracy has been increased and drafting and layout time has been reduced by 50 percent.

DRILLING DIRECTION INDICATOR

An accelerometer developed for NASA has proven to be the piece of foundation technology for the development of a direct-reading drilling direction indicator. The accelerometer was located by a Regional Dissemination Center search, conducted under an agreement with the SBA, for a company qualifying as a small business.

The company involved manufactures controls for oil fields. The problem in question centers on slant drilling and the difficulty the driller experiences in determining where he is after certain depths have been reached.

At present there is widespread slant and multiple drilling within the industry, i.e., many wells are drilled from the same surface location. Currently direction determination methods entail putting pipe down and photographing instruments at certain points and depths in the drilling process. The new direct drilling and orientation instrument, on the other hand, permits direct instrumentation readings of the drilling direction from the surface as the drilling is being done. The tremendous cost savings to drillers in time alone is apparent. Additionally, the new technique can prevent possible penetration of existing wells, which may be numerous, drilled from the same starting location.

INFORMATION ON TESTING FOR BELLOWS FATIGUE PROVES VALUABLE

A West Coast manufacturer of bellows was able to dispense with costly techniques for testing bellows by applying procedures described in a Marshall Space Flight Center Tech Brief. A Midwestern bellows manufacturer found that the NASA information filled voids in areas where no information previously existed and states that it helps designers in determining causes of failures and in improving quality of the product.

SPACECRAFT PHOTOGRAPH USED IN EARTH RESOURCES SURVEY

A photograph of part of Iran supplied by TAC has led to the identification of previously unknown salt domes which are of interest as potential sulphur sites. The application is notable for two reasons. First, the wide area of coverage of the photo, when tied in with existing geological mapping of adjacent field work saving hundreds of man years of work and substantial expense.

Second, color gradations in photographs aid materially in identifying salt domes that don't quite pierce the surface. This kind of dome is most difficult to detect from photos taken at aircraft altitudes.

SOLID LUBRICANT FOR BALL BEARINGS

A major Midwestern corporation reports that it saved from $75,000 to $100,000 in development costs and approximately one year in development time because of the avail-

ability of NASA lubrication technology. The specific application was in the development of truck and aircraft turbines. This is of special significance since it could simplify turbine designs and create more efficiency in their operation.

The development from Lewis Research Center was a solid lubricant for ball bearings that is effective in high temperatures (1,000°–1,900°F). The lubricant can be applied to bearing cages, or cages can be fabricated from self-lubricating composites consisting of porous, sintered nickel-chromium alloy, impregnated with calcium fluoride-barium fluoride eutectic filler.

SMALL FIRM DEVELOPS INSULATED BOOT

A variety of material and fabrication technologies were developed by a NASA contractor involved in making lunar landing space suits. This technology proved most helpful to a sportswear manufacturer who was experiencing major difficulties in the design of a mukluk-type boot. The problem arose in attempting to find a wear resistant outer sole material that would withstand the intended environment and shoe molds of sufficient size and configuration with which to fabricate them. The Technology Applications Center put the sportswear manufacturer in contact with the NASA contractor, with the result that the materials and shoe molds used for the manufacture of the lunar overshoes have been applied to the boot. Testing has proved the new material superior in performance.

ELECTROMOTIVE SERIES FOR METALS

Information developed for the Marshall Space Flight Center on an Electromotive series established for 130 metals commonly used in aerospace technology has proven to be a valuable reference source to many companies:

Availability of the electromotive series saved a California firm approximately one man-year of research effort. Since some of the firm's products are exposed to sea air, the firm had undertaken a research program to develop data on various metals. After receiving the NASA information it was possible to stop further research in the area.

A major computer manufacturer concerned with wear-life potential of metals used in its products has used the NASA information in its materials research activities. The information has been a valuable reference tool and has saved the company's New York division at least six months in research time.

A small Massachusetts firm used the NASA information to increase its production capabilities in "chemical milling". Information on densities and relative positions of various metals in the electromotive series was used to increase the firm's capability to perform new types of work. An increase in sales of $20,000 to $30,000 was associated with performance of the new work.

TRUCK BODY CONSTRUCTION

NASA research in the area of foam and honeycomb core sandwich construction has led to the development of a new process in the production of truck body construction material. Plastic-faced foam sandwich panels can be used to construct vans, with a resultant reduction in overall weight of 45 to 50% over conventional construction methods. Lower operating expenses and licensing costs are a result of the weight decrease, and repair costs are reduced by the ease with which prefabricated panels can be inserted to replace damaged areas.

A firm in the Southeast, applying technology identified by a Regional Dissemination Center, is also developing an export version which can be separated from both the motor unit and the undercarriage. A prototype has been in successful use for several months, with full production expected soon.

LIQUID CRYSTALS

A Houston, Texas high school student has made novel and important use of a Lewis Research Center Tech Brief, titled "Liquid Crystals Detect Voids in Fiberglass Laminates". Experimenting with this technique for pinpointing voids and poor bond lines in fiberglass laminates for her Science Fair project, she extended the technique to include testing of aluminium, titanium, and alloys. Three of the nations largest aerospace firms send her defective parts for tests and analysis, following which she sends the companies a report. She has received awards from NASA, the Army and Air Force for her contributions, which she attributes significantly to the Tech Brief.

The process has also received considerable attention from the trade press, a major wallboard manufacturer, a major electronics firm, a major helicopter company and other industrial sources.

SPACE FOOD STICKS

The Pillsbury Company of Minneapolis, Minnesota has performed considerable food research during the past eleven years in connection with Air Force and NASA space programs. Results of one research effort have been modified for application in consumer food markets and test marketing is now underway. Results of the test marketing have been promising in that sales of the Space Sticks have not leveled off or declined after the initial spurt. A Marketing Manager for the Company notes that consumers regard Space Food Sticks as genuine food, not a novelty or fad item. Furthermore, a whole new system of nutrition foods has been opened up for Pillsbury by the aerospace food research and marketing success with Space Food Sticks. Considerable future activity in this area is planned by the company.

NEW FIRM ESTABLISHED ON BASIS OF NASA TECHNOLOGY

One result of the Lewis Research Center contract with General Dynamics Corporation for electric propulsion systems research was the establishment of a new spin-off company, Maxwell Laboratories, Inc., formed by three former General Dynamics employees in August 1965. As a part of research related to electrical propulsion systems, it was necessary to develop low impedance pulse lines for use with plasma accelerators. It was recognized by Dr. Terence Gooding and his associates that energy storage capacitor technology was lagging, and that there was an opportunity for significant technological advancement. Dr. Gooding reported that the NASA contract, "exposed us to a market that was not being served by the major companies in the capacitor field". Today, Maxwell Laboratories employs over 150 people, including about 50 engineers. The company has expanded its product line, and is engaged in systems engineering as well as component manufacturing. Less than two-thirds of its business is related to the government, and less than 7 percent of its sales are to NASA.

HEAT PIPE APPLICATION

Based on information acquired from TAC and other sources, a manufacturer has applied a space-developed heat pipe principle to two commercial products. The heat pipe was invented at the AEC Los Alamos Scientific Laboratory for use in NASA space applications such as controlling surface temperatures of space vehicles and transporting large heat fluxes in nuclear powered engines. It is unique in that it can pump large quantities of heat without moving parts. Using the principles of the Los Alamos development, a manufacturer has designed and placed on the market a line of miniature heat pipes which will eliminate hot spots in all types of electronic equipment, by piping heat from the hot component to the chassis or other suitable heat sink.

The same company has made a spectacular application of heat pipes in the cooking process. Normally cooking takes place from the outside in. The manufacturer has developed a heat pipe which is inserted inside the item to be cooked, transporting heat into the interior and permitting cooking from the inside out concurrent with cooking from the outside in. As a result, cooking time for roasts has been cut in half.

A Colorado research and manufacturing company has received and adopted NASA information on testing and inspection procedures for process control of monolithic circuits. The NASA technology was developed by Westinghouse for the Marshall Space Flight Center to provide quality assurance procedures for the mass production of high reliability integrated circuits at a reasonable cost. A company manager estimated that adoption of the NASA information has saved the company at least $6,000 and contributed toward improved quality control and reliability methods.

INSULATED CLOTHING FROM APOLLO PROGRAM MARKETED

Sportsmen now have available a line of lightweight, aluminized, woven nylon men's wear which traps up to 80 percent of the wearer's body heat. The sportswear, designed by a major sportswear manufacturer, is produced by using a vacuum-deposited metallizing process developed in the Apollo program.

The manufacturer of this crinkled, aluminized mylar, reports that the material has the highest insulating efficiency per pound of any known cryogenic insulator. In another application of this technology, the Canadian Coast Guard Air/Sea Rescue Service has approved and recommended a waterproof, wind-proof, radar reflective, metalized marine distress signal which also can double as an emergency blanket.

The material has also been used industrially to insulate storage containers and transfer lines for liquified (super-cooled) gases.

JET SPRAY SHIELDING

As a result of information gathered from NASA files by a Regional Dissemination Center, a manufactured company has developed a shielding technique to improve a jet spray process. The method has been developed to coat surface steel with corrosion resistant and wear resistant alloys, qualities desirable for coating valves, valve parts, and valve devices. The shielding nozzle, as developed, improves temperature control, velocity, and the heat efficiency of the plasma flame.

Preliminary tests were so promising that the manufacturing company has purchased the necessary equipment for installation at their valve manufacturing facilities, and are converting operations to the new method.

HEAT FLUX SENSOR

Obtaining a non-exclusive license from NASA to produce a slightly modified version of a heat flux sensor, developed originally for the Manned Spacecraft Center, a Midwest manufacturer saved his customers an estimated $24,000 the first year. He was able to pass along this significant savings to his customers by incorporating a quick-disconnect type mounting and eliminating cooling equipment used by the previous sensors.

SMALL BUSINESS APPLIES AEROSPACE TECHNOLOGY

Unable to fund research himself, a small Midwestern manufacturer obtained from the Small Business Administration, through a Regional Dissemination Center, a group of 13 reports describing state-of-the-art in temperature compensated crystal oscillators. He was able through this assistance to improve his existing product, and to have ready within six months two new product lines.

The firm's president states: "Without the information contained in (these) reports it could have taken at least an additional year's

work of an engineer at a cost of perhaps $15,000. But the main advantage is that we will have our new product in six months instead of 1½ to 2 years. Since this product has an anticipated future sales of $100,000 per year . . . we could be ahead by as much as $200,000 in projected sales . . . NASA has contributed in a direct way to the growth of our small business which will provide in the future many very much needed jobs for people living on the Nez Perce Indian Reservation on which our plant is located."

TORQUE METER AIDS STUDY OF HYSTERESIS IN MOTOR RINGS

A torque meter was developed for Marshall Space Flight Center to simulate the characteristics of hysteresis in motor rings under dynamic conditions. The simulation avoids the expense of actually making and testing a complete motor. One Midwestern electronics company saved $10,000 in production of a low cost, high volume military product. The technique also enabled the company to produce another product with greater efficiency. A Florida firm used the technique to better define the specs on materials used in motors.

HEART PACEMAKER ELECTRODE FROM AEROSPACE ALLOY

An unusual new alloy being tested at NASA Field Centers appears to offer significant advantages as a cardiac pacemaker lead. The new material, located through efforts of a Biomedical Application Team, provides significant improvement in fatigue resistant qualities over materials currently used. Improved care for coronary victims is expected to result.

SUGGESTION BY NASA ENGINEER USED IN DESIGN OF VALVE TO RELIEVE HYDROCEPHALUS

An aerospace valve design used at Lewis Research Center is being adapted to assist in two important medical problems. One application is to alleviate a condition of fluid build up in the cranial cavity. In another application an implantable model of the valve is being fabricated to restore urinary control to incontinent patients.

SPACE SUIT TECHNOLOGY

Space suit technology, developed for solving specific environmental problems in space is now being applied to difficult medical problems. Both cardiovascular researchers and clinicians have found useful new capabilities for temperature control and pressure application in patients as a result of Biomedical Application Team efforts which identified the space suit developments.

NEW TRANSDUCER APPLICATION ASSISTS CARDIOVASCULAR RESEARCHERS

A tiny pressure transducer being used to measure stress in aerospace materials has been made available to aid heart researchers conducting blood flow studies. In response to a need expressed by researchers at a major medical center, a NASA Biomedical Application Team located the tiny transducer with higher frequency response, greater resolution and smaller size than those normally available in the medical research field.

NEW APPLICATION FOR NASA SPRAY-ON ELECTRODE

The NASA-developed spray-on electrode designed to acquire EKG's on test pilots has continued to find new applications in biomedicine. In addition to acquiring clinical electrocardiograms and being incorporated into a remote ambulance unit as previously reported, the electrode technique has continued to aid the medical profession in a variety of ways. The latest applications are in neuromuscular rehabilitation and in brain function research utilizing electroencephalograms.

SHOP TECHNOLOGY AIDS IN MEDICAL ENGINEERING LAB

NASA innovations in rigid quality manufacturing technology have found application in bio engineering laboratories. In response to problems defined by bioengineering lab personnel at a Midwest medical school, solutions based on information in NASA Tech Briefs were identified by a NASA-sponsored Biomedical Application Team. Identification of a new type cutting fluid and a new method of tool removal from chucks is expected to result in higher quality products being produced.

TELEMETRY SYSTEM CONTRIBUTES TO DENTAL RESEARCH

A miniature telemetry system designed for aerospace use is now being adapted for dental research. A system developed at NASA's Ames Research Center is helping researchers to determine where tooth damage will occur because of pressure induced stress. This research is adding significantly to preventive dentistry.

NASA TECHNOLOGY AIDS CYSTIC FIBROSIS RESEARCH

An advanced aerospace research capability at the Manned Spacecraft Center has been made available to aid cystic fibrosis research. Through efforts of the Biomedical Application Team at Southwest Research Institute, a significant new method of ultramicroanalysis employed in aerospace medicine is being tested by medical researchers working on early detection and cure of cystic fibrosis.

ARTIFICIAL HIP JOINT FROM AEROSPACE BEARING MATERIAL

A new material produced for aerospace application holds promise for improving joint replacements in patients suffering from severe arthritis. A new polyamide resin was identified at a NASA center in response to a need expressed by medical school researchers. The new material offers low friction and wear, capability for being bonded to bone, and appears compatible with body tissues.

BY TRAIN FROM WASHINGTON TO NEW YORK

Mr. HARTKE. Mr. President, the noted columnist Stewart Alsop recently decided to ride the train from Washington to New York. His reflections on the ill-starred trip are succinctly contained in his March 9 column in Newsweek, and the conclusion he came to after the trip is summed up in the column's title: "Let's Raise More Hell."

After being subjected to interminable delay and considerable inconvenience, Mr. Alsop concludes that we Americans are "sheeplike" in not demanding better treatment. Mr. Alsop was forced to spend 45 minutes waiting in line to pick up a ticket he had reserved, and he found on his return trip that it took him nearly 10 hours to get from New York to Washington. His conclusion is not only "that we customers don't raise enough hell," but also that "the man who makes a justified fuss does a public service."

Mr. President, it is probably not within the powers of the President of the United States or his Secretary of Transportation to alleviate all the problems that cause Mr. Alsop distress. But on one issue it has become perfectly clear that we in Congress and Mr. Alsop together can make a justified fuss: the unconscionable delay of the administration in offering a rail passenger service proposal.

Like Mr. Alsop and his ticket, Congress has been waiting in line for a long time to get this proposal. The administration has repeatedly asked us to postpone consideration of this subject in the Commerce Committee. They promised to have a proposal in our hands by January 1 of this year. Now the date has been pushed back and pushed back to the point where we must wonder whether the administration has any intention at all of alleviating the type of frustrating difficulties that nearly a million Americans like Mr. Alsop experience daily.

Mr. Alsop, in commenting on the delay at the ticket window, states that "the customers, if they had not been sheep, could have been brandishing briefcases, demanding tickets, and upbraiding the inefficiency of the railroads."

I suggest that the time has come for Congress to stop acting like sheep and to demand a plan for better rail passenger service from the administration. If we do not have a concrete proposal soon, we should brandish our briefcases, and upbraid the inefficiency of the administration. We should take action immediately without waiting any longer for administration views.

Mr. President, the American people cannot afford further delays. The time has come. "Let us raise some hell."

I ask unanimous consent that Mr. Alsop's column be reprinted in the RECORD at the conclusion of my remarks.

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

[From Newsweek, Mar. 9, 1970]

LET'S RAISE MORE HELL

(By Stewart Alsop)

WASHINGTON.—Recently, for the first time in years, I took a train. There was a New York play I wanted very much to see, and the weather was bad, and the Washington-New York shuttle had been canceled. The train journey itself was rather pleasant, in an old-fashioned, sleepy sort of way, even though the windows were so dirty that the passing landscape appeared as through a mist darkly. But getting on the train was a horrible experience.

The fast train, the Metroliner, was all sold out, of course—the Metroliner is always sold out on bad-weather days. So I reserved a seat on the regular 4 o'clock. I was told that I had to pick up the ticket by 3:30, so I arrived at the line in front of the ticket window in Union Station at 3:15.

A lady in a plastic-covered hat was at the head of the line. A young man with sideburns indolently fingered her tickets—a long, green, perforated sheet, folded accordian-style. He would write something on the back of one of them, frown, chew a thoughtful nail, and then saunter back to two elderly ladies who were chatting behind an ancient ticket rack, confer with them at length, and saunter back to the ticket winder. At 3:35, the lady in the plastic hat glanced back defiantly at the growing line of would-be passengers and glowered. She had—or so it seemed to me by this time—a hate-filled, vulpine face.

MUTTERING

There was some muttering among the would-be passengers, but no more than that. "Well, I guess we won't make the 4 o'clock," one man sighed, in the tone of an Arab murmuring "Kismet," and others murmured a resigned assent. At 3:40, the lady in the plastic hat was still in line. The young man with the sideburns was adding up a long row of figures with a pencil stub—he was a very slow adder.

I have always hated waiting in line. By this time, I was scribbling notes on the whole performance in my notebook (always the boy reporter) and I find the following list of symptoms: "Face puce. Arteries pounding.

Myocardial infarct threatens. Lower back intensely painful. Psychosomatic?"

At 3:42, the lady in the plastic hat paid her money and departed, sneering. At 3:54, four more passengers had been served, with much pencil-scribbling and conferring with the two old ladies, and there were eight to go. At this point, control slipped. Face puce, arteries pounding, I began babbling incoherently about how I had to catch the 4 o'clock, and dammit-to-hell, what a way to run a railroad.

The young man with the sideburns looked at me in astonishment, and so did the passengers. The young man fumbled with some envelopes. "Your name Alsop?" he asked. "Yes, yes, Alsop," I confessed, grabbed the ticket, paid, and ran for the train.

ABRASIONS

This small episode seems worth recounting for three reasons. First, a lot of other people must have had the same sort of experience, whether in railroad stations, in airports, or in hotels or other public places. Second, these constant psychic abrasions, which are surely more prevalent in this country today than ever before, have as much to do with the widely advertised "quality of life" as the amount of gunk in the air or the rivers—and for most people, a lot more. Third, what amazed me in that station, and what has often amazed me elsewhere, is the sheeplike quality of Mr. Average American Customer.

The lady in the plastic hat was buying a ticket for some other destination, on some other day. Could not the young man with the sideburns have asked her politely to stand aside for a few minutes? More important, why did the railroad insist on selling tickets in precisely the same way it sold them in 1910? Was this an idea of the vice president in charge of discouraging passengers? More important still, since there were several ticket windows on either side, why was there only one young man at one ticket window?

To save money is the answer, of course—but at the expense of lower back pains, distended arteries, threatened myocardials, and psychic traumas among the customers. The customers, if they had not been sheep, should have been brandishing briefcases, demanding tickets, upbraiding the inefficiency of the railroad. Instead they muttered a bit, and made small jokes, and missed their trains.

Why *are* we Americans so sheeplike? Why don't we insistently demand a reasonable return in comfort and service for our money?

Once, some years ago, I had an appointment with a very rich man (I was doing a piece on how the rich get rich) at one of those hotel-factories, part of a chain. This man, as it happened, owned a big slice of the chain—his holdings were certainly big enough to cover the purchase price of the whole hotel. When I caught up with him, he was midway in a long line of customers waiting to register. He had been waiting for twenty minutes, he remarked mildly. The two windows on either side of the clerk were closed—to save money, of course—and as a result the average customer had to wait at least half an hour to get to the head of the line.

The very rich man was at least saving his own money, and thus increasing his own profits. But the other people waiting—who should have been screaming for the manager's blood—had no similar self-interest.

NOT THEIR MONEY

Most of the people waiting in line were no doubt on expense accounts, and our expense-account economy, no doubt has something to do with the sheepish docility of most American customers. After all, it's not their money, so why make a fuss?

In fact, the man who makes a justified fuss does a public service. A head waiter at a luxury restaurant who serves a dish as if it were a dog's dinner will be hesitant to do so again if the facts are rather loudly pointed out to him. An airline that fails to honor a reservation will be less likely to do so again if the bilked customer raises hell. "It is hard," so the Bible says, "to kick against the ———." The Bible is wrong. In the public interest, the ——— should be kicked against at every opportunity.

Getting back from New York to Washington the day after the play was an even more traumatic experience than getting there. There had been a light snow the day before, and even though it was a bluebird day, the airport was closed, taxis were impossible to get, and the first available train was two and a half hours late. I got up at 8:30, and made it to Washington by 6:45, convinced, for the first time, that American civilization really *is* on the brink of disintegration.

Surely one important reason why it is on the brink of disintegration is that we customers don't raise enough hell. We accept shoddy goods, bad service, and plain rudeness like so many complacent sheep. Maybe the younger generation will save our civilization—the kids seem proficient at raising hell. One can only hope it is not too late.

FARM SUBSIDIES

Mr. MATHIAS. Mr. President, I ask unanimous consent to insert in the RECORD an editorial which appeared recently in the Hagerstown Morning Herald. The topic is one currently being discussed by Members of Congress and the message, I believe, is one which deserves being considered.

While this country has made exciting progress in the field of space exploration, our advancements here on earth have hardly kept pace. Our farm subsidy program is now a negative one. In the hope of reversing this, I have cosponsored a new Agricultural Adjustment Act which would provide for a 5-year transitional program to begin in January of next year and to run through December of 1975. The primary aim of this act is the phasing out of acreage allotments, marketing quotas, processing taxes, and direct payments for wheat-feed grains and cotton.

I believe the following editorial, and others similar, add impetus to a very necessary program.

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

FUTILE FARM SUBSIDIES

American taxpayers pour $4.5 billion annually into farm subsidies that do not work, and it's about time Congress sees the light and starts phasing out the program.

Over the weekend Senator Charles McC. Mathias called the five-year-old program a dismal failure and recommended that the billions poured into it be used instead for education, medical research, medical care and other pressing needs.

Many Washington County farmers disapprove of the program under which prices received on such commodities as wheat, corn, feed grains and cotton, have not provided adequate incomes.

The futility of the subsidy program is illustrated by the fact that the 60 per cent of agriculture not covered by government programs, such as production of cattle, hogs, eggs, fruit and vegetables, is better off as far as farm income is concerned.

There is no reason for the farmers or taxpayers to be happy with the costly subsidies. It seems ridiculous to pay farmers for not growing certain crops—or at least cut down on production—when there is so much hunger in many parts of the United States and elsewhere in the world.

THE LAOS CONFLICT

Mr. HARTKE. Mr. President, on February 6, 1965—2 days before the United States started bombing North Vietnam—I first spoke out against the deepening American involvement in Southeast Asia. At that time only 267 of our young men had been killed there; our total forces numbered only 21,000. And we had spent all of $4 billion in military and economic aid to South Vietnam during the entire 10 years preceding my speech.

I said then that the American people were confused about our commitment. I observed that the Vietnamese people "wonder where we stand." I pointed out that the councils of our own Government were divided and uncertain.

Above all, I cautioned the President not to proceed by stealth and subterfuge along whatever path he had chosen for us in Vietnam. I pleaded with him, instead, to give a clear direction to our policy so that the American people and their elected representatives in Congress could make some judgment on the course we were asked to follow.

Today those words have a bitter and ominous ring. Five years and 1 month after they were uttered, I and a handful of my colleagues in the Senate feel compelled to say them again—this time substituting "Laos" for "Vietnam."

Five years and 1 month later the 267 young Americans have become almost 50,000, the $4 billion have become $110 billion, the troop commitment of 21,000 has gone over the half million mark and is now only slightly below it. The Nation stands divided, large numbers of our youth are bitterly alienated, and a potentially great President has been driven from office. And the terrible question that hangs over us now is—is a new set of leaders preparing to take us down yet another blood-soaked jungle path in our self-appointed role of world policeman?

On November 3 of last year, President Nixon said, "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 the policy."

Yet war without policy, and policy without truth characterizes our activities in Laos today. President Nixon is, of course, not responsible for our initial involvement in Laos, but he must bear the responsibility for his administration's attempts to obscure and confuse the facts of our involvement.

More than 4 months ago, a subcommittee of the Senate Foreign Relations Committee conducted hearings on Laos, but the State Department has not allowed the hearing transcript to be released to the public. The State Department has, however, leaked favorable reports to preferred columnists.

The Pentagon has refused point blank to allow reporters to talk even off the record on the subject of either North Vietnamese or American involvement in the Laos war. In Laos, American officials have refused to cooperate with reporters or discuss our involvement there. In fact,

three reporters were arrested for trying to investigate a secret American base in Laos. After their arrest, the Ambassador to Laos said the American mission had lost any interest in helping out the press whatsoever.

This is hardly the action of an administration that believes that the public should know the truth about its policy.

Members of the Senate are in the ludicrous position of hoping that some enterprising reporter will tell us what is going on.

I will attempt to describe the Laos situation as best I can. Laos is a sort of wine-bottle-shaped country sharing a long common boundary with Vietnam. It is about the size of the State of Oregon, with a population of that of the District of Columbia. Up to 1954, it was ruled by foreign powers and since then it has been beset by strife. The present Government is headed by Prince Souvanna Phouma and he is opposed by his half-brother Prince Souphanovong. For many years the battle has raged back and forth, with neither side gaining a decisive advantage. Much of the fighting for the Government has been done by an independent army of Meo tribesmen, who are neither Laotian nor Vietnamese, commanded by a local warlord and paid for and equipped by the CIA. Because of the continuous fighting about a third of the population has been killed, wounded, or driven from their homes. Last summer the stalemate was suddenly broken when the Meo tribesmen, encouraged by their American advisers, staged a strong attack which swept the Pathet Lao from the Plain of Jars for the first time in 4 or 5 years. Everyone expected the Pathet Lao to recapture the Plain of Jars and in the last weeks, they have staged their successful counterattack. At this time no one knows if the Pathet Lao and their North Vietnamese allies will stop their offensive on the Plain of Jars, as they have in the past, or will push forward against the cities of Vientiane and Luang Prabang and on to the border of Thailand.

Over the years American involvement has steadily increased. We are now flying from 200 to 400 sorties against Laotian positions every day. We have dropped more bombs on Laos than on North Vietnam. Unknown numbers of American CIA operatives and Green Beret paramilitary groups, probably less than 5,000, are presently in Laos. We are spending from $200 to $300 million annually in military aid for Laos. And almost 200 Americans, mostly flyers, have died in this conflict. From the known facts, it is clear that while the Vietnam struggle is allegedly being Vietnamized, the Laotian struggle is being "Americanized." It is clear that even after our experience in Vietnam, we are getting further involved in an Asian country without the knowledge of the public, without the consent of Congress, and indeed in direct violation of the expressed intent of Congress.

It is argued by high administration officials that to discuss our involvement in Laos would be to acknowledge our violation of the Geneva Accord of 1962. Our violation, however, responded to the clear and repeated violations of the Accord by the North Vietnamese.

Frankly, I worry more about the uninformed American opinion than unfavorable world opinion. What profits us if we win the propaganda war abroad but lose freedom at home? Let us stop worrying what foreigners think of us and start worrying what we think of ourselves. Frankly, I believe some high administration officials fear not adverse world opinion but critical American opinion. There is a creeping elitism in our Government, a feeling that only the bureaucrats are competent to make foreign policy decisions. They seem to believe that the American public is too uninformed, too uneducated, to appreciate and appraise the various considerations necessary in the formation of foreign policy. History has shown, however, that decisions made in secret by small groups, have little likelihood of success. I also believe that some bureaucrats think that Americans are unwilling to sacrifice. But Americans have made necessary sacrifices in the past, and they are willing to do so again in the future.

The question is not our willingness to sacrifice but our willingness to be deceived. The question is not support of our President—we all support the President in times of trouble—but faith in our Government.

The resemblance between the impending danger in Laos and our past predicament in Vietnam is unmistakable.

Are we going to allow ourselves to make the same mistakes again?

Are we going to again send young men to die without a clear idea of why?

I very much fear if the American people do not speak out, the Nation's fate will be decided without them.

Besides public awareness and public participation in whatever decision is made, I shall urge the U.S. Senate to take the following steps: First, we should demand the full disclosure of the recent hearings on the situation in Laos. As Senator SYMINGTON noted, most of this information has already been reported in the papers. With the release of the testimony, there should also be a full disclosure of our involvement and purposes in Laos. Second, if a full disclosure of our involvement and purposes in Laos is not possible, then the U.S. Senate should convene in secret session to determine what is the proper course for this country. Finally, we should ask the United Kingdom and the Soviet Union, who were cochairmen of the Geneva Conference, to call a meeting of all the signatories to put into effect the agreement of 1962. It would be my hope that all interested parties would meet in an effort to restore a measure of stability to the situation in Laos. Moreover, the scope of any such meeting might be enlarged to include all Southeast Asian countries.

What we desperately need is some realistic appraisal of our true interests in Southeast Asia. Only when we are certain what our interests are can we begin to determine a sound policy. Our Vietnam policy today is in large measure only the product of our past mistakes, and our "true interests" are defined by the need to avoid the worst consequences of those mistakes.

That is a tragic commentary, but it is the truth. Now we must see to it that we do not become involved in similar traps in Laos, where once again we find ourselves debating which dangerous path to take—when, in fact, our best interest may lie in not taking any path at all.

It is not my intention to propose a whole new Southeast Asia policy this afternoon. What I do insist is that the policy we have followed up until now has led us from one miserable misadventure to another. And I am determined to do all in my power as one U.S. Senator to keep us from blindly pursuing the same policy in a different corner of the Asian jungle.

The attention of most Americans today is focused—and rightly so—on the deteriorating condition of our economy. But I would remind you that the greatest part of our present economic trouble began with escalation in Vietnam. And we are now at almost exactly the point in Laos that we were at in Vietnam when the escalation began. So we simply cannot afford the luxury of concentrating on the one and ignoring the other.

More important still, our deepest concern about Laos is neither political nor economic but human and intimate and personal. For the decisions that are now in the process of being made will determine whether we can extricate ourselves from Southeast Asia in the foreseeable future, or whether instead we must remain mired in that swamp for year after blood-drenched year.

We are talking about the lives and fortunes of our sons—all our sons. The rest is empty rhetoric, if not plain deceit.

We have had enough of both, and it is time we demanded that America's leaders once more speak out for life and hope, not death and despair.

That is the choice before us. It cannot be evaded. Choosing it, we choose our fate.

DISTRICT OF COLUMBIA CRIME

Mr. MATHIAS. Mr. President, I would like to remind Congress of our 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 insert in the RECORD a listing of crimes committed within the District yesterday as reported by the Washington Post. Whether this list grows longer or shorter depends on this Congress.

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

YOUTH BUYS CANDY, ROBS DISTRICT OF COLUMBIA SAFEWAY

A young man armed with a revolver held up a Safeway food store Wednesday afternoon and fled on foot with the money from a cash register, police reported.

Police said a man entered the Safeway at 5233 North Capitol St. about 4 p.m., browsed through the shelves and bought a candy bar. He returned shortly and asked the cashier for change to ride a bus, according to the report.

As the clerk opened her register, the man pulled out a gun and ordered her to move back, police said. Scooping up the money from the register, the gunman ran north in the 5200 block of North Capitol Street.

In other serious crimes reported by area police up to 6 p.m. yesterday:

ASSAULTED

Robert Herman Jones, of Washington, was admitted to Rogers Memorial Hospital in serious condition after two men attacked him about 5:50 p.m. Feb. 28, at the rear of a building in the 500 block of H St.

Robert Russell Jather, of Washington, was treated at Cafritz Hospital for a gunshot wound in the leg that he suffered during a fight with a man armed with a gun in Southeast Washington.

Calvin Mayes, of 1917 2d St. NE, was treated at Washington Hospital Center for stab wounds in both shoulders that he suffered when he tried to intervene in a fight between a man and woman, one of them brandishing a kitchen knife, inside his home about 7:20 p.m. Wednesday.

Doy Cox, of Washington, was treated at Rogers Memorial Hospital for head and hand wounds he received during a fight with a man who approached him near his home in the 1000 block of Florida Avenue NE about 1 a.m. Wednesday. Cox told police the man struck him in the head, then warned, "Don't say anything." Cox said he hit his assailant with his cane and was stabbed in the hand. Dropping his knife as he fled, the man escaped, running east on Florida Avenue.

STOLEN

An electronic calculator valued at $1,000 was stolen from a car belonging to John Lockhart, of Fairfax, while it was parked in the 2000 block of I Street NW.

A Gibson electric guitar in a black case and three men's suits, with a total value of $500, were stolen sometime after 2:45 a.m. Wednesday from a car belonging to John R. Liquefatto, of Baltimore, while it was parked in the 1100 block of 13th Street NW.

Six cases of liquor with an estimated value of $639.93 were stolen between 10 p.m. Sunday and 9:30 p.m. Tuesday from the liquor cabinet at Arbaugh's Restaurant, 2606 Connecticut Ave. NW.

A $750 diamond ring was stolen between 10:30 a.m. and 7 p.m. Tuesday from a room in the Shoreham Hotel, 2500 Calvert St. NW, registered to Elayne Franklin, of Highland Park, Ill.

A $500 lawnmower was stolen sometime between 9 a.m. Tuesday and 7 a.m. Wednesday from the tool shed at Douglass Junior High School, Douglas and Stanton Roads SE.

An adding machine was stolen about 9:20 a.m. Wednesday from the Chamberlain Vocational School, 1300 Potomac Ave. SE.

A television set and a record player were stolen sometime between 5 p.m. Tuesday and 6 a.m. Wednesday from Edmonds Elementary School, 9th and D Streets NE.

A television set was stolen from the storage room in the basement of Merritt Elementary School, 50th and Hayes Streets NE, at about 5 p.m. Wednesday.

A clock and a large quantity of food were stolen sometime about 1 a.m. Wednesday from Little Angels Nursery School, 2611 Douglas Rd. SE.

ROBBED

Florence L. Reynolds, of 1624 Massachusetts Ave. NE, was held up Wednesday by a youth who knocked on her door and asked for a piece of paper to protect his head from the rain. He then pushed past Miss Reynolds and grabbed some money from the dining room, and ran from the building, east on Massachusetts Avenue.

Willey Ransom, of Washington, was held up about 4:50 p.m. Wednesday by two youths who approached him at 4th Street and Rhode Island Avenue NW and said, "Okay, man, give me your money." While one of them pointed a revolver at Ransom, the other one took $3 from his pocket and the pair fled on foot.

Leroy Richardson, of Washington, was beaten and robbed about 8 p.m. Wednesday by two men who jumped him from behind in the 400 block of 15th Street NE. The pair beat Richardson, removed the money from his pocket and ran into an alley in the 1500 block of D Street NE.

Safeway store, 5233 North Capitol St. NE, was held up about 4 p.m. Wednesday by a young man who browsed through the store, then purchased a candy bar. At the checkout counter, he asked the clerk for change for the bus, and when he opened the register, the man pulled out a revolver. Ordering the cashier to move away from the register, the gunman scooped up the bills and fled on foot.

Robert Anderson, of 207 9th St. SE, was held up about 2 p.m. Wednesday by a man who knocked on his apartment door. When Anderson opened the door, the man punched him in the face and drew a knife. The armed man demanded money and when Anderson said he had none, the man kicked him and tied him up. Taking some bills from Anderson's pocket and money from a dresser drawer as well as some food stamps, the armed man fled from the building.

George F. Taylor, of Landover, an employee of United Parcel Service, was held up about 1:10 p.m. Wednesday while he was making a delivery at Georgia Avenue and Fairmont Street NW. A man approached him, forced him to surrender the bills in his pocket, then made his escape.

Claude Beagle, of Washington, was robbed about 7:05 p.m. Wednesday by a young man who stopped him in the 1400 block of D Street SE, and demanded, "Give it to me, Pops." Removing the bills the man made his escape.

Bobby George, a driver-salesman for Royal Crown Cola, of Arlington, was held up about 2:55 p.m. Wednesday while he was driving his truck at 5th and Kennedy Streets NW. Three young men, one with a gun in his pocket, confronted George and said, "I want all your money." Another man, brandishing a tire wrench, took the money from George's pocket and the trio fled.

Marvin Henry Willis, of Washington, was treated at Rogers Memorial Hospital for injuries he suffered during an assault and robbery about 11:05 p.m. Tuesday. Four youths surrounded Willis in the 500 block of Morse Street NE. While one of them held him, the others searched his pockets, removing his wallet. After struggling with Willis and beating him in the head, the youths ran east on Morse Street toward 6th Street.

Ronald O. Spears, of Silver Spring, was held up about 12:05 p.m. Wednesday as he was walking to his car parked in the 2200 block of 15th Street NE by two armed youths. Pointing a pistol at Spears, one of them ordered, "This is a robbery. Stand still. Don't move," and searched his pockets. The gunmen removed a wallet from his pants pocket, an envelope full of bills and a check from his jacket and a money clip from another pocket. The pair fled on foot, heading north of 15th Street.

Kendra Clayton of Washington, was robbed about 8:15 a.m. Wednesday by a young man who jostled her on a D.C. Transit bus. Miss Clayton told police the man who she said took her wallet from her purse stepped off the bus in the 1200 block of F Street NW.

George Rushizky, of 217 C St. NE, was held up and beaten about 6:45 p.m. Wednesday in the rear of his home. Two youths, one armed with a revolver, said, "Give me your money," and took the bills Rushizky handed them. After the gunman struck him in the face with his weapon, the pair fled north of 4th Street. The gunman ran into a moving car in his haste to escape.

Robert Gillmore Locke, of Hyattsville, was held up about 5:45 p.m. Wednesday while he was driving at North Capitol and R Streets NW. Two youth approached the car and one of them told Locke. "Look buddy, my partner has a gun. Give me your money." When Locke told the pair, "All I have is money to pay two traffic tickets with," the youth insisted, "Look, man, we don't want to hurt you. Just give us the money, man. I got to take my shots." The gunman then climbed into the car from the passenger's side while his companion entered from the driver's side. Removing the wallet from Locke's pocket, the youth took out his money and returned the billfold. Both youths got out of the car and fled on foot, heading west on R Street.

Whiz Cleaners, 3700 Nichols Rd. SE, was held up about 6:50 p.m. Wednesday by two young men, one wielding a revolver, who forced the clerk to give him the money from the cash drawer and fled on foot, running south on 1st Street.

Raymond Geech, of Washington, was held up about 6:25 a.m. yesterday by two youths armed with an unidentified object who approached him in the 200 block of 3d Street SE. After asking Geech for a dime, the pair warned, "Don't move," and took his watch and billfold.

Leonard Wormington and William C. Roges, both of Santa Barbara, Calif., were held up about 8:15 a.m. yesterday in the 1200 block of 15th Street NW. Two youths, one wielding a pistol, confronted the men, forced them to hand over wallets and fled in the 1400 block of N Street NW.

THE NIXON ADMINISTRATION ENVIRONMENTAL PROTECTION LEGISLATION

Mr. HATFIELD. Mr. President, I was pleased to join the distinguished minority leader (Mr. SCOTT) as a cosponsor of the Nixon administration environmental protection legislation.

The President has sent to the Congress a number of innovative proposals to attack pollution in many forms. All these merit our close study.

We in my State have a special interest in preserving, protecting, and improving our environment. Oregon was a leader in combating air and water pollution. David Dominick, Commissioner of the Federal Water Pollution Control Authority, has stated that Oregon's water pollution control program is among the best in the country. In May, Oregon voters will go to the polls in a bond election to raise money to assist the State in fighting pollution at the State level.

Mr. President, when Senator SCOTT introduced these bills, he included a section-by-section analysis of the bills. At this point in the RECORD, I ask unanimous consent to have printed the analysis of each bill and the actual language of S. 3466 through S. 3472. At the conclusion, I ask that the comments on these bills by my distinguished colleague from Kentucky (Mr. COOPER) be printed. As the ranking minority member of the Senate Public Works Committee, his remarks are valuable.

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

S. 3466

The bill (S. 3466) to amend the Clean Air Act so as to extend its duration, provide for national standards of ambient air quality, expedite enforcement of air pollution control standards, authorize regulation of fuels and fuel additives, provide for improved controls over motor vehicle emissions, establish standards applicable to dangerous emissions from stationary sources, and for other purposes, introduced by Mr. SCOTT, 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.

SUMMARY OF CLEAN AIR ACT AMENDMENTS OF 1970

EXTENSION OF DURATION

The bill extends for an additional three years (fiscal years 1971–1973) the general authorization of appropriations for the Clean Air Act, as well as to the special appropriation authorization in that Act for research related to fuels and vehicles.

COMPLIANCE TESTING AND CERTIFICATION OF MOTOR VEHICLES AND ENGINES

1. The testing of devices or systems for control of emissions from new motor vehicles or new motor vehicle engines, and the obtaining of a certificate of conformity is made mandatory with respect to all cars manufactured after the effective date of the Act. Such testing is now on a voluntary basis, upon application of the manufacturer.

2. Under the bill the tests would be applied both to prototype vehicles and to a representative sample of those being manufactured. The Secretary would issue a certificate of conformity with respect to the prototype vehicle to remain valid as long as vehicles being manufactured are of substantially the same construction (and meet the standards for emissions in the Secretary's regulations in effect at the time of the prototype testing). The tests are to be conducted by the manufacturer under regulations of the Secretary, or directly by the Secretary. The Act provides a right of entry to the Secretary on written notice to the manufacturer either to conduct the tests at the factory, or to check the results of tests conducted by the manufacurer.

The present law requires testing only of the prototype vehicle; vehicles of substantially the same construction being manufactured for sale are considered to be in conformity.

3. Importation by any person of any motor vehicle manufactured during a model year to which a certificate of conformity is applicable is prohibited except as provided by the Secretary unless such vehicle is in conformity with the regulations. The limitation in the present Act applies only to the importation of vehicles for sale or resale.

REGISTRATION AND REGULATION OF FUELS AND FUEL ADDITIVES

1. The bill requires the registration of fuels and continues the present requirement for registration of fuel additives. This provision would, however, be limited to fuels used in transportation. The bill also authorizes the Secretary to establish standards governing the composition of fuels and fuel additives and to prescribe their uses.

2. The Secretary may designate any fuel or fuel additive, and manufacturers thereof must provide the Secretary with reasonable and necessary information to determine the emissions from its use or its effect on emission control devices in general use. In the case of toxic emissions or emissions of unknown toxicity, prescribed scientific data may be required to enable the Secretary to determine the extent to which they affect the public health or welfare. This data would not be required from the additive manufacturer if the additive was intended solely for use in a fuel by the manufacturer thereof. Certain types of other information now specified in the statute would still be required. Upon the receipt of such information, the Secretary must register the fuel or fuel additive. Only a registered fuel or fuel additive may be sold or delivered. Except for a broadening of the authority to require information, this provision parallels that in the present law respecting registering fuel additives.

3. A new provision is added to the law authorizing the Secretary to regulate the sale of fuels or fuel additives. On the basis of the information required for registration or any other information, the Secretary may establish standards respecting the composition, or chemical or physical properties, of any fuel or fuel additive which would endanger the public health or welfare, and on the basis of such standards, he may prohibit the sale of any such fuel or fuel additive, or limit the composition, or chemical or physical properties, or impose conditions applicable to the use of any fuel or fuel additive.

4. The Secretary is authorized to disseminate any information, not a trade secret, which concerns the relationship of fuels or fuel additives to air pollution. The present law contains no such provision.

5. Any person violating either the registration or regulation provisions is subject to a civil penalty of $10,000 a day for each day the violation continues. The present Act, which extends to registration of fuel additives only, imposes a penalty of $1,000 a day for each day of violation.

NATIONAL AIR QUALITY STANDARDS

1. Unlike the present Act, under which the Secretary develops criteria for ambient air quality for air quality control regions designated by him, and the States develop both air quality standards conforming to such criteria and a plan for implementation and enforcement, the bill authorizes the Secretary to set ambient air quality standards for the nation with respect to any pollutant or combination of pollutants which he determines endanger or may endanger the public health or welfare. As under existing law, he would also issue recommended control techniques with respect to such pollutants. He could also designate interstate areas for which special provision would be made in the State implementation and enforcement plan.

2. A State (or interstate agency) would have 90 days to write a letter of intent to adopt, and provide a description of how it would develop and adopt, an implementation and enforcement plan with respect to national air quality standards, including a time table for extending it to the various areas within its jurisdiction; it would then have another 6 months (plus any extension granted which could not exceed 90 days with certain limited exceptions) to develop and adopt it.

If a State does not adopt such a plan, the Secretary would develop and promulgate a plan for such State.

STATIONARY SOURCE EMISSION STANDARDS

The bill contains a new provision authorizing the Secretary to establish standards with respect to pollution from stationary sources which contribute significantly to endangerment of the public health or welfare. Regulations issued under this provision would provide that:

1. If the emissions are extremely hazardous to health, no new source of such emissions may be constructed or operated, except under specific exemption of the Secretary, and existing sources of such emissions must install necessary control devices as promptly as possible.

2. In other cases, any new source of emissions which constitute a significant danger to the public health or welfare must be designed or equipped to prevent and control the emissions to the fullest extent compatible with available technology.

The bill replaces the existing provisions on Federal enforcement with a new provision. Under the new provision, in the case of substandard air quality or violation of Federal emission standards which is due to failure by the State to carry out the applicable plan for implementation and enforcement, the State and the alleged violators would be notified and given a hearing. The Secretary would then specify the necessary remedial action and a time within which to take it. If the action is not taken within this time, the Attorney General may be requested to start an injunction action in the district court, with the record made in the Secretary's hearing being received in evidence along with any other evidence the court wishes to receive, and with the court empowered to issue an appropriate order after considering the practicality and physical feasibility of necessary remedial action. It could also assess a penalty on the violators of up to $10,000 per day beginning after the period specified by the Secretary for taking the remedial action.

S. 3466

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

EXTENSION OF DURATION

SEC. 2. (a) The first sentence of section 104(c) of the Clean Air Act (42 U.S.C. 1857b–1(c)) is amended by striking out "and" before "for the fiscal year ending June 30, 1970," and by inserting before the period at the end thereof ", and such sums as may be necessary for the fiscal year ending June 30, 1971, and for each of the next 2 fiscal years".

(b) Section 309 of the Clean Air Act (42 U.S.C. 1857l) is amended by striking out "and", and inserting before the period at the end thereof ", and such as may be necessary for the fiscal year ending June 30, 1971, and for each of the next 2 fiscal years".

TESTING OF MOTOR VEHICLES AND ENGINES

SEC. 3. (a) Subsection (a) of section 206 of such Act (42 U.S.C. 1857f–5) is amended by striking out in the first sentence thereof "Upon application of the manufacturer, the" and inserting in lieu thereof "The"; by striking out "such manufacturer" and inserting in lieu thereof "the manufacturer"; and by inserting after "not less than one year" in the second sentence thereof "(except as provided under subsection (c))".

(b) Subsection (b) of such section is amended by inserting before the period at the end of the sentence ", except as provided in subsection (c)".

(c) Such section 206 is further amended by adding after subsection (b) the following new subsections:

"(c)(1) In order to determine whether new motor vehicles or new motor vehicle engines being manufactured by a manufacturer are in fact constructed in all material respects substantially the same as the test vehicle or engine, the Secretary is authorized to test such vehicles or engines. Such tests may be conducted by the Secretary directly or, in accordance with conditions specified by the Secretary, by the manufacturer.

"(2) If, based on such tests conducted on a representative sample of such vehicles or engines, the Secretary determines that such vehicles or engines do not conform with the regulations in effect on the date the certificate of conformity was issued, he may revoke such certificate and so notify the manufacturer. Such revocation shall apply in the case of any new motor vehicles or new motor vehicle engines manufactured after the date of such notification and until such time as the Secretary finds that vehicles and engines being manufactured by the manufacturer do conform to such regulations.

"(d) For purposes of enforcement of this section, officers or employees duly designated by the Secretary, upon presenting appropriate credentials and a written notice to the manufacturer, are authorized (A) to enter, at reasonable times, any factory, or other business or establishment, for the purpose of conducting tests of vehicles or engines coming off the production line, or (B) to inspect, at reasonable times, records, files, papers, and processes, controls, and facilities used by such manufacturer in conducting tests under regulations of the Secretary. A

separate notice shall be given for each such inspection, but a notice shall not be required for each entry made during the period covered by the inspection. Each such inspection shall be commenced and completed with reasonable promptness."

(d) The heading of such section 206 is amended to read: "COMPLIANCE TESTING AND CERTIFICATION".

(e) Paragraph (1) of subsection (a) of section 203 of such Act (42 U.S.C. 1857f–2) is amended by striking out "it is in conformity with" and inserting in lieu thereof "such manufacture is covered by a certificate of conformity issued (and in effect) under".

(f) The amendments made by this section shall apply in the case of motor vehicles and motor vehicle engines manufactured after the month in which this Act is enacted.

IMPORTATION OF VEHICLES AND ENGINES

SEC. 4. (a) Paragraph (1) of subsection (a) of section 203 of such Act (42 U.S.C. 1857 f–2) is amended by inserting "(in the case of any person, except as provided by regulation of the Secretary)," after "commerce, or"; and by striking out "United States for sale or resale" and inserting in lieu thereof "United States".

(b) The first sentence of paragraph (2) of subsection (b) of such section is amended by striking out "by a manufacturer" and inserting in lieu thereof "of imported by any person".

(c) Paragraph (3) of section 212 of such Act (42 U.S.C. 1857f–7) is amended by striking out "The" and inserting in lieu thereof "Except with respect to vehicles or engines imported or offered for importation, the"; and by adding before the period at the end thereof "; and with respect to imported vehicles or engines, such terms mean a motor vehicle and engine, respectively, manufactured after the effective date of the regulations issued under section 202."

(d) The amendments made by this section shall apply in the case of motor vehicles and motor vehicle engines imported into the United States on or after the sixtieth day following the date of enactment of this Act.

REGISTRATION AND REGULATION OF FUELS AND FUEL ADDITIVES

SEC. 5. (a) Subsection (a) of section 210 of such Act (42 U.S.C. 1857f–6c) is amended to read as follows:

"(a) The Secretary may by regulation designate any fuel (which, for purposes of this section, means only fuel intended for use in the transportation of any person or thing) or fuel additive, and after such date or dates as may be prescribed by him, no manufacturer or processor of any such fuel or fuel additive may sell or deliver it unless the manufacturer of such fuel or fuel additive has provided the Secretary with the information required under subsection (c) of this section and unless such fuel or fuel additive has been registered with the Secretary in accordance with subsection (c) of this section."

(b) Section 210 of such Act is amended by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f), respectively, and by adding after subsection (a) the following new subsection:

"(b) The Secretary may, on the basis of information obtained under subsection (c) of this section or any other information available to him, establish standards respecting the composition or the chemical or physical properties of any fuel or fuel additive to assure that such fuel or fuel additive will not cause or contribute to emissions which would endanger the public health or welfare, or impair the performance of any emission control device or system which is in general use or likely to be in general use (on any motor vehicle or motor vehicle engine subject to this title) for the purpose of preventing or controlling motor vehicle emissions from such vehicle or engine. For the purpose of carrying out such standards the Secretary may prescribe regulations—

"(A) prohibiting the manufacture for sale, the sale, the offering for sale, or the delivery of any fuel or fuel additive; or

"(B) limiting the composition or chemical or physical properties, or imposing any conditions applicable to the use of, such fuel or fuel additive (including the maximum quantity of any fuel component or fuel additive that may be used or the manner of such use)."

(c) The subsection of section 210 herein redesignated as subsection (c) is amended by striking out "For purposes of this section, the Secretary shall" and inserting in lieu thereof "For the purpose of establishing standards under subsection (b), the Secretary may require the manufacturer of any fuel or fuel additive to furnish such information as is reasonable and necessary to determine the emissions resulting from the use of the fuel or fuel additive or the effect of such use on the performance of any emission control device or system which is in general use or likely to be in general use (on any motor vehicle or motor vehicle engine subject to this Act) for the purpose of preventing or controlling motor vehicle emissions from such vehicle or engine. If the information so submitted establishes that toxic emissions or emissions or unknown or uncertain toxicity result from the use of the fuel or fuel additive, the Secretary may require the submission within a reasonable time of such scientific data as the Secretary may reasonably prescribe to enable him to determine the extent to which such emissions will adversely affect the public health or welfare. To the extent reasonably consistent with the purposes of this section, such requirements for submission of information with respect to any fuel additive shall not be imposed on the manufacturer of any such additive intended solely for use in a fuel only by the manufacturer thereof. Among other types of information, the Secretary shall"; by inserting in clause (2) "the description of any analytical technique that can be used to detect and measure such additive in fuel," after "above,"; by striking out in such clause "to the extent such information is available or becomes available,"; by striking out "clauses (1) and (2)" in the second sentence and inserting in lieu thereof "the provisions of this subsection"; and by striking out "such fuel additive" in such sentence and inserting in lieu thereof "such fuel or fuel additive".

(d) The subsection of section 210 herein redesignated as subsection (d) is amended by inserting between the first and second sentences the following new sentence: "The Secretary may disseminate any information, obtained from reports or otherwise, which is not covered by section 1905 of title 18 of the United States Code and which will contribute to scientific or public understanding of the relationship between the chemical or physical properties of fuels or fuel additives and their contribution to the problem of air pollution." The first sentence of such subsection is amended by striking out "subsection (b)" and inserting in lieu thereof "subsection (c)".

(e) The subsection of section 210 herein redesignated as subsection (e) is amended (1) by adding "or subsection (b)" after "subsection (a)"; and (2) by striking out "$1,000" and inserting in lieu thereof "$10,000".

(f) The amendment made by subsection (e)(2) of this section shall be effective with respect to any fuel or fuel additive to which a regulation issued under subsection (a) of section 210 of such Act or a standard established under subsection (b) of such section, as amended by this Act, applies.

NATIONAL AIR QUALITY STANDARDS

SEC. 6. Section 107 of such Act (42 U.S.C. 1857c–2) is amended to read as follows:

"NATIONAL AIR QUALITY STANDARDS

"SEC. 107. (a) As soon as practicable after enactment of the Clean Air Act Amendments of 1970, but in no event later than the close of the sixth calendar month after the month in which such enactment occurs, the Secretary shall, after consultation with appropriate advisory committees and Federal departments and agencies, publish in the Federal Register proposed regulations establishing nationally applicable standards of ambient air quality for any pollutant or combination of pollutants which he determines endanger or many endanger the public health or welfare, and allow a reasonable time for comment thereon by interested parties. After considering such comments and other relevant information, the Secretary shall promulgate such regulations with such modifications as he deems appropriate. He may from time to time thereafter, by regulation similarly prescribed, extend such standards to other pollutants or otherwise revise such standards.

"(b) As soon as possible after establishing or revising standards under subsection (a), the Secretary shall, after consultation with appropriate advisory committees and Federal departments and agencies, issue to appropriate air pollution control agencies information on those recommended pollution control techniques the application of which is necessary to achieve such standards of air quality at the earliest practicable time. Such information shall include data relating to technology and costs of emission control. The recommendations shall also include such data as are available on the latest available technology and economic feasibility of alternative methods of prevention and control of air pollution. Such issuance shall be announced in the Federal Register and copies shall be made available to the general public."

AIR QUALITY STANDARDS AND ABATEMENT OF AIR POLLUTION

SEC. 7. (a) Paragraphs (1), (2) and (3) of subsection (c) of section 108 of such Act (42 U.S.C. 1857d) are amended to read as follows:

"(c)(1) If, after the date on which the Secretary has, pursuant to section 107, established standards of ambient air quality and issued recommended control techniques therefor—

"(A) any State or any interstate air pollution control agency, within 90 days after such date, files with the Secretary a letter of intent that it will adopt a plan (meeting the requirements of subparagraph (B)) within the time specified, a description of how it will proceed to develop the plan (meeting such requirements) for the various areas within its jurisdiction, and the time within which the plan will be applied to each such area giving due regard, in setting this order of application of the plan, to the relative requirements of each area; and

"(B) such State or interstate agency adopts a plan for the implementation, maintenance, and enforcement of such standards of air quality, which adoption occurs within 180 days after the filing of such letter of intent and other material pursuant to subparagraph (A) and after public hearings held not less than 30 days following publication of a proposed plan for implementation, maintenance, and enforcement of such standards; and

"(C) the Secretary determines that such plan—

"(i) includes emission standards, or equivalent measures, and such other measures as may be necessary to assure achieving or preserving such standards of ambient air quality within a reasonable time in all areas within the jurisdiction of such State or interstate agency;

"(ii) contains adequate provisions for intergovernmental cooperation, including, in

the case of any area covering part of all or more than one State and designated by the Secretary, appropriate provision for dealing with interstate pollution problems;

"(iii) provides adequate means of enforcement, including authority comparable to that in subsection (k) of this section to prevent or deal with air pollution presenting an imminent and significant endangerment to the public health; and

"(iv) provides for revision from time to time as may be necessary to take account of revisions of such ambient air quality standards or improved on more expeditious methods of achieving such standards;

such plan (except with respect to any area for which an extension is granted pursuant to the last 2 sentences of this paragraph) shall be approved by the Secretary. Any revisions of such a plan which are similarly adopted and otherwise meet the requirements of the preceding sentence shall also be approved by the Secretary. For good cause shown, the Secretary may extend, for such period as he finds necessary and appropriate, the 180-day period referred to in subparagraph (B) with respect to any area or areas under the jurisdiction of the State or interstate agency. No such extension may exceed 90 days unless the request therefor accompanies the material filed pursuant to subparagraph (A) and is in turn accompanied by satisfactory assurances that the portions of the plan relating to the areas most in need of air pollution abatement action will receive priority in the development and submission of the plan.

"(2) If a State or interstate agency does not file a letter of intent and the other material described in paragraph (1) or adopt a plan in accordance with paragraph (1) with respect to any State or portion thereof, the Secretary shall prepare regulations establishing such a plan for such State or portion. Prior to promulgating such regulations, the Secretary shall call a public hearing for the purpose of receiving testimony from State and local pollution control agencies and other interested parties affected by the regulations, to be held in or near one or more of the places where the plan will be applicable. At least thirty days prior to the date of such hearing, notice thereof shall be published in the Federal Register. If, prior to the date the Secretary publishes such regulations the State or interstate agency has not adopted such a plan, the Secretary shall promulgate such regulations.

(b) Paragraph (4) of such subsection (c) is amended to read as follows:

"(4) (A) Whenever, on the basis of surveys, studies or reports the Secretary finds that the ambient air quality in any State or the area under the jurisdiction of any interstate air pollution control agency fails to meet the air quality standards established pursuant to section 107, and he determines, on the basis of facts thus ascertained, that such failure results from the failure of a State or interstate agency to carry out its plan (or the plan provided for it by the Secretary) under section 108(c), the Secretary shall notify the State or the interstate agency, and the persons contributing to the lowering of the air quality or to the alleged violations, of such findings.

"(B) If such State or interstate agency has not taken appropriate remedial action within ninety days of such notification, the Secretary may request the Attorney General to bring suit on behalf of the United States in the appropriate United States district court to enjoin violation of applicable standards or regulations by any person within that State or the area under the jurisdiction of any interstate air pollution control agency."

(c) (1) Paragraph (1) of subsection (d) of such section is amended by striking out subparagraphs (A), (B), (C), and by striking out "(D)" and inserting in lieu thereof "(d) (1)".

(2) The second sentence of paragraph (1) of subsection (f) of such section is amended by striking out "and each State claiming to be adversely affected by such pollution".

(3) The first sentence of paragraph (2) of such subsection is amended by striking out "pollution referred to in subsection (a)" and inserting in lieu thereof "any pollution".

(d) Subsection (g) of such section is amended to read as follows:

"(g) If action reasonably calculated to secure abatement of the pollution within the time specified in the notice following the public hearing is not taken, the Secretary may request the Attorney General to bring a suit on behalf of the United States in the appropriate United States district court to secure abatement of the pollution."

(e) The first sentence of subsection (j) (1) of such section is amended by striking out "based on existing data," and inserting before the period at the end thereof ", or any other information which may reasonably be required to assist the Secretary in evaluating the emission of pollutants caused by such person".

(f) Section 108 of such Act is further amended by striking out subsection (b).

(g) The amendments made by subsections (a), (b), and (c) of this section shall become effective on the date on which the Secretary of Health, Education, and Welfare prescribes regulations pursuant to section 107 of the Clean Air Act as amended by this Act. The amendments made by subsections (d) and (f) of this section shall also be effective on such date, except that they shall not apply with respect to any proceeding begun under subsection (d) of section 108 of the Clean Air Act prior to such date on which such regulations are prescribed.

SEC. 8. Title I of the Clean Air Act is amended by adding after section 111 the following new sections:

"STATIONARY SOURCE EMISSION STANDARDS

"SEC. 112. (a) The Secretary shall from time to time by regulation, giving appropriate consideration to technological feasibility, establish standards with respect to emissions from classes or types of stationary sources which (1) contribute substantially to endangerment of the public health or welfare, and (2) can be prevented or substantially reduced. Such standards may be established only after reasonable notice and opportunity for interested parties to present their views at a public hearing. Any regulations hereunder, and amendments thereof, shall become effective on a date specified therein, which date shall be determined by the Secretary after consideration of the period reasonably necessary for compliance. The Secretary may exempt any industry or establishment, or any class thereof, from this section, upon such terms and conditions as he may find necessary to protect the public health or welfare, for the purpose of research, investigations, studies, demonstrations, or training, or for reasons of national security.

"(b) Such regulations shall provide that—

"(1) if such emissions are extremely hazardous to health,

"(A) no new source of such emissions shall be constructed or operated, except where (and subject to such conditions as he deems necessary and appropriate) the Secretary makes a specfic exemption with respect to such construction or operation;

"(B) any existing source of such emissions shall install and maintain any control measures necessary and appropriate to meet the standards prescribed under this section;

"(2) in other cases to which subsection (a) applies, any new source of such emisions shall be designed and equipped to prevent and control such emissions to the fullest extent compatible with the available technology as determined by the Secretary.

"(c) (1) If, within such period as may be prescribed by the Secretary, any State or interstate air pollution control agency, adopts a plan for enforcement of the standards promulgated by the Secretary under this section, such plan shall, if the Secretary determines it provides adequately for the enforcement of such standards, be applicable within such State or other area.

"(2) If a State does not adopt a plan in accordance with paragraph (1) of this subsection, the Secretary shall, after reasonable notice and a conference of representatives of appropriate Federal departments and agencies and State agencies, prepare regulations establishing a plan for such State which shall meet the criteria for enforcement plans required under section 108. If, prior to the date the Secretary publishes such regulations the State has not adopted such plan, the Secretary shall promulgate such regulations.

"(d) If at any time the Secretary determines that emissions from any stationary sources are in excess of the standards established by him pursuant to this section, and that this results from the failure of a State or interstate agency to carry out its State plan adopted as provided in paragraph (1) or established as provided in paragraph (2) of subsection (c), he shall notify the affected State or the interstate agency, the person contributing to the pollution, and other interested parties and specify a time within which such failure must cease. If such failure does not cease within such time, the Secretary may request the Attorney General to bring suit on behalf of the United States in the appropriate United States district court to secure abatement of the pollution.

"(e) Prior to establishing standards under subsection (a), the Secretary shall consult with appropriate Federal departments and agencies having responsibilities related to any stationary sources to which such standards will be applicable."

"FEDERAL ENFORCEMENT

"SEC. 113. (a) If the Secretary, after reasonable notice and opportunity for a hearing, determines (1) (A) that the ambient air quality of any area fails to meet the air quality standards established pursuant to section 107, or (B) that any person is violating any standards established pursuant to section 112, and (2) that such failure or violation results from the failure of a State or interstate agency to carry out its plan meeting the requirements of sections 108 or 112, as the case may be, or the plan of the Secretary established thereunder, he shall so notify the State or interstate agency and the persons contributing to the lowering of the air quality or to the violation of such standards, and shall specify the remedial action to be taken and the time, not less than 60 days, within which such persons must take such action.

"(b) If such action is not taken within such time, the Secretary may request the Attorney General to bring a suit on behalf of the United States in the appropriate United States district court to enjoin continued failure to take the necessary remedial action. In any such suit, the courts shall receive into evidence a transcript of the hearing held by the Secretary and a copy of the findings prepared by the Secretary as a result thereof. The court may also receive such additional evidence as it deems necessary. The court, giving due consideration to the practicability and to the physical feasibility of taking the necessary remedial action, shall have jurisdiction to enter such judgment and orders enforcing such judgment as the public interest and the equities of the case may require. The court may also assess a penalty of up to $10,000 for each day after the end of the period specified by the Secretary pursuant to subsection (a) for the taking of the necessary remedial action except that, in determining the amount of such penalty, the court shall take into account the efforts of the defendant to abate the pollution involved."

CONFORMING AMENDMENTS

SEC. 9. Section 106 of such Act (42 U.S.C. 1857c–1) is hereby repealed.

EFFECTIVENESS OF NEW PROVISIONS

SEC. 10. Section 108(c) of the Clean Air Act as in effect prior to enactment of this Act and ambient air quality standards and implementation and enforcement plans promulgated or approved, prior to enactment of this Act, under such section shall not be considered invalid by reason of such enactment until (1) the Secretary of Health, Education, and Welfare establishes ambient air quality standards pursuant to such section as amended by this Act; and (2) either the State adopts an implementation and enforcement plan which is approved by the Secretary pursuant to such section as so amended or the Secretary provides such a plan pursuant thereto.

S. 3467

The bill (S. 3467) to amend the Land and Water Conservation Fund Act of 1965, as amended, and for other purposes, introduced by Mr. SCOTT, for himself and other Senators, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD.

SECTION-BY-SECTION ANALYSIS

Section 1 amends the Land and Water Conservation Fund Act, as amended, to provide that the $200 million minimum which is now deposited in the Fund in each fiscal year (through fiscal year 1973) shall be increased by an amount equal to the net proceeds placed in the Fund from the sale of surplus real property and related personal property in excess of the presently-budgeted level of $54.7 million in any one year.

Under present law there is deposited in the Fund each year revenues from the motorboat fuel tax, entrance and user fees from Federal recreation areas, and the sale of surplus real property and related personal property. To the extent the total of these revenues does not equal $200 million, the difference may be appropriated to the Fund from general revenues or, lacking that, it is made up from the revenues received under the Outer Continental Shelf Lands Act, as amended.

Under Section 1 the Fund would continue to receive these revenues, but only the first $54.7 million of surplus property revenues would be counted as a part of the $200 million floor, and the excess above $54.7 million would be an add-on above the $200 million level. For example, if the surplus property revenues that would flow into the Land and Water Conservation Fund in a given year amounted to $100 million, $54.7 million would count as part of the $200 million floor, and the remaining $45.3 million would constitute an addition above the $200 million level, making a total revenue to the Fund for that year of $245.3 million.

Section 2 would authorize the Secretary of the Interior to request, on behalf of the State and local governments, surplus Federal real property for use for park and recreation purposes. Instead of selling such properties for a minimum of 50 percent of the full market value, as presently required by law, the Secretary would be given discretionary authority to sell on terms which he deems best, taking account of the values inherent for the people and the uses to which the land will be put. The terms set by the Secretary of the Interior may embrace a 100 percent discount from market value; that is, they may constitute a donation. The properties are to be conveyed with a reversionary clause, giving the United States the opportunity to reclaim title if, after the transfer of title to the State or local government, the land is converted to other purposes than had been intended.

Section 3 makes a technical correction in the numbering of subsections of law, made necessary by the enactment of section 2 of this bill.

Section 4 enlarges the present requirements for quarterly reports to the Congress pertaining to donations of surplus property for specified purposes, in order that quarterly reports will include an accounting for the transactions which occur under the authority of section 2 of the bill.

Section 5 relates to the relocation of Government activities. The Federal Government can utilize its property, vacated by Government activities, for parkland purposes, either through discount sales, or through applying the proceeds of sales. However, there are cases where Federal activities are presently occupying land which might better be used for park or for other purposes, but the property cannot be declared excess without some better method for relocating the activity concerned. At present the process of obtaining funds for such relocation is cumbersome, lengthy, and uncertain. This section is intended to expedite that process. Although in the interest of sound property management the section is not limited to parkland situations, its enactment should contribute toward the parklands objectives of this bill.

The section permits the use, under controlled conditions, of the proceeds from the sale of real and related personal property, to relocate the Federal activity to another, more suitable, place. It also authorizes, for this purpose, advance appropriation from the general fund of the Treasury, such appropriations to be repaid from sale proceeds. Replaced facilities are required to be reported, as excess, to the Administrator of General Services.

Section 6 removes from the present law the requirement that the transfers of surplus property for parklands and recreation be at not less than 50 percent of the fair market value.

S. 3467

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Clause (2) of subsection (c) of section 2 of the Land and Water Conservation Fund Act of 1965, as amended (78 Stat. 897), is further amended by changing the final period to a semicolon and adding thereafter the words: *"Provided further,* That the foregoing amount of $200,000,000 shall be increased by an amount equal to the net proceeds placed in the fund from the sale of surplus real property and related personal property in excess of $54,700,000 in any one year."

SEC. 2. That section 203 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 484), is further amended by redesignating section 203 (k) (2) as section 203 (k) (3), and by adding a new section 203 (k) (2) as follows: "(k) (2) Under such regulations as he may prescribe, the Administrator is authorized, in his discretion, to assign to the Secretary of the Interior for disposal, such surplus real property, including buildings, fixtures, and equipment situated thereon, as is recommended by the Secretary of the Interior as needed for use as a public park or recreation area.

"(A) Subject to the disapproval of the Administrator within thirty days after notice to him by the Secretary of the Interior of a proposed transfer of property for public park or public recreational use, the Secretary of the Interior, through such officers or employees of the Department of the Interior as he may designate, may sell such real property including buildings, fixtures, and equipment situated thereon, for public park or public recreational purposes to any State, political subdivision, instrumentalities thereof, or municipality.

"(B) In fixing the sale value of property to be disposed of under subparagraph (A) of this paragraph, the Secretary of the Interior shall take into consideration any benefit which has accrued or may accrue to the United States from the use of such property by any such State, political subdivision, instrumentality, or municipality.

"(C) The deed of conveyance of any surplus real property disposed of under the provisions of this subsection—

"(i) shall provide that all such property shall be used and maintained for the purpose for which it was conveyed in perpetuity, and that in the event that such property ceases to be used or maintained for such purpose during such period, all or any portion of such property shall in its then existing condition, at the option of the United States, revert to the United States; and

"(ii) may contain such additional terms, reservations, restrictions, and conditions as may be determined by the Secretary of the Interior to be necessary, to safeguard the interests of the United States.

"(D) 'States' as used in this subsection includes the District of Columbia, the Commonwealth of Puerto Rico, and the Territories and possessions of the United States."

SEC. 3. The first sentence of subsection (n) of section 203 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 484(n)), is amended by striking "(k)" and substituting "(k) (1)" in lieu thereof.

SEC. 4. Subsection (o) of section 203 of the Federal Property and Administrative Services Act of 1949, as amended, (40 U.S.C. 484(o)), is amended to read as follows:

"(o) The Secretary of Health, Education, Welfare, with respect to personal property donated under subsection (j) of this section, and the head of each executive agency disposing of real property under subsection (k) of this section shall submit, as soon as practicable following the close of each fiscal year, a report to the Senate (or to the Secretary of the Senate if the Senate is not in session) and to the House of Representatives (or to the Clerk of the House if the House is not in session) showing the acquisition cost of all property so donated and of all real property so disposed of during such fiscal year."

SEC. 5. That section 204(b) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 485(b)), is amended by deleting the fifth sentence thereof and inserting in lieu thereof the following: "Additionally, the Director of the Bureau of the Budget may authorize Federal agencies to obligate and to pay from this fund such amounts as he deems necessary to cover relocation costs and for the acquisition of such facilities (as may be authorized by law) to replace those which have been determined by the Administrator to be other than optimumly utilized. Upon occupancy of the replacement facilities, the head of the Federal agency concerned, shall, notwithstanding any other provision of law, immediately report the replaced facilities to the Administrator as excess property. Periodically, but not less often than once each year, any excess funds beyond current operating needs and beyond those authorized to be obligated for replacement facilities and such reserves for pending authorizations as the Director of the Bureau of the Budget may establish, shall be transferred from the fund to miscellaneous receipts or as may be otherwise provided by law: *Provided,* That a report of receipts, disbursements, and transfers to miscellaneous receipts under this authorization shall be made annually in connection with the budget estimates to the Director of the Bureau of the Budget and to the Congress. Advance appropriations are authorized to be made to this fund from any moneys in the Treasury not otherwise appropriated in such amounts as may be deemed necessary. Such advance appropriations shall be repaid without interest, beginning five years thereafter, and until fully

repaid to the general fund of the Treasury, by transferring annually 20 per centum of the proceeds available to the fund each year. The moneys not required for repayment purposes shall continue to be available as otherwise provided by law."

SEC. 6. Section 13(h) of the Surplus Property Act of 1944 (50 U.S.C. App. 1622(h)), is amended by—

(1) striking out the phrase "public park, public recreational area, or" in paragraph (1) thereof; and

(2) striking out the first full sentence of paragraph (2) thereof.

S. 3468

The bill (S. 3468) to establish an Environmental Financing Authority to assist in the financing of waste treatment facilities, and for other purposes, introduced by Mr. SCOTT, for himself and other Senators, was received, read twice by its title, referred to the Committee on Public Works, and when reported by the Committee on Public Works, to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION SUMMARY OF THE ENVIRONMENTAL FINANCING ACT OF 1970

Section 1. This section provides for the Act to be cited as the "Environmental Financing Act of 1970."

Section 2. Creation of Authority. This section establishes the Environmental Financing Authority as an instrumentality of the United States subject to the general supervision and direction of the Secretary of the Treasury and authorizes the Authority to establish offices to conduct its business.

Section 3. Purpose. This section states that the purpose of the Act is to assure that inability to borrow necessary funds in the market at reasonable interest rates does not prevent any State or local public body from carrying out a waste treatment works project receiving a grant from the Secretary of the Interior.

Section 4. Board of Directors. This section provides a five-member Board of Directors consisting of the Secretary of the Treasury or his designee as Chairman and four others appointed by the President from the officers or employees of the Authority or of any Federal agency. The Board would meet at the call of the Chairman and would determine the general policies of the Authority. The Chairman would appoint the officers of the Authority.

Section 5. Functions. This section authorizes the Authority to purchase obligations issued by State and local public bodies to finance the non-Federal share of the cost of a waste treatment construction project. No purchase could be made unless the Secretary of the Interior has certified that the seller is unable to obtain sufficient credit at reasonable rates of interest and unless the Secretary has guaranteed principal and interest payments on the obligations. No purchase could be made of obligations issued to finance projects the permanent financing of which occurred prior to this Act. Interest rates on such purchases would be determined by the Secretary of the Treasury taking into consideration (i) current market yields on obligations of comparable maturity issued by the Treasury or the Authority and (ii) market yields on municipal bonds. The Authority would charge fees to cover expenses and to accumulate reasonable reserves, and such fees would be included in project costs.

Section 6. Initial Capital. This section authorizes appropriations to the Secretary of the Treasury to advance up to $100 million for initial capital to the Authority. The interest rate on advances would be not less than a rate determined by the Secretary of the Treasury taking into consideration current market yields on Treasury obligations. Interest payments could be deferred at the discretion of the Treasury.

Section 7. Obligations of the Authority. This section authorizes the Authority, with the approval of the Secretary of the Treasury, to issue its own obligations in the market. The Secretary of the Treasury could purchase such obligations, as authorized in appropriation acts. Purchases by the Secretary would be public debt transactions and would be at interest rates determined by him taking into consideration current market yields on outstanding Treasury obligations of comparble maturities.

Section 8. Federal Payment to the Authority. This section directs the Secretary of the Treasury to make annual payments to the Authority in the amount by which the Authority's interest expense exceeds its interest income.

Section 9. General Powers. This section provides the Authority with general corporate powers.

Section 10. Tax Exemption. This section generally exempts the Authority and its income from all taxes except real and personal property taxes and taxes on the principal or interest on obligations issued by the Authority, which would be taxed in the same extent as obligations of pritave corporations.

Section 11. Obligations as Lawful Investments, Acceptance as Security. This section makes obligations issued by the Authority lawful investments, acceptable as security for all fiduciary, trust, and public funds, and exempt from SEC requirements.

Section 12. Preparation of Obligations. This section authorizes the Secretary of the Treasury to prepare, hold, and deliver obligations for the Authority on a reimbursable basis.

Section 13. Annual Report. This section requires the Authority to transmit to the President and Congress an annual report of its operations and activities.

Section 14. Obligations Eligible for Purchase by National Banks. This section permits national banks to invest in or deal in obligations of the Authority.

S. 3468

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 "Environmental Financing Act of 1970".

CREATION OF AUTHORITY

SEC. 2. There is hereby created a body corporate to be known as the Environmental Financing Authority, which shall have succession until dissolved by Act of Congress. The body corporate shall be subject to the general supervision and direction of the Secretary of the Treasury. The Authority shall be an instrumentality of the United States Government and shall maintain such offices as may be necessary or appropriate in the conduct of its business.

PURPOSE

SEC. 3. The purpose of this Act is to assure that inability to borrow at reasonable rates necessary funds does not prevent any State or local public body from carrying out any project for construction of waste treatment works authorized and financed with the aid of grants provided by the Secretary of the Interior (33 U.S.C. 466, C–1, 466e).

BOARD OF DIRECTORS

SEC. 4. (a) The Authority shall have a Board of Directors consisting of five persons, one of whom shall be the Secretary of the Treasury or his designee as Chairman of the Board, and four of whom shall be appointed by the President from among the officers or employees of the Authority or of any department or agency of the United States Government.

(b) The Board of Directors shall meet at the call of its Chairman. The Board shall determine the general policies which shall govern the operations of the Authority. The Chairman of the Board shall select and effect the appointment of qualified persons to fill the offices as may be provided for in the bylaws, with such executive functions, powers, and duties as may be prescribed by the bylaws or by the Board of Directors, and such persons shall be the executive officers of the Authority and shall discharge all such executive functions, powers, and duties. The members of the Board, as such, shall not receive compensation for their services.

FUNCTIONS

SEC. 5. (a) The Authority is authorized to make commitments to purchase and to purchase on terms and conditions determined by the Authority, any obligation or participation therein which is issued by a State or local public body to finance the non-Federal share of the cost of any waste treatment construction project for which the Secretary of the Interior has agreed to pay a portion of the project cost under a program designed to promote the purposes of section 3 of this Act.

(b) No commitment shall be entered into, and no purchase shall be made, unless the Secretary of the Interior has certified that the seller is unable to obtain at reasonable rates sufficient credit to finance his actual needs and unless the Secretary has agreed to guarantee timely payment of principal and interest on the obligation. The Secretary of the Interior is authorized to guarantee such timely payments and to issue regulations as such guarantees. Appropriations are hereby authorized to the Secretary in such sums as necessary to make payments under such guarantees, and such payments are authorized to be made from such appropriations or from any other available funds.

(c) No purchase shall be made of obligations issued to finance projects the permanent financing of which occurred prior to the enactment of this Act.

(3) Any purchase by the Authority shall be upon such terms and conditions as to yield a return at a rate determined by the Secretary of the Treasury taking into consideration (i) the current average yield on outstanding marketable obligations of the United States of comparable maturity or in its stead whenever the Authority has sufficient of its own long-term obligations outstanding, the current average yield on outstanding obligations of the Authority of comparable maturity; and (ii) the market yields on municipal bonds.

(e) The Authority is authorized to charge fees for its commitments and other services adequate to cover all expenses and to provide for the accumulation of reasonable contingency reserves and such fees shall be included in the aggregate project costs.

INITIAL CAPITAL

SEC. 6. To provide initial capital to the Authority, the Secretary of the Treasury is authorized to advance the funds necessary for this purpose. Each such advance shall be upon such terms and conditions as to yield a return at a rate not less than a rate determined by the Secretary of the Treasury, taking into consideration the current average yield on outstanding marketable obligations of the United States of comparable maturities. Interest payments on such advances may be deferred, at the discretion of the Secretary, but any such deferred payments shall themselves bear interest at the rate specified in this section. There is authorized to be appropriated not to exceed $100,000,000, which shall be available for the purposes of this section without fiscal year limitation.

OBLIGATIONS OF THE AUTHORITY

SEC. 7. (a) The Authority is authorized, with the approval of the Secretary of the

Treasury, to issue and have outstanding obligations having such maturities and bearing such rate or rates of interest as may be determined by the Authority. Such obligations may be redeemable at the option of the Authority before maturity in such manner as may be stipulated therein.

(b) As authorized in appropriation Acts, and such authorizations may be without fiscal year limitation, the Secretary of the Treasury may in his discretion purchase or agree to purchase any obligations issued pursuant to subsection (a) of this section, and for such purpose the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds of the sale of any securities hereafter issued under the Second Liberty Bond Act, as now or hereafter in force, and the purposes for which securities may be issued under the Second Liberty Bond Act as now or hereafter in force, are extended to include such purchases. Each purchase of obligations by the Secretary of the Treasury under this subsection shall be upon such terms and conditions as to yield a return at a rate not less than a rate determined by the Secretary of the Treasury taking into consideration the current average yield on outstanding marketable obligations of the United States of comparable maturities. The Secretary of the Treasury may sell, upon such terms and conditions and at such price or prices as he shall determine, any of the obligations acquired by him under this subsection. All purchases, and sales by the Secretary of the Treasury of such obligations under this subsection shall be treated as public debt transactions of the United States.

FEDERAL PAYMENT TO THE AUTHORITY

SEC. 8. The Secretary of the Treasury is authorized and directed to make annual payments to the Authority in such amounts as are necessary to equal the amount by which the dollar amount of interest expense accrued by the Authority on account of its obligations exceeds the dollar amount of interest income accrued by the Authority on account of obligations purchased by it pursuant to section 5 of this Act.

GENERAL POWERS

SEC. 9. The Authority shall have power—

(a) to sue and be sued, complain and defend, in its corporate name;

(b) to adopt, alter, and use a corporate seal, which shall be judicially noticed;

(c) to adopt, amend, and repeal bylaws, rules, and regulations as may be necessary for the conduct of its business;

(d) to conduct its business, carry on its operations, and have offices and exercise the powers granted by this Act in any State without regard to any qualification or similar statute in any State;

(e) to lease, purchase, or otherwise acquire, own, hold, improve, use, or otherwise deal in and with any property, real, personal, or mixed, or any interest therein, wherever situated;

(f) to accept gifts or donations of services, or of property, real, personal, or mixed, tangible or intangible, in aid of any of the purposes of the Authority;

(g) to sell, convey, mortgage, pledge, lease, exchange, and otherwise dispose of its property and assets;

(h) to appoint such officers, attorneys, employees, and agents as may be required, to define their duties, to fix and to pay such compensation for their services as may be determined, subject to the civil service and classification laws, to provide bonds for them and pay the premium thereof; and

(i) to enter into contracts, to execute instruments, to incur liabilities, and to do all things as are necessary or incidental to the proper management of its affairs and the proper conduct of its business.

TAX EXEMPTION

SEC. 10. The Authority, its property, its franchise, capital, reserves, surplus, security holdings, and other funds, and its income shall be exempt from all taxation now or hereafter imposed by the United States or by any State or local taxing authority; except that (1) any real property and any tangible personal property of the Authority shall be subject to Federal, State, and local taxation to the same extent according to its value as other such property is taxed, and (2) any and all obligations issued by the Authority shall be subject both as to principal and interest to Federal, State, and local taxation to the same extent as the obligations of private corporations are taxed.

OBLIGATIONS AS LAWFUL INVESTMENTS, ACCEPTANCE AS SECURITY

SEC. 11. All obligations issued by the Authority shall be lawful investments, and may be accepted as security for all fiduciary, trust, and public funds, the investment or deposit of which shall be under authority or control of the United States or of any officer or officers thereof. All obligations issued by the Authority pursuant to this Act shall be deemed to be exempt securities within the meaning of laws administered by the Securities and Exchange Commission, to the same extent as securities which are issued by the United States.

PREPARATION OF OBLIGATIONS

SEC. 12. In order to furnish obligations for delivery by the Authority, the Secretary of the Treasury is authorized to prepare such obligations in such form as the Authority may approve, such obligations when prepared to be held in the Treasury subject to delivery upon order by the Authority. The engraved plates, dies, bed pieces, and so forth, executed in connection therewith shall remain in the custody of the Secretary of the Treasury. The Authority shall reimburse the Secretary of the Treasury for any expenditures made in the preparation, custody, and delivery of such obligations.

ANNUAL REPORT

SEC. 13. The Authority shall, as soon as practicable after the end of each fiscal year, transmit to the President and the Congress an annual report of its operations and activities.

OBLIGATIONS ELIGIBLE FOR PURCHASE BY NATIONAL BANKS

SEC. 14. The sixth sentence of the seventh paragraph of section 5136 of the Revised Statutes, as amended (12 U.S.C. 24), is amended by inserting "or obligations of the Environmental Financing Authority" immediately after "or obligations, participations, or other instruments of or issued by the Federal National Mortgage Association or the Government National Mortgage Association."

GOVERNMENT CORPORATION CONTROL ACT

SEC. 15. The budget and audit provisions of the Government Corporation Control Act (31 U.S.C. 846) shall be applicable to the Environmental Financing Authorty in the same manner as they are applied to the wholly-owned Government corporations.

PERMANENT APPROPRIATION FOR FEDERAL PAYMENT TO AUTHORITY

SEC. 16. Section 3689 of the Revised Statutes, as amended (31 U.S.C. 711), is further amended by adding a new paragraph following the last paragraph appropriating moneys for the purposes under the Treasury Department, to read as follows:

"Payment to the Environmental Financing Authority: For payment to the Environmental Financing Authority under section 8 of the Environmental Financing Act of 1970."

SEPARABILITY

SEC. 17. If any provision of this Act or the application thereof to any person or circumstance, is held invalid, the validity of the remainder of the Act, and the application of such provisions to other persons or circumstances shall not be affected.

S. 3469

The bill (S. 3469) to authorize the Council on Environmental Quality to conduct studies and make recommendations respecting the reclamation and recycling of material from solid wastes, to extend the provisions of the Solid Waste Disposal Act, and for other purposes; introduced by Mr. SCOTT, 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.

S. 3469

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 "Wastes Reclamation and Recycling Act of 1970".

FINDINGS AND PURPOSES

SEC. 2. (a) The Congress finds that—

(1) increasing production, increasing population, and technological advances in the United States have resulted in an increased volume of industrial, commercial, and domestic waste material which is polluting air, water, and land, and this pollution can be ameliorated only by greater use of reclamation and recycling of materials from solid wastes such as metals, plastics, ceramics and glass, paper products, and the like;

(2) the failure to reclaim and recycle materials from solid wastes for further economic uses contributes to wasteful depletion of primary natural resources;

(3) such damage to the environment and wasteful depletion of natural resources is due to the fact that the reclamation of materials from wastes is not competitive with the use of primary resources as a cost factor in the production of goods; and

(4) particularly serious in this continuing and worsening situation is the fact that the demand for motor vehicle scrap metal is not sufficient to enable scrap processors to pay enough to final users and wreckers for discarded motor vehicle hulks to induce them to bring the discarded hulks to scrap processors for processing into scrap metal for reuse.

(b) Accordingly the purposes of this Act are:

(1) to provide for investigations, studies, surveys, and research into development of methods of encouraging greater use of reclamation and recycling of materials from solid wastes; and

(2) to give special consideration to the problem of motor vehicle hulks, including studies and recommended action for encouraging greater reclamation and recycling of these hulks.

STUDY OF INCENTIVES TO REUSE OF MATERIALS FROM SOLID WASTES

SEC. 3. (a) The Council on Environmental Quality shall coordinate Federal activities with respect to, and take other appropriate action designed to provide maximum Federal effort in and attention to, development of programs for encouraging greater use of reclamation and recycling of materials from solid wastes through incentive and regulatory measures.

(b) The Council on Environmental Quality, in compliance with its mandate to enhance the quality of renewable resources and approach the maximum attainable reclamation or recycling of depletable resources, shall—

(1) conduct a study of the relative effectiveness of various types of incentives, in-

cluding financial or tax incentives, and regulatory measures to accelerate the reclamation or recycling of materials from solid wastes which are not presently in competition with primary resources in the productive process, with special emphasis on reuse of motor vehicle hulks; and

(2) report annually to the President, and at such other times as may be appropriate, the results of its research, studies, and surveys, with recommendations for legislative proposals or executive action, through incentives or regulatory measures, to encourage greater reclamation and recycling of materials from solid wastes.

(c) The Council may appoint, as necessary, advisory committees composed of persons expert in the technological aspects of reclaiming and recycling of materials from any category of solid wastes to advise in developing or evaluating proposals with respect to the efficient and economic reclamation and reuse of such materials. Members of any such advisory committee, who are not in the regular full-time employ of the United States, while attending meetings of the committee or otherwise serving on business of the committee, shall be entitled to receive compensation at rates fixed by the Secretary, but not exceeding the maximum rate specified at the time of such service, for grade GS–18 in section 5332 of title V, United States Code, including travel time, and while away from their homes or regular places of business they may also be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 5703(b)) for persons in the Government Service employed intermittently.

(d) The Council is also authorized to hold public hearings on proposals being considered to assist it in assessing the feasibility and effectiveness of the proposals.

EXTENSION OF DURATION OF SOLID WASTE DISPOSAL ACT

SEC. 4. (a) Subsection (a) of section 210 of the Solid Waste Disposal Act (42 U.S.C. 3259(a)) is amended by striking out "and" before "not to exceed $19,750,000", and by inserting before the period at the end thereof "and such sums as may be necessary for each of the next 3 fiscal years".

(b) Subsection (b) of such section is amended by striking out "and" before "not to exceed $12,250,000", and by inserting before the period at the end thereof ", and such sums as may be necessary for each of the next 3 fiscal years".

S. 3470

The bill (S. 3470) to amend sections 5, 6, and 7 of the Federal Water Pollution Control Act, as amended, and for other purposes, introduced by Mr. SCOTT, 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.

SECTION-BY-SECTION ANALYSIS OF A BILL TO AMEND SECTIONS 5, 6, AND 7 OF THE FEDERAL WATER POLLUTION CONTROL ACT (RESEARCH AND STATE GRANTS)

Section 1 amends section 5 of the Federal Water Pollution Control Act to combine, update and simplify the provisions of the present section 5 regarding research, investigations, training and demonstration activities conducted within the Department, and through Federal assistance to individual agencies and institutions, and the provisions of section 6 regarding grants and contracts for demonstrations and development of advance waste treatment, combined sewers and industrial waste treatment.

Section 5(a), as amended by the bill, would continue to authorize the Secretary of the Interior to conduct within the Department and to encourage, cooperate with and render assistance to other public and private entities and individuals for the purposes of conducting and promoting the coordination of research, investigations, experiments, demonstrations and studies relating to the causes, control and prevention of water pollution. To this objective are added the positive mandate to enhance and protect water quality, develop and demonstrate waste water reuse technology and the specific purposes now contained in sections 5(d)(A), 5(d)(B), 5(d)(C), 5(f), 6(a)(1), 6(a)(2), and 6(b).

Section 5(b), as amended by the bill, consolidates the list of procedures the Secretary is authorized to use to carry out the purposes of the section, including authority to collect, coordinate and disseminate information (as now authorized by section 5(a)(1) and 5(c)); make grants (now in section 5(a)(2)); secure the assistance of experts, scholars and consultants (now in section 5(a)(3)); establish and maintain research fellowships (now in section 5(a)(4)); and provide training (now in sections 5(b)(5) and 5(a)(2)).

Section 5(c), as amended by the bill, preserves the limitation of the Federal grant to 75 percent of the project (now in section 6(c)) on projects to demonstrate storm water and sewage separation techniques and projects to demonstrate advanced waste treatment and new joint municipal-industrial treatment methods. Deleted is the limitation now in section 6(c) that projects be approved by the State agency.

Section 5(d), as amended by the bill, preserves the limitations now in section 6(d) that grants for industrial waste treatment research and demonstration projects not exceed $1,000,000 and not be for more than 70 percent of the projected cost. The limitation that the Secretary must determine the project will serve a useful purpose is deleted because this will not now be a general requirement for all grants.

Section 5(e) which authorizes the establishment of field laboratory and research facilities is left basically unchanged by the bill.

The present section 5(f) which directs the Secretary to conduct research and technical development work and make studies regarding the quality of the waters of the Great Lakes, is deleted. The Department will continue its research and development activities on Great Lakes problems under the general authority of other provisions of section 5.

The new section 5(f) added by the bill authorizes total appropriations, to remain available until expended, for fiscal years 1970, 1971, and 1972, in the sum of $125 million, which is the same total sum divided according to purposes on the same basis, as at present in sections 5(h) and 6(e).

The present section 5(g) which directs that a comprehensive national estuarine pollution study be conducted is deleted because that study has been completed and submitted to the Congress.

Section 2 deletes section 6 of the Act, since it has been merged with section 5.

Section 3 redesignates as section 6 section 7 of the Act, which authorizes State and interstate program grants, and amends it to include, in secion 6(a), increased authorizations each year for 5 years on a sliding scale from $12.5 million in fiscal year 1971 up to $30 million for fiscal year 1975. Of these sums $10 million each year is to continue to be available for the basic State and interstate programs.

Section 6(a) through 6(g) continue the same basic provisions that are now in section 7 of the Act. However (1) the new section 6(e)(6) revises one of the criteria for the basic grant to require acceptable criteria to be used by the State in determining priority of projects as provided in section 8(b)(5) rather than just to require a system of priorities as at present; and (2) the procedures for disapproval of a plan submitted by a State have been changed to delete the procedural requirements for formal notice and hearing, appeal and judicial review in the case of a disapproval.

The new section 6(h) provides for program development grants in amounts not to exceed 25 percent of the basic grant to assist the State or interstate agency to develop an approved program.

Section 6(i) defines the five elements of such an approved program (for example, a mandatory permit system).

Section 6(j) provides for a system of program improvement grants in an amount not to exceed 40 percent of the basic grant for each of the five elements defined in section 6(i) and a total of 250 percent if the grantee achieves all of the five elements.

Section 6(k) sets up the third new category, special project grants, to give the Secretary authority to make special grants to support water pollution control projects which are exceptional in the scope of problems to be addressed and the impact on the overall State or interstate programs.

S. 3470

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Water Pollution Control Act, as amended (33 U.S.C. 466 et seq.), is further amended as follows:

SEC. 1. Section 5 of the Act is hereby amended to read as follows:

"SEC. 5 (a) The Secretary shall conduct in the Department of the Interior and encourage, cooperate with, and render assistance to other appropriate public (whether Federal, State, interstate or municipal or intermunicipal) authorities, agencies, and institutions, private agencies and institutions, and individuals for the purposes of conducting and promoting the coordination of research, investigations, experiments, demonstrations and studies relating to the causes, control and prevention of water pollution and the enhancement and protection of water quality, the development and demonstration of waste water reuse technology, and associated the related problems which shall include, but not be limited to—

"(1) Practicable means of treating municipal sewage and other waterborne wastes to remove the maximum possible amounts of physical, chemical, and biological pollutants in order to restore and maintain the maximum amount of the Nation's water at a quality suitable for repeated reuse;

"(2) methods and techniques of identifying the effects of pollutants upon water quality;

"(3) methods and procedures for evaluating the effects of augmented streamflow upon water quality;

"(4) analysis of bodies of water with respect to water quality, waste disposal practices, water uses and needs, and water quality control;

"(5) development and demonstration of new, improved or useful methods of controlling the discharge into any waters of untreated or inadequately treated sewage or other wastes from sewers which carry storm water or both storm water and sewage or other wastes;

"(6) development and demonstration of advanced waste treatment and waste water renovation (including the temporary use of new or improved chemical additives which provide substantial immediate improvement to existing treatment processes) or new or improved methods of joint treatment systems for municipal and industrial wastes; and

"(7) development and demonstration of new and improved methods and technology for control of pollution of water by industry and the treatment of industrial waste.

"(b) In carrying out the foregoing, the Secretary is authorized to—

"(1) collect, coordinate, and disseminate information and recommendations through publications, films, conferences, and other appropriate means;

"(2) make grants to public or private agencies, institutions and individuals, and enter into contracts with public or private agencies, institutions, and individuals without regard to sections 3648 and 3709 of the Revised Statutes;

"(3) secure, from time to time and for such periods as he deems advisable, the assistance and advice of experts, scholars, and consultants as authorized by section 15 of the Administrative Expenses Act of 1946 (5 U.S.C. 3109);

"(4) establish and maintain research fellowships in the Department of the Interior with such stipends and allowances, including traveling and subsistence expenses, as he may deem necessary to procure the assistance of the most promising research fellowships: *Provided*, That the Secretary shall report annually to the appropriate committees of Congress on his operation under this paragraph; and

"(5) provide training for individuals and support training projects relating to the causes, prevention, and control of water pollution.

"(c) No grant shall be made for activities under subsections 5(a)(5) and 5(a)(6) for any project in an amount exceeding seventy-five per centum of the estimated reasonable cost thereof as determined by the Secretary.

"(d) No grant shall be made for activities under subsection 5(a)(7) in excess of $1,000,000 or for more than seventy per centum of the estimated reasonable cost thereof as determined by the Secretary.

"(e) The Secretary shall establish, equip, and maintain field laboratory and research facilities, including, but not limited to, one to be located in the northeastern area of the United States, one in the Middle Atlantic area, one in the southeastern area, one in the midwestern area, one in the southwestern area, one in the Pacific Northwest, and one in the State of Alaska for the conduct of research, investigations, experiments, field demonstrations and studies, and training relating to the causes, control and prevention of water pollution. Insofar as practicable, each such facility shall be located near institutions of higher learning in which graduate training in water pollution control might be carried out.

"(f) There are hereby authorized to be appropriated the following sums for the fiscal year ending June 30, 1970, and for each of the two succeeding fiscal years, such sums to remain available until expended:

"(1) the sum of $20,000,000 per fiscal year for the purposes set forth in clauses 5, 6, and 7 of subsection (a) of this section;

"(2) the additional sum of $20,000,000 per fiscal year for the purposes set forth in clause 6 of subsection (a) of this section;

"(3) the additional sum of $20,000,000 per fiscal year for the purposes set forth in clause 7 of subsection (a) of this section; and

"(4) the sum of $65,000,000 per fiscal year for the purposes of the subsections herein not referred to in paragraphs 1, 2, and 3 above.

SEC. 2. Section 6 of the Act in deleted.

SEC. 3. Section 7 of the Act is redesignated as section 6 and amended to read as follows:

"SEC. 6. (a) There are hereby authorized to be appropriated the following sums, to remain available until expanded, to carry out the purposes of this section—

$12,500,000 for the fiscal year ending June 30, 1971;

$15,000,000 for the fiscal year ending June 30, 1972;

$20,000,000 for the fiscal year ending June 30, 1973;

$25,000,000 for the fiscal year ending June 30, 1974; and

$30,000,000 for the fiscal year ending June 30, 1975:

Provided, That not less than $10,000,000 shall be available to carry out the provisions of subsections (b) and (d) hereof.

"(b) From the sums available therefor for any fiscal year, the Secretary shall make allotments to the several States, in accordance with regulations, on the basis of (1) population, (2) extent of water pollution, and (3) financial need.

"(c) From each State's allotment under subsection (b) for any fiscal year, the Secretary shall pay to such State an amount equal to its Federal share (as determined under subsection (g)) of the cost of carrying out its basic State program pursuant to a plan approved under subsection (e), including the cost of training personnel for State and local water pollution control work, and including the cost of administering the State plan. Nothing herein shall prevent a State from expending grant funds for State program purposes through participation in interstate agencies.

"(d) From the sums available therefor for any fiscal year, the Secretary shall, from time to time, make allotments to interstate agencies in accordance with regulations on such basis as the Secretary finds reasonable and equitable. In determining the eligibility of interstate agencies, the Secretary shall consider whether such interstate agency has authority or has or is developing the capacity to implement and enforce water quality standards for waters within its jurisdiction: *Provided*, That all interstate agencies which were eligible for and received grants under this section in the fiscal year last preceding the enactment hereof shall be deemed eligible for purposes hereof for a period of two years following the date of enactment hereof. The Secretary shall, from time to time, pay to each such agency from its allotment, an amount not in excess of such portion of the cost of carrying out its basic program pursuant to a plan approved under subsection (e), as may be determined in accordance with regulations, including the cost of training personnel for water pollution control work and including the cost of administering the interstate agency's basic program.

"(c) The Secretary shall approve any plan for a program to prevent and control water pollution which is submitted by the State water pollution control agency or an interstate agency, if such plan—

"(1) provides for administration or for the supervision of administration of the plan by the State water pollution control agency, or in the case of a plan submitted by an interstate agency, by such interstate agency;

"(2) provides that such agency will make such reports, in such form and containing such information, as the Secretary may, from time to time, reasonably require to carry out his functions under this Act;

"(3) sets forth the plans, policies, and methods to be followed in carrying out the State (or interstate) plan and in its administration;

"(4) provides for extension or improvement of the State or interstate program for prevention and control of water pollution;

"(5) provides such accounting, budgeting, and other fiscal methods and procedures as are necessary for the proper and efficient administration of the plan; and

"(6) provides acceptable criteria to be used by the State in determining priority of projects as provided in section 8(b)(5).

The Secretary shall not disapprove any plan without first giving reasonable notice and opportunity for a conference with the Secretary to the State water pollution control agency or interstate agency which has submitted such plan.

"(f)(1) Whenever the Secretary, after reasonable notice to a State water pollution control agency or interstate agency and an opportunity for a conference of such agency with the Secretary, finds that—

"(A) the plan submitted by such agency and approved under this section has been so changed that it no longer complies with a requirement of subsection (e) of this section; or

"(B) in the administration of the plan there is a failure to comply substantially with such a requirement, the Secretary shall notify such agency that no further payments will be made to the State or to the interstate agency, as the case may be, under this section (or in his discretion that further payments will not be made to the State, or to the interstate agency, for projects under or parts of the plan affected by such failure) until he is satisfied that there will no longer be any such failure. Until he is so satisfied, the Secretary shall make no further payments to such State, or to such interstate agency, as the case may be, under this section (or shall limit payments to projects under or parts of the plan in which there is no such failure).

"(g)(1) As used in this section, the "Federal share" for any State shall be 100 per centum less that percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the per capita income of the United States, except that—

"(A) the Federal share shall in no case be more than 66⅔ per centum or less than 33⅓ per centum, and

"(B) the Federal share for Puerto Rico and the Virgin Islands shall be 66⅔ per centum.

"(2) The Federal shares shall be promulgated by the Secretary between July 1 and September 30 of each even-numbered year, on the basis of the average of the per capita incomes of the States and of the continental United States for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce.

"(3) As used in this subsection, the term 'United States' means the fifty States and the District of Columbia.

"(4) The population of the several States shall be determined on the basis of the latest figures furnished by the Department of Commerce.

"(5) The regulations relating to the portion of the cost of carrying out the interstate agency plan which shall be borne by the Federal Government shall be designed to place such agencies, so far as practicable, on a basis similar to that of the States.

"(h)(1) If the Governor of any State or the head of an interstate agency files a letter of intent with the Secretary that such State or interstate agency will develop an improved water pollution control program which takes into account the provisions of subsection (1) of this section; and if the Secretary, in accordance with regulations, is reasonably assured that such State or interstate agency will develop an improved water pollution control program, he may make a grant in any fiscal year to such State or interstate agency in an amount not to exceed 25 per centum of such State or interstate agency's Federal share under subsection (c) or (d) of this section during such fiscal year.

"(2) Grants made under this subsection shall be in addition to any grants made in other subsections of this section.

"(3) No grant shall be made to any State or interstate agency under this subsection in any fiscal year unless during such fiscal year such State or interstate agency is conducting a program to prevent and control water pollution under a plan approved pursuant to subsection (e) of this section, and is not expending a lesser amount of non-Federal funds for the current fiscal year than it expended during the preceding fiscal year.

"(i) As used in this section, 'improved wa-

ter pollution control program' shall be one which the Secretary determines, in accordance with regulations, is developed by a State or interstate agency, whereby such State or interstate agency enhances the quality of the waters for required uses and needs. In making his determination the Secretary shall consider whether such program includes—

"(1) an effective mandatory permit system covering all municipal, industrial and other significant waste, including discharge requirements, sources, with adequate State implementation and enforcement authority;

"(2) a sewage treatment facilities program, wherein such facilities are planned, constructed and maintained so as to achieve efficiency, economy and water quality enhancement, including comprehensive regulation of the operation and maintenance of such facilities, including adequate State manpower, and mandatory certification of facility operators;

"(3) a program of training and development of water pollution control personnel designed to achieve full implementation of the State water pollution control program;

"(4) balanced State personnel recruitment and development programs, with an adequate merit system, job classifications, and competitive salary schedules; and

"(5) a program of comprehensive State review of engineering plans and specifications for all proposed waste collection and treatment facilities, including adequate State manpower to implement the program.

"(j)(1) If the Secretary determines, in accordance with regulations, that a State or interstate agency has developed one or more of the provisions enumerated in subsection (i), he may grant to such State or interstate agency an amount not in excess of 40 per centum of the Federal share for such State or interstate agency for each fiscal year or each such element; except that the amount of such grant may be increased to an amount not exceeding 250 per centum of the Federal share of such State or interstate agency if the Secretary determines that such agency has developed all five of the elements enumerated in subsection (i).

"(2) Whenever the eligible bonuses under this section are greater than the amount appropriated, the amounts available to each State shall be reduced in proportion to the amounts available to all other States.

"(3) Grants made under this subsection shall be in addition to any grants made under other subsections of this section.

"(4) No grant shall be made under this subsection to any State or interstate agency during any fiscal year unless such State or interstate agency expends during such fiscal year an amount of non-Federal funds for its improved water pollution control program which is not less than the amount of such funds expended by it for its water pollution control program, whether basic or improved, during the last preceding fiscal year.

"(5) No grant shall be made to any State or interstate agency under this subsection unless during such fiscal year such State or interstate agency is conducting a program to prevent and control water pollution under a plan approved pursuant to subsection (c) of this section.

"(k)(1) From any sums that may be available therefor in any fiscal year, which are not expended for grants under other subsections of this section, and which are not expended for grants under other subsections of this section, and which do not exceed 10 per centum of the total amount of funds appropriated for grants under this section in such fiscal year, the Secretary may make grants to States and to interstate agencies to support water pollution control projects which are exceptional because of the nature and scope of the water pollution problems toward which they are directed and the impact on State or interstate programs.

"(2) No grant shall be made under this subsection to any State or interstate agency during any fiscal year unless such State or interstate agency expends during such fiscal year an amount of non-Federal funds for its water pollution control program, whether basic or improved, which is not less than the amount of such funds it expended for its water pollution control program, whether basic or improved, during the last preceding fiscal year."

S. 3471

The bill (S. 3471) to amend sections 1, 3, 10, and 13 of the Federal Water Pollution Control Act, as amended, and for other purposes, introduced by Mr. SCOTT, for himself and other Senators, was received, read twice by its title, referred to the Committee on Public Works, and ordreed to be printed in the RECORD.

A BILL TO AMEND SECTIONS 1, 3, 10, AND 13 OF THE FEDERAL WATER POLLUTION CONTROL ACT (JURISDICTION AND ENFORCEMENT)

SECTION-BY-SECTION ANALYSIS

Section 1 amends the declaration of policy in section 1 of the Act to express specifically the purpose of enhancing the quality of the environment, and the necessity to ensure water quality to meet future needs. The Federal responsibility to act where necessary to complement State action is stressed in order to assure equality in the application of water quality requirements, and to protect the right of the public to clean water.

Section 2 amends section 3 of the Act to expand the Secretary's authority to prepare or develop comprehensive water quality management programs relating to water pollution activities in interstate waters and navigable waters, including boundary waters of the United States, and waters of the contiguous zone, and other ocean waters, ground water, and tributaries and portions of these waters. The development of programs to protect the environment and to conserve these waters for many uses is stressed. The Secretary would be authorized to conduct his own investigation of the condition of any waters as well as to conduct joint investigations with other agencies.

Section 3 substantially amends section 10, the enforcement section of the Act in a numbers of ways as described below.

Section 10(a) of the present Act makes subject to abatement water pollution activities in interstate or navigable waters which endanger the health and welfare of persons. Section 3 extends this jurisdiction to include expressly boundary waters and ground water of the United States, and to include water pollution activities in waters of the contiguous zone which adversely affect water quality in the territorial sea and pollution of the high seas through discharges transported from United States territory.

The requirement is retained in section 10 (b) of the Act that State and interstate action to abate pollution shall be encouraged and shall not be displaced by Federal court action, except as provided by court action. However, minor changes in section references are made.

Section 10(c) is amended to add that if the States adopt, within one year from enactment, the following: First, water quality criteria applicable to all waters specified in subsection 10(a) over which the State has jurisdiction other than interstate waters or portions thereof with such State (i.e., other than those for which standards have already been established); second, water quality requirements controlling discharges affecting water quality for waters specified in subsection 10(a) over which the State has jurisdiction; and third, an amended plan for the implementation and enforcement of all the water quality criteria applicable to the water pollution activities in waters specified in subsection 10(a) and of the discharge requirements for such waters. The Secretary would be authorized to act, after public hearings, if the State does not take acceptable action. The bill would also reduce from 6 months to 60 days the period between publication of proposed standards by the Secretary and their promulgation, in a case where the State does not act to set acceptable standards.

The bill provides, in a new subsection 10 (c)(3) for establishment by the Secretary of standards for boundary waters of the United States, waters of the contiguous zone and other waters not covered by other provisions of the Act.

The present subsection 10(c)(3) is renumbered as subsection 10(c)(4), and broadened to include requirements for control of discharges in the description of standards. The requirement that standards, including discharge requirements, and plans for enforcement and implementation take into account environmental protection, population growth and energy needs, as well as the other purposes now in the Act, is recognized, as is the provision that each State should act to set these requirements.

Subsection 10(c)(4) would be renumbered as subsection 10(c)(5) and amended to provide specifically for selection by the Departments of Agriculture and Health, Education, and Welfare of members for any hearing board called to consider water quality standards which have been established. HEW participation is now authorized by the Reorganization Plan No. 2 of 1966, while authorization of Agriculture would be new.

Subsection 10(c)(5), renumbered as subsection 10(c)(6), is amended to make subject to abatement any discharge which is of lesser quality than the requirements controlling discharges, as well as the presently proscribed discharges which lower water quality below applicable standards. This will clarify the authority to abate discharge of pollutants from industrial, municipal, and other sources into already heavily polluted waters, whether or not it can be shown that the particular discharge of pollutants reduces the quality of the receiving waters, if it is contrary to discharge requirements. Another amendment would require the Secretary, after providing reasonable notice and opportunity for a hearing, to notify each alleged pollutor, state water pollution control agency and interstate agency affected, of the need for remedial action. If such action has not been taken within the 180-day notice period now specified in the Act and after public hearing within that period or if at any later time remedial action is not taken, the Secretary may request that the Attorney General bring suit to abate the pollution. The bill also would delete the requirement that a Governor give his consent to court action to abate standards violations which have only intrastate effect. A further amendment would provide that, effective 6 months after enactment of this section, the court could assess a forfeiture of up to $10,000 for each violation of the section for each day after the end of the 180-day period or at such later time that the alleged pollutor fails to take remedial action. Such forfeitures, which would be in addition to and not in lieu of other judgment and orders of the court (e.g., an injunction), will serve to induce pollutors to take remedial action before they are ordered to do so by the court. Essentially the same provision for forfeitures would be added to subsection 10(g) which concerns post-enforcement conference court action.

The present subsection 10(c)(6) is deleted: (1) because a new subsection 10(d)

is added which provides that remedies under section 10 are cumulative, and (2) to recognize the extension of Federal jurisdiction in the bill.

Subsection 10(d)(1) would be amended to authorize the Secretary to call an enforcement conference if he finds an occurrence of pollution of any water subject to the Act if he has reason to believe such pollution constitutes a violation of water quality standards or endangers public health and welfare. Deleted is the present requirement for either (1) a request of a Governor or a water quality agency of a State other than that where the discharge is occurring, although the Secretary could still act upon State request in the case of any pollution covered by the Act, or (2) a determination by the Secretary that there is such pollution endangering health or welfare of persons in a second State or causing economic injury due to inability to market shellfish. The present unnecessarily restrictive requirements fail to recognize the overwhelming need to take prompt action to protect the public health and welfare, regardless of the circumstances of geography and jurisdiction. The present subsection 10(g) which provides for requests by the Secretary that the Attorney General bring suit, is renumbered subsection 10(f) and the requirement that the Governor consent to such suit where the pollution does not endanger persons in a State other than where the discharge originates is deleted.

The provision in subsection 10(d)(2) for action to abate pollution which affects persons in another country is amended to delete the requirements for a report from an international agency and a request from the Secretary of State before the Secretary can act to abate pollution in the United States portion of boundary waters. This change will serve chiefly to expedite action against pollution inside our borders which affects the quality of the United States portion of boundary waters or endangers health and welfare.

The minimum of 6 months now allowed in subsection 10(e) for remedial action after the conclusion of an enforcement conference is changed to provide a minimum of either 90 days from the date the Secretary makes his recommendations for remedial action or 180 days from the conclusion of the conference, whichever period ends later.

The requirement in subsection 10(f) for a public hearing before a Hearing Board, now the second major phase in the three-phase enforcement process (conference, hearing, court action) would be deleted. It has been our experience that sufficient information is generated at the enforcement conference to provide a sound basis for State or Federal action to abate the alleged pollution.

Subsection 10(f), as revised by the bill, would authorize the Secretary to request the Attorney General to bring suit to secure abatement of the pollution, if remedial action has not been taken by the person or persons responsible for the pollution within the period stated in subsection 10(e) or at such later time that remedial action is not taken. As noted above, the requirement for the Govenor's consent to the suit in the case of pollution with only intrastate effect is eliminated.

The provision in subsection 10(g) that the court consider economic feasibility in cases arising from the enforcement procedures would be eliminated but the other guidelines for the court's determination (practicability and physical feasibility) would remain. As noted above, the court would be authorized to order forfeiture of up to $10,000 per violation per day, in this case starting after the period provided for in section 10(e) for remedial action or at such later time that the alleged polluter fails to take remedial action. This should produce swifter voluntary compliance by the alleged polluter.

The bill would add a new subsection 10(h) to authorize the Secretary to request the Attorney General to seek an immediate injunction where pollution presents an imminent and substantial danger to health, or welfare of persons or irreparable damage to water quality or the quality of the environment generally.

The definition of "person" in subsection 10(j), redesignated as 10(l), would be broadened to include commissions and interstate bodies.

The language in the present subsection 10(k)(l) [renumbered 10(l)(1)] which would exempt a person from divulging trade secrets or secret processes is deleted but the requirement that all information be considered confidential to the extent required by section 1905 of Title 18 of the United States Code is retained. Investigation of alleged pollution would be greatly facilitated by disclosure of information regarding the exact chemical composition of industrial and other discharges, for example. The requirement that the information be kept confidential will serve to protect the persons making such disclosure.

Extensive authority is provided in a new subsection 10(j) for the Secretary to investigate violations; compel attendance of witnesses and production of records, report and documents; enter, at reasonable times, public or private property; administer oaths; and compel compliance through court action. This authority is exercised by a number of other Federal agencies with similar regulatory authority and would prove valuable in enforcement of the provisions of the Act. The same requirement for confidentiality as in section 10 (*l*) would apply to information obtained under section 10(j).

Section 4 of the bill would amend section 13 of the Act, which defines the terms used in the Act, to eliminate the reference to the State health authority in the definition of "State water pollution control agency" and redefine such an agency to mean the single State agency designated by the State as the official agency for the Act's purposes. Water quality is no longer considered solely in a public health aspect but as part of total resource management and protection of environmental quality. A definition of the "contiguous zone" is provided by reference to Article 24 of the Convention on the Territorial Sea and the contiguous zone.

S. 3471

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Federal Water Pollution Control Act, as amended, is further amended to read as follows:

DECLARATION OF POLICY

"SEC. 1. (a) The purpose of this Act is to enhance the quality of our environment, to establish a national policy for the prevention, control and abatement of water pollution, and to plan future national water quality management for our Nation's population growth, industrial expansion, agricultural intensification, energy requirements, recreation and conservation uses, and environmental quality.

"(b) In connection with the exercise of jurisdiction over the waterways of the Nation and to achieve the benefits accruing to the public health and welfare from the prevention and control of water pollution, it is hereby declared to be the policy of Congress ot recognize, preserve, and protect the primary responsibilities and rights of the States in preventing and controlling water pollution, to support and aid technical reresearch relating to the prevention and control of water pollution, and to provide Federal technical services and financial aid to State and interstate agencies and to municipalities in connection with the prevention and control of water pollution. Because water resources are interrelated and the preservation of water quality is necessary to protect the environment of the Nation, the Federal Government is given the responsibility and right to prevent and control water pollution where necessary to complement State programs, and secure action to protect the right of the public to clean water.

"The Secretary of the Interior (hereinafter in this Act called 'Secretary') shall administer this Act through the Administration created by section 2 of this Act, and with the assistance of an Assistant Secretary of the Interior designated by him, shall supervise and direct the head of such Administration in administering this Act. Such Assistant Secretary shall perform such additional functions as the Secretary may prescribe.

"(c) Nothing in this Act shall be construed as impairing or in any manner affecting any right or jurisdiction of the States with respect to the waters (including boundary waters) of such States."

SEC. 2. Section 3(a) of the Federal Water Pollution Control Act, as amended, is amended to read as follows:

"COMPREHENSIVE PROGRAMS FOR WATER POLLUTION CONTROL

"SEC. 3. (a) The Secretary shall, after careful investigation, and in cooperation with other Federal agencies, with State water pollution control agencies and interstate agencies, and with the municipalities and industries involved, prepare and develop comprehensive programs for eliminating or reducing water pollution and for improving the usability and condition of such waters by controlling the water pollution activities referred to in section 10(a) of this Act. In the development of such comprehensive programs, the Secretary shall give full consideration to and shall recommend the measures, practices and improvements which he deems appropriate to maintain and improve the quality of water supplies, propagation of fish and aquatic life and wildlife, recreation, conservation of natural resources, protection of environmental quality, agriculture, industry, and other legitimate uses. For the purposes of this section, the Secretary is authorized to investigate, separately or with any such agencies, the condition of any waters specified in section 10(a), and of any discharges of sewage, industrial wastes, or other substances which may adversely affect such waters."

SEC. 3. Section 10 of the Federal Water Pollution Control Act, as amended is amended to read as follows:

"ENFORCEMENT MEASURES AGAINST POLLUTION OF INTERSTATE OR NAVIGABLE WATERS

"SEC. 10. (a) 'Water pollution activities' shall be subject to the procedures, remedies, and abatement measures provided for in this section, and, as used in this section shall mean:

"(1) The pollution of interstate waters, navigable water of the United States, including boundary waters, tributaries or portions of any of these waters, and ground waters (whether the discharge reaches such waters from runoff, percolation, or direct discharge into such waters or tributaries or portions of such waters) which endangers the health or welfare of any persons or adversely affects the quality of any such waters.

"(2) Pollution of the waters of the Contiguous Zone of the United States that causes or is likely to cause pollution of the territorial sea of the United States to an extent that endangers the health or welfare of any persons or is likely to adversely affect the quality of the territorial sea of the United States.

"(3) Pollution of the waters of the high seas beyond the territorial sea of the United States, which endangers the health or welfare of any person or adversely affects the quality of such waters through discharges

which are transported from or originate in areas over which the United States has sovereignty.

"The term 'waters specified in subsection (a)' as used in this section means the waters where any water pollution activities take place.

"(b) Consistent with the policy declaration of this Act, State and interstate action to abate pollution of said waters specified in subsection (a) of this section shall be encouraged and shall not, except as otherwise provided by or pursuant to court order under subsections of this section, be displaced by Federal enforcement action. This subsection shall apply only to those waters over which the States have jurisdiction.

"(c)(1) If the governor of a State or a State water pollution control agency filed, before October 3, 1966, a letter of intent that such State, after public hearings, would, before June 30, 1967, adopt water quality criteria applicable to interstate waters or portions thereof within such State, and a plan for the implementation and enforcement of the water quality criteria adopted, and if such criteria and plan were established in accordance with the letter of intent, and if the Secretary has determined or determines that such State criteria and plan are consistent with paragraph (4) of this subsection, such State criteria and plan shall thereafter be the water quality standards applicable to such interstate waters or portions thereof. If, in addition, a State, after public hearings, will, within one year after the date of the enactment of this amendment: (A) adopt water quality criteria applicable to all wastes specified in subsection (a) hereof over which the State has jurisdiction other than interstate waters or portions thereof within such State; (B) adopt water quality requirements controlling discharges affecting water quality for all waters specified in subsection (a) hereof over which the State has jurisdiction; and (C) amend its plan for the implementation and enforcement of the water quality criteria applicable to such interstate waters or portions thereof within such State to include the implementation and enforcement of water quality criteria adopted under provision (A) herein, and also to include the implementation and enforcement of water quality requirements adopted under provision (B) herein, and if the Secretary determines that such State criteria, requirements and plan as amended are consistent with paragraph (4) of this subsection, such criteria, requirements and plan shall hereafter constitute the water quality standards applicable to such waters or portions thereof. Such requirements controlling discharge shall include, but not be limited to control of the discharge of sewage, industrial and municipal wastes, fertilizers, herbicides, pesticides, sediment, hazardous materials, and any other discharges affecting water quality.

"(2) If a State has not adopted before June 30, 1967, water quality criteria applicable to interstate waters or portions thereof within such State determined by the Secretary to be consistent with paragraph (4) of this subsection; or if such State does not within one year after the date of the enactment of this amendment: (A) adopt water quality criteria applicable to all waters specified in subsection (a) hereof over which the State has jurisdiction other than interstate waters or portions thereof within such State; (B) adopt water quality requirements controlling discharges affecting water quality for all waters specified in subsection (a) hereof over which the State has jurisdiction; and (C) amend its plan for the implementation and enforcement of the water quality criteria applicable to such interstate waters or portions thereof within such State to include the implementation and enforcement of water quality criteria referred to in provision (A) herein, and the implementation and enforcement of water quality requirements referred to in provision (B) herein, in accordance with paragraph (1) of this subsection, or if the Secretary or the governor of any State affected by water quality standards, including criteria, requirements and plan, established pursuant to this Act, desires a revision in such criteria, requirements and plan, the Secretary shall after reasonable notice (i) hold a public hearing in order to secure necessary data, (ii) recess such hearing following receipt of such data, (iii) prepare regulations setting forth such standards, including criteria, requirements and plan, to be applicable to water specified in subsection (a) hereof, over which the State has jurisdiction, (iv) reconvene such hearing for the purpose of affording affected parties a hearing on such regulations, and (v) upon completion of such hearing publish such regulations.

If, within sixty days from the date the Secretary publishes such regulations, the States has not adopted water quality standards, including criteria, requirements and plans, which the Secretary finds to be consistent with paragraph (4) of this subsection, and a petition for public hearing has not been filed under paragraph (5) of this subsection, the Secretary shall promulgate such standards, including criteria requirements and plan.

"(3) For waters in subsection (a) hereof for which the States do not have jurisdiction or which are not covered by standards adopted pursuant to other provisions of this Act, the Secretary shall, after reasonable notice and a conference of representatives of appropriate Federal departments and agencies, interstate agencies, States, municipalities and industries involved, promulgate regulations setting forth such water quality standards, including criteria, requirements for such waters and a plan for the implementation and enforcement of such criteria and requirements, as to water pollution activities in such waters.

"(4) Standards, which include criteria, requirements and a plan, established pursuant to this subsection, shall be such as to protect the public health or welfare, to enhance the present quality and value of water and our water resources, to assure, by proper planning and implementation, the water resource needs for future population growth, industrial expansion, agricultural intensification, energy requirements, recreation and conservation uses and environmental quality, and to serve the purposes of this Act. In considering or establishing such standards, including criteria, requirements and plan, the Secretary, the hearing board, and the appropriate State authority, shall take into consideration their present and prospective use and value to maintain and improve the quality of water supplies, propagation of fish and aquatic life, and wildlife, recreation, conservation of natural resources, protection of environmental quality, agriculture, industry, and other legitimate uses.

"(5) If at any time prior to thirty days after standards, including criteria, requirements and a plan, have been promulgated under paragraph (2) of this subsection, the Governor of any State affected by such standards, including criteria, requirements, and a plan, petitions the Secretary for a hearing, the Secretary shall call a public hearing, to be held in or near one or more of the places where such standards, including criteria, requirements, and a plan, will take effect, before a Hearing Board of five or more persons appointed by the Secretary. Each State which would be affected by such standards, including criteria, requirements, and a plan, shall be given an opportunity to select one member of the Hearing Board. The Department of Agriculture, the Department of Commerce, the Department of Health, Education, and Welfare, and other affected Federal departments and agencies shall each be given an opportunity to select a member of the Hearing Board. Not less than a majority of the Hearing Board shall be persons other than officers or employees of the Department of the Interior. Members of the Board who are not officers or employees of the United States, while participating in the hearing conducted by the Hearing Board or otherwise engaged in the work of the Hearing Board, shall be entitled to receive compensation at a rate fixed by the Secretary, but not exceeding $100 per diem, including travel time, and while away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 73b–2) for persons in the Government service employed intermittently. Notice of such hearing shall be published in the Federal Register and given to the State water pollution control agencies, interstate agencies, and municipalities involved at least thirty days prior to the date of such hearing. On the basis of the evidence presented at such hearing, the Hearing Board shall make findings as to whether the standards, including criteria, requirements, and a plan, published or promulgated by the Secretary should be approved or modified and transmit its findings to the Secretary. If the Hearing Board approves the criteria, requirements, and a plan, as published or promulgated by the Secretary, the standards, including criteria, requirements, and a plan, shall take effect on receipt by the Secretary of the Hearing Board's recommendations. If the Hearing Board recommends modifications in the standards, including criteria, requirements, and a plan, as published or promulgated by the Secretary, the Secretary shall promulgate revised regulations setting forth the standards, including criteria, requirements, and a plan, in accordance with the Hearing Board's recommendations, which regulations shall become effective immediately upon promulgation.

"(6) Any water pollution activity consisting of any discharge into the waters specified in subsection (a) hereof or portions thereof which reduces the quality of such waters below the water quality standards established under this subsection, or any discharge into said waters which is of lesser quality than the requirements controlling such discharges or any discharge which is not in compliance with the implementation and enforcement plan for such criteria and requirements (whether the discharge causing or contributing to such pollution reaches such waters from runoff, percolation, or direct discharge into such waters or tributaries thereof or adjoining bodies of water) is subject to abatement in accordance with the provisions of this section. At least one hundred and eighty days before any abatement proceeding is initiated under this subsection, the Secretary shall notify each alleged pollutor, the water pollution control agency, and the interstate agency, if any, of the State of States where such pollution originates or which may be affected adversely by such pollution, of the violation of such standards and of the remedial action required and shall call a public hearing to be held not less than twenty-one days after issuance of such notice. If remedial action, as determined by the Secretary, to secure abatement of the pollution is not taken within such one hundred and eighty day period after the Secretary has issued notice of violation, or if, at any time thereafter, the alleged pollutor fails to take remedial action, as determined by the Secretary, the Secretary may request the Attorney General to bring a suit on behalf of the United States in the appropriate United States district court to secure abatement of the pollution, including compliance with such standards, which include criteria, requirements and plan. In any such suit, the court shall take judicial notice of the established water quality standards, including criteria, re-

quirements and plan, and shall receive into evidence a transcript of the hearing, held by the Secretary and a copy of the findings prepared by the Secretary pursuant to such hearing. In addition, the court shall receive in evidence the recommendations of any conference or hearing board held pursuant to this section and such additional evidence as it deems necessary. The court, giving due consideration to the practicability and to the physical feasibility of complying with such standards, shall have jurisdiction to enter such judgment and orders enforcing such judgment as the public interest and the equities of the case may require, including injunction of activities which violate such standards, enforcement conference recommendations or other provisions of this section, and effective six months after enactment of this provision, forfeiture of up to $10,000 for each such violation for each day after the end of the one hundred and eighty day period specified herein or commencing at such time thereafter that the alleged pollutor fails to take remedial action, provided that, in imposing such forfeiture, the court shall take into account the efforts of the alleged pollutor to abate pollution, and provide further that such forfeiture shall be in addition to and not in lieu of such other judgment and orders as the court may enter.

"(d)(1) The Secretary, if he finds an occurence of water pollution activity of any waters specified in subsection (a) hereof over which he has jurisdiction or for which standards, including criteria, requirements and plan, have been established under this Act, and that he has good reason to believe that such water pollution activity constitutes a violation of existing water quality standards or endangers the health and welfare of any person, shall give formal notification thereof to the water pollution control agency of the State or States where such discharge or discharges originate and the interstate agency of which such State or States are members, if any, and shall promptly call a conference of such agency or agencies and the State water pollution control agency of the State or States, and such interstate agency, if any which may be adversely affected by such pollution. In addition, whenever requested by the governor of any State or a State water pollution control agency, or (with the concurrence of the governor or the State water pollution control agency for the State in which the municipality is situated) the governing body of any municipality, the Secretary shall, if such request refers to water pollution activity in waters specified in subsection (a) hereof which is endangering the health or welfare of persons in a State other than that in which the discharge or discharges causing or contributing to such pollution originates, or which adversely affects the quality of such waters in such other State, give formal notification thereof to the water pollution control agency and interstate agency, if any, of the State or States where such discharge or discharges originate and shall promptly call a conference of such agency or agencies and the State which pollution control agency of the State or States, and the interstate agency, if any, which may be adversely affected by such pollution. Also, whenever requested by the governor of any State, the Secretary shall, if such request refers to water pollution activities in waters specified in subsection (a) hereof over which the State has jurisdiction, which is endangering the health or welfare of persons only in the requesting State in which the discharge causing or contributing to such pollution originates or which adversely affects the quality of such waters, give formal notification thereof to the water pollution control agency and the interstate agency, if any, of such State or States, and shall promptly call a conference of such agency or agencies, unless, in the judgment of the Secretary, the effect of such pollution on the legitimate uses of the waters is not of sufficient significance to warrant exercise of Federal jurisdictions under this section.

"(2) Whenever the Secretary, on the basis of reports, surveys, or studies has reason to believe that any water pollution activity is occurring in the United States portion of international boundary waters, and that such water pollution activity constitutes a violation of existing water quality standards or endangers the health and welfare of any person, he shall give formal notification thereof to the water pollution control agency and the interstate agency, if any, of the State or States in which such discharge or discharges originate and shall promptly call a conference of such agency or agencies. The Secretary shall invite the foreign country which may be adversely affected by the pollution to attend and participate in the conference. Nothing in this paragraph shall be construed to modify, amend, repeal, or otherwise affect the provisions of the 1909 Boundary Waters Treaty between Canada and the United States or the Water Utilization Treaty of 1944 between Mexico and the United States (59 Stat. 1219) relative to the control and abatement of water pollution in waters covered by those treaties.

"(3) The agencies called to attend such conference may bring such persons as they desire to the conference. In addition, the chairman of the conference shall give every person contributing to the alleged pollution or affected by it an opportunity to make a full statement of his views to the conference. Not less than three weeks prior notice of the date set for the conference shall be given to such agencies.

"(4) Following such conference, the Secretary shall prepare and forward to all of the water pollution control agencies and interstate agencies attending the conference a summary of conference discussions including (A) occurrence of water pollution activity of waters specified in subsection (a) hereof, (B) adequacy of measures taken toward abatement of the pollution, and (C) the nature of delays, if any, being encountered in abating the pollution.

"(e) If the Secretary believes, upon the conclusion of the conference or thereafter, that effective progress toward abatement of pollution is not being made in accordance with the recommendations of the Secretary, or that such pollution endangers the health or welfare of any person or violates water quality standards, including criteria, requirements and a plan, applicable to such waters, he shall recommend to the appropriate State water pollution control agency or agencies that they require the alleged polluter to take remedial action, as determined by the Secretary, to secure abatement of the pollution and he shall also notify the alleged polluter of the requirement for such remedial action. The Secretary shall allow ninety days from the date he makes such recommendations or one hundred and eighty days from the end of the conference session, whichever period ends later, for remedial action, as determined by the Secretary, to be taken.

"(f) If, at the conclusion of the period provided in subsection (e), such remedial action, as determined by the Secretary, has not been taken by the alleged polluter, or if, at any time thereafter, the alleged polluter fails to take remedial action, as determined by the Secretary, the Secretary may request the Attorney General to bring a suit on behalf of the United States in the appropriate United States district court to secure performance of such remedial action and such recommendations, standards, criteria, requirements and plan.

"(g) In any such suit, the court shall take judicial notice of the established water quality standards, including criteria, requirements and plan, and shall receive in evidence a transcript of the proceedings before the conference and a copy of the Secretary's recommendations, and shall receive such further evidence as the court, in its discretion, deems necessary. The court, giving due consideration to the practicability and to the physical feasibility of securing abatement of any pollution proved, shall have jurisdiction to enter such judgment and orders enforcing such judgment, as the public interest and the equities of the case may require, including injunction of activities which violate such standards, enforcement conference recommendations or other provisions of the section and, effective six months after enactment of this provision, forfeiture of up to $10,000 for each such violation for each day after the end of the period provided in subsection (e), or commencing at such time thereater that the alleged pollutor fails to take remedial action, provided that, in imposing such forfeiture, the court shall take into account the efforts of the alleged pollutor to abate pollution, and provided further that such forfeiture shall be in addition to and not in lieu of such other judgment and orders as the court may enter.

"(h) Notwithstanding any other provision of this section, the Secretary, upon his determination that a particular pollution source or combination of sources is presenting or may present an imminent and substantial danger to the health or welfare of any person or persons, or may cause irreparable damage to water quality or the quality of the environment, may request the Attorney General to bring a suit on behalf of the United States in the appropriate United States district court to enjoin immediately any person contributing to the alleged pollution from further discharges causing such pollution and to take such other action as may be necessary.

"(i)(1) In connection with any hearing, proceeding, or conference, the Secretary is authorized to require any person whose alleged water pollution activities result in discharges causing or contributing to water pollution, to file with him, in such form as he may require, a report based on existing data, furnishing such information as may reasonably be required as to the character, kind, and quantity of such discharges and the use of facilities or other means to prevent or reduce such discharges by the person filing such a report. Such report shall be made under oath or otherwise, as the Secretary may prescribe and shall be filed with the Secretary within such reasonable period as he may prescribe, unless he grants additional time. In order to further the purposes of this section, the Secretary may disseminate any information reported which is not covered by section 1905 of title 18 of the United States Code.

"(2) If any person required to file any report under paragraph (1) of this subsection shall fail to do so within the time fixed by the Secretary for filing the same, and such failure shall continue for thirty days after notice of such default, such person shall forfeit the sum of $100 for each day of the continuance of such failure, which forfeiture shall be payable to the Treasury of the United States and shall be recoverable in a civil suit in the name of the United States brought in the district where such person has his principal office or in any district in which he does business. The Secretary may, upon application therefor, remit or mitigate any forfeiture provided for under this paragraph, and shall have authority to determine the facts upon all such applications.

"(3) It shall be the duty of the various United States attorneys, under the direction of the Attorney General of the United States to prosecute for the recovery of such forfeitures.

"(j)(1) The Secretary may investigate any facts, conditions, practices, or matters which

he may find necessary or proper in order to determine whether any person has violated or is about to violate any provision of this Act or any standards, including criteria, requirements and a plan thereunder, or to aid in the enforcement of the provisions of this Act or in promulgating criteria, plans, rules or regulations thereunder, or in obtaining information to serve as a basis for recommending further legislation concerning the matters to which this Act relates. The Secretary may permit any person to file with him a statement in writing under oath or otherwise, as he shall determine, as to any or all facts and circumstances concerning a matter which may be the subject of investigation.

"(2) For the purpose of any enforcement conference, investigation or any other proceeding under this Act, the Secretary is empowered to administer oaths and affirmations, subpena witnesses, control their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records which the Secretary finds relevant or material to the inquiry. Such attendance of witnesses and the production of any such records may be required from any place in the United States at any designated place of hearing. Witnesses summoned by the Secretary to appear before him shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

"(3) The Secretary, upon presenting appropriate credentials and a written notice to the owner, operator, or agent in charge, is authorized (A) to enter, at reasonable times, any public or private property from which discharge is being made into waters specified in subsection (a); (B) to inspect within reasonable limits and in a reasonable manner, the operation of collection systems, waste treatment works or facilities, or conditions relating to pollution or the possible pollution of such waters; and (C) to have access to such records in connection therewith as the Secretary may require.

"(4) In case of contumacy by, or refusal to obey a subpena issued to any persons, the Secretary may invoke the aid of any court of the United States within the jurisdiction of which such investigation or proceeding is carried on, or where such person resides or carries on business in requiring the attendance and testimony of witnesses and the production of books, papers, correspondence, memoranda, contracts, agreements, and other records. Such court may issue an order requiring such persons to appear before the Secretary to produce records, if so ordered, or to give testimony relating to the matter under investigation or in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof. All process in any such case may be served in the judicial district whereof such person is an inhabitant or wherever he may be found or may be doing business. Any person who willfully shall fail to attend or refuse to testify, or to answer any lawful inquiry, or to produce books, papers, correspondence, memoranda, contracts, agreements, or other records, if in his or its power so to do, as designated or specified in the subpena of the Secretary, shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine of not more than $100 for each day of the continuance of such failure, or imprisonment for a term of not more than one year, or both.

"(5) The testimony of any witness may be taken, at the instance of a party, in any pending conference, proceeding or investigation under this Act, by deposition, at any time after the notice of the proceeding is published. The Secretary may also order testimony to be taken before any person authorized to administer oaths who is not of counsel or attorney to the party making the deposition. Any person may be compelled to appear and depose, and to produce documentary evidence, in the same manner as witnesses may be compelled to appear and testify and produce documentary evidence before the conference or other proceeding or investigation, as hereinbefore provided. Such testimony shall be reduced to writing by the person taking the deposition, or under his direction, and shall, after it has been reduced to writing, be subscribed by the deponent.

"(6) If a witness whose testimony may be desired to be taken by deposition be in a foreign country, the deposition may be taken before an officer or person designated by the Secretary, or agreed upon by the parties by stipulation in writing to be filed with the Secretary. All depositions must be promptly filed with the Secretary.

"(7) Witnesses whose depositions are taken as authorized in this Act, and the person or officer taking the same, shall be entitled to the same fees and mileage that are paid witnesses in the courts of the United States.

"(8) In order to further the purposes of this section, the Secretary may disseminate any information obtained under this subsection which is not covered by section 1905 of Title 18 of the United States Code.

"(k) The invocation of any one procedure authorized under this section shall not prevent the application of any other procedure of this section to any case to which this Act would otherwise be applicable.

"(l) As used in this section the term—

"(1) 'person' means an individual, corporation, partnership, association, State, municipality, commission, or political subdivision of a State, or any interstate body, and

"(2) 'municipality' means a city, town, borough, county, parish, district, or other public body created by or pursuant to State law."

SEC. 4. Section 13 of the Federal Water Pollution Control Act, as amended, is amended to revise subsection (a) to read as follows:

"(a) The term 'State water pollution control agency' means a single State agency designated by that State as the official State water pollution control agency for purposes of this Act."

and to add the following subsections (g) and (h):

"(g) 'boundary waters' means the waters from the main shore of the United States to the international boundary of the lakes and rivers and connecting waterways, or portions thereof, along which the international boundary between the United States and Canada or the United States and Mexico passes, including all bays, arms, and inlets thereof, tributary waters which in their natural channels would flow into such lakes, rivers and waterways, or waters flowing across the boundary.

"(h) 'contiguous zone' means the entire zone defined by article 24 of the Convention on the Territorial Sea and the Contiguous Zone."

S. 3472

The bill (S. 3472) to amend section 8 of the Federal Water Pollution Control Act, as amended, and for other purposes, introduced by Mr. SCOTT, 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.

SECTION-BY-SECTION ANALYSIS OF THE CLEAN WATER FINANCING ACT OF 1970

The bill amends section 8 of the Federal Water Pollution Control Act, as amended, in a number of significant respects. The Secretary would be authorized to incur obligations in the form of grant agreements or otherwise in an aggregate amount of $4 billion. Of this sum, $1 billion would be available for each of the four fiscal years beginning with fiscal year 1971. Appropriations of sums necessary to liquidate these obligations would be authorized. The Secretary would submit a report by January 10, 1973, to the Congress, through the President, on requirements for waste treatment works construction for fiscal years 1975 through 1979. In addition, the allocation formula is revised to provide greater flexibility to meet the most severe water pollution problems, and to give an added incentive to the States to fully utilize the funds allocated. States and communities which have constructed approved waste treatment works without Federal assistance are to be reimbursed from sums authorized on the same terms as at present for funds they expend prior to July 1, 1973.

Section 1 amends section 8 of the Act as follows. Subsection 1 amends subsection 8(a) to authorize the Secretary to incure obligations in the form of grant agreements or otherwise, in addition to his present authority to make grants. The classes of grantees and the purposes of such financial assistance remain as in the Act at present.

Subsection 2 of section 1 amends subsection 8(b), which sets limitations on grants, in several ways. The language "grant or other commitment of financial assistance" would be substituted for the word "grant" throughout the subsection to make the limitations apply to the new grant agreements. The provision in clause (6) which permits the Secretary to raise the Federal grant share of a project from 30 percent to 40 percent or 50 percent would remain basically the same, except that a 40 percent grant could be made if the State agrees to pay 25 percent of the estimated reasonable cost of all projects for which Federal grants are to be made under section 8, rather than 30 percent as is now required. This removes the anomalous situation in which, at present, the grantee may receive a 40 percent grant for a project if the State agrees to pay 30 percent of the cost of all such projects but may receive a 50 percent grant if the State pays only 25 percent of the cost of such projects but meets other conditions. A new clause (8) would be added to provide the limitation that no grant or other commitment of financial assistance be made unless the applicant complies with regulations prescribed by the Secretary to assure effective and efficient use of funds.

Subsection 3 of section 1 amends subsection 8(c) of the Act to change the allocation formula; permit reallocation of unobligated funds at the end of the fiscal year rather than 6 months after the end of the year at the present; and remove needs caused by Federal institutions or activities as a specific factor for consideration in reallocation.

The revised allocation formula in the bill for distributing construction grant funds among the States employes three factors. First, 60 percent of the funds would be allocated based on population and financial need using the formula presently in the Act; second, 20 percent based on State agreements to pay at least 25 percent of the cost of all projects receiving construction grants during a fiscal year; and third, 20 percent based on a factor which takes into account the relative severity of water pollution control problems of the various States and their ability to use such funds to fulfill a basinwide pollution abatement plan. This last factor also would be the basis for reallocation of unobligated funds at the end of the fiscal year. This new allocation formula will give the Secretary flexibility to direct construction grant funds to areas where those funds are most critically needed and where they can be used most effectively. To encourage the States to obligate the funds allocated to them, this allocation formula would be qualified to provide that a State not receive more Federal grant funds that it obligated the previous fiscal year unless the State filed an acceptable plan requiring greater obligations

in the current year. In such cases, the Secretary would allocate up to the full amount to which the State would normally be entitled.

Subsection 4 of section 1 amends section 8(c) further to extend through fiscal year 1974 the present provisions for reimbursement to States and localities which have used their own funds for projects because Federal grant funds were unavailable. This would apply in the case of funds used for any project on which construction was initiated after June 30, 1966, and would extend to State or local funds used from that date through fiscal year 1973. In order to assure that population data used in the allocation and reallocation of funds among States are as current as possible, the figures used are to be based on the last year for which satisfactory figures are available from the Department of Commerce, rather than on the latest decennial census as at present.

Subsection 5 of section 1 amends section 8(d) which authorizes the obligation and appropriation of funds. The Secretary would be given new authority to incur obligations in the form of grant agreement or otherwise in an aggregate amount of $4 billion, of which $1 billion would be available for obligation for fiscal year 1971 and each of the three succeeding years, with such sums to remain available until obligated. Appropriations of funds required to liquidate these obligations would be authorized. By January 10, 1973, the Secretary would reassess further needs for the construction of waste treatment facilities for several years 1975 through 1979 and report through the President to the Congress on the financial requirements for those subsequent years.

Subsection 6 of section 1 deletes subsection 8(f) of the Act which now permits a bonus grant increase of 10 percent for any project which is certified as being in conformity with a comprehensive regional plan. This will now be a requirement for all projects under proposed grant regulations, rather than a basis for a bonus. Subsection (8)(g), with regard to labor standards requirements, is retained and redesignated (8)(f).

Section 2 provides that the Act may be cited as the "Clean Water Financing Act of 1970."

S. 3472

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 466 *et seq.*), is amended as follows:

1. Subsection (a) is amended to insert after the words "to make grants to" the words "and incur obligations in the form of grant agreements or otherwise with".

2. Subsection (b) is amended to insert in lieu of the word "grant" wherever it now appears, the words "grant or other commitment of financial assistance"; to strike the words "not less than thirty per centum" in clause (6) and insert in lieu thereof "not less than twenty-five per centum"; and to change the period at the end of the subsection to a semicolon and all the following: "(8) No grant of other financial assistance shall be made unless the applicant complies with such regulations as the Secretary may prescribe to assure the effective and efficient use of funds under this section."

3. Subsection (c) is amended to delete the language from the words "The sums appropriated . . ." through the words "Federal institution or activity" and to insert in lieu thereof the following:

"The sums authorized to be obligated pursuant to subsection (c) for each fiscal year beginning on or after July 1, 1970, shall be allocated by the Secretary, from time to time, in accordance with regulations, as follows:

"(1) sixty per centum of all sums appropriated in the ratio that the population of each State bears to the population of all the States, except that, the first $100,000,000 of sums within such percentage shall be allocated as follows:

"(A fifty per centum of such sums in the ratio that the population of each State bears to the population of all the States, and (B) fifty per centum of such sums in the ratio that the quotient obtained by dividing the per capita income of the United States by the per capita income of each State bears to the sum of such quotient for all the States; and

"(2) twenty per centum of such sums to those States which agree to pay not less than twenty-five per centum of the estimated reasonable cost, as determined by the Secretary, of all projects for which Federal grants or other commitments of financial assistance are to be made under this section during any fiscal year, which allotment shall be in the ratio that the population of each such State bears to the population of all such States;

"(3) twenty per centum of such sums to those States which the Secretary determines in accordance with regulations: (A) have the most severe water pollution problems; and (B) can best use such funds to meet the requirements of a basin-wide pollution abatement plan.

"(4) The total allocation under clauses (1), (2), and (3) to any State shall not exceed the amount of Federal grant funds obligated within such State for purposes of this section during the preceding fiscal year, unless such State shall file with the Secretary, within the first ninety days of the current fiscal year, an acceptable pollution control plan that would require the obligation of funds for purposes of this section which are in excess of the funds obligated within such State in the preceding fiscal year, in which case the Secretary may allocate up to the full amount that would otherwise be allocated to such State for the current fiscal year if he finds that this plan meets pollution control needs, conforms to water quality standards and enhances the present quality of said waters. Any sums available from the original allocations for which the Secretary has not approved funds in excess of the previous fiscal year and any sums allotted to a State under clauses (1), (2), and (3) hereof which are not obligated at the end of the fiscal year for which they are allotted shall be reallotted by the Secretary, on the basis used in clause (3) hereof the States having projects approved under this section for which grants have not been made because of lack of funds."

4. Subsection (c) is further amended to delete the words "the second, third and fourth sentences of"; to delete the date "July 1, 1971" where it first appears and to insert in lieu of that date "July 1, 1974"; and to change the date "July 1, 1971" in the next two places where it appears to "July 1, 1973"; and to change the last sentence thereof to read as follows: "For purposes of this section, population shall be determined on the basis of the last year for which satisfactory population figures are available, from the Department of Commerce, and per capita income for each State and for the United States shall be determined on the basis of the average of the per capita incomes of the States and of the continental United States for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce."

5. Subsection (d) is amended to read as follows:

"(d) The Secretary is authorized to incur obligations in the form of grant agreements or otherwise in amounts aggregating not to exceed $4,000,000,000, of which sums of $1,000,000,000 shall be available for obligation for each of four consecutive fiscal years beginning with the fiscal year ending June 30, 1971, and shall remain available until obligated. There are authorized to be appropriated such sums as may be required for liquidation of the obligations incurred under this subsection. To assure program continuity and orderly planning, the Secretary, not later than January 10, 1973, shall submit through the President to the Congress a report on the financial requirements for the construction of waste treatment facilities for fiscal years 1975 through 1979."

6. Subsection (f) is deleted; and subsection (g) is renumbered (f).

SEC. 2. This Act may be cited as the "Clean Water Financing Act of 1970."

STATEMENT BY SENATOR COOPER

Mr. COOPER. Mr. President, it is with a great deal of pleasure and pride that I join with Senator Scott and others in cosponsoring a series of bills proposed by President Nixon to move forward in the essential control of air and water pollution and solid waste. For the first time since I have been the ranking minority member of the Committee on Public Works it is my responsibility to represent an administration of my party and sponsor major legislation within the jurisdiction of this committee. In serving on this very important committee I have learned not only of the urgency of pollution control but the great difficulty and complexity of legislation in this area and I commend the President for his very thorough proposals.

A high quality enviornment is essential if we are to achieve a quality of life. President Nixon has explicitly drawn this relationship and has made a strong commitment that his administration will work unceasingly toward the resolution of the environmental crisis. In the series of proposed bills he sent to the Congress to accompany his historic state of the environment message, the President has identified a number of areas in which he is asking for congressional assistance to enable him to more adequately serve the public interest. Although there are many important elements in all of the proposals, I would like to highlight several of particular interest.

WATER POLLUTION

After a thorough study, taken at the President's direction, the administration has recommended several significant amendments to the Federal Water Pollution Control Act of 1965, in order to achieve a more satisfactory operation of the Federal-State partnership set forth in that act. In four separate bills the President proposes (a) to modify the policy, abatement and enforcement provisions of the act; (b) to improve the Federal-State program development provisions of the act; (c) to accelerate and improve the municipal waste treatment grant provisions and (d) to add a new and innovative Federal Environmental Financing Authority to assure the ability of States and local communities to construct proper waste treatment facilities.

Several points in these water bills should be further described. First of all, a common thread running through all of the proposals is to create a comprehensive and modern water quality program that recognizes the interrelationship of all water resources. In several areas the authorization and granting provisions of the bills are directed to achieving this broadened scope.

In the evolution of the program under the Federal Water Pollution Control Act it has become apparent that enforcement has been hindered by exclusive reliance on sanctions against violation of water quality standards. The President has recognized this and has recommended that in the formulation of State water quality standards there must be included established requirements controlling the discharges affecting waters subject to standards. This basically means that the States must include effluent standards for the sources of discharges under their jurisdiction. In addition, Federal enforcement authority is extended to include violations

of these effluent requirements as well as the violation of water quality standards.

The President has also recognized an unnecessary redundancy in the existing act that requires two time-consuming administrative procedures prior to access to court enforcement: the so-called conference and the hearing. The President proposes to eliminate the hearing phase in the administrative enforcement process based upon experience that sufficient information and a complete record is generated at the enforcement conference to provide a sound basis for court action to abate pollution.

In order to simplify and clarify the thrust of the Federal-State program the President has recommended in the bill to amend sections 5, 6, and 7 of the 1965 act language that would improve the techniques available to achieve the purposes of the act and provide flexibility in the program grant section by the addition of three new categories of assistance: program development grants; program improvement grants; and special project grants. In addition, the President has asked for increased authorizations that would triple the funds available for development of the overall water quality programs.

In a major modification of the provision for waste treatment facilities construction grants, the President proposes a 4-year, $10 billion program based upon two independent estimates of the needs for municipal treatment facilities. In addition to providing $4 billion of Federal sums, $1 billion to be authorized for obligation in each of 4 fiscal years, the President has asked that the allocation formula be revised to provide greater flexibility to meet the most severe water pollution problems and to provide added incentive to the States to fully utilize the funds allocated.

One crucial roadblock in the construction of adequate waste treatment facilities has been the limitations of State and local governments to finance their share of waste treatment project costs. These limitations have confronted water pollution control efforts at every turn. In a very innovative proposal the President recommends that a new Federal Environmental Financing Authority be established that would be authorized to purchase obligations issued by State and local governments to finance their share of such projects upon a finding by the Secretary of the Interior that such purchase is necessary to undertake and complete the project. It is the President's strong feeling that no municipality shall be prevented from participating in the waste treatment program through its inability to finance its share of program costs. He is to be commended for attempting to assist many hindered communities and make high quality water available to all.

AIR POLLUTION

The President has recognized that while the basic operative provisions of the Clean Air Act were substantially modified in the Air Quality Act of 1967, several provisions of the existing Act are in need of revision. In addition, the program experience under this Act has revealed areas where new provisions are necessary. Among the many proposals, the President has proposed that the Secretary of Health, Education, and Welfare be given explicit authority to inspect assembly line vehicles for compliance with emission standards set by regulations under existing law.

In another major effort to get the heart of automotive pollution problem the President has recommended that the Secretary's present authority over fuel and fuel additives be extended to enable the Secretary to set standards regulating the composition of any fuel or fuel additive and to further regulate the manufacture and sale of such fuels and additives.

In an attempt to decrease the time consuming and procedural complexity involved in the setting of regional ambient air standards under the present law, the President has proposed that such standard setting be shortened by 6 months or more through the establishment, by the Secretary, of national ambient air quality standards for any pollutant or combination of pollutants which endanger the public health or welfare. This recommendation is based upon the experience to date that there is very little difference in the regional standards being set under present law and that such standard-setting could therefore be expedited by the application of national standards. The existing provision of law permitting States to set more rigid standards is, of course, preserved.

Similar to his recommendation in water pollution control, the President has recommended that in the formulation of implementation plans to enforce national ambient air quality standards, the State shall include emission standards for sources of air effluent under their jurisdiction. It is further requested that Federal enforcement authority be explicitly extended to include violation of such emission standards.

The President has recommended that equity and uniformity of application demand that those stationary sources of emissions which contribute substantially to endangerment of public health or welfare be constructed in the future under a nationally established emission standard that would take into account availability of the most advanced technological capability. In addition, the President has asked that any stationary source, whether new or old, from which emissions occur that are extremely hazardous to health, be subject to national emission standards.

The President has also asked for necessary adjustments in the general Federal enforcement provisions that include, among others, a provision that enables courts to assess penalties up to $10,000 per day for violations continuing after the expiration of the period set for compliance in the notice of the Secretary in the administrative abatement proceeding.

SOLID WASTE

In addition to asking that the provisions of the 1965 Solid Waste Disposal Act be extended, the President has requested authorization for a study into methods and measures to provide incentives for solid waste recovery and reutilization with particular emphasis on the very chronic problem of waste or abandoned automobiles. I think the President has correctly recognized that the long term solution to solid waste disposal is through incorporating recovery and reutilization into our commercial market system. His proposals will take us significant strides in this direction.

The President has proposed many provisions to amend legislation that has been developed in large part, in the Senate Committee on Public Works. In the formulation of this very difficult legislation it was essential that a spirit of bipartisanship exist. To their great credit, and deserving of much public support, the chairman of the committee, Senator RANDOLPH, and the chairman of the Subcommittee on Air and Water Pollution, Senator MUSKIE, have achieved and operate in this spirit. Senator BOGGS and other members of the minority have been instrumental in preserving this bipartisan climate.

If the President's recommendations and legislative proposals are to receive adequate consideration in the committee and the Congress and result in fair and just legislation, this spirit must be preserved. I have no doubt that it will be and I look forward to working with all of the members of the committee as we initiate what, I trust, will be a very thorough exercise of the legislative process on these very matters related to pollution control and environmental quality.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

VOTING RIGHTS ACT AMENDMENTS OF 1969

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

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

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

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

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

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, with the time to be allocated apart from any other time limitation, and with the understanding that I be allowed to retain 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. 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.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, if I may have the attention of the Senate, I ask unanimous consent that on all amendments to be offered to the pending bill by the Senator from Montana (Mr. MANSFIELD) and the Senator from North Carolina (Mr. ERVIN) and on any amendments thereto there be a time limitation of 2 hours on each such amendment and 2 hours on each such amendment thereto, the time to be equally divided and controlled by the Senator from North Carolina (Mr. ERVIN) and the minority leader, or by the proponent of the amendment to the Ervin amendment and Senator ERVIN; as far as the Mansfield amendment is concerned, that the time be controlled equally by me and the distinguished minority leader or whomever he may designate; and that the pending amendment be withdrawn at this time.

Mr. SCOTT. Mr. President, reserving the right to object—and I shall not object—I would like to establish through this colloquy that if an amendment to an amendment of the Senator from North Carolina is offered and the Senator from North Carolina is in substantial agreement with the amendment, the time would be shared with an understanding so as to permit Senators in opposition an opportunity to be heard. We do not ask for a specific time.

I understand an amendment has just been sent to the desk by the Senator from Alabama (Mr. ALLEN). I wonder if

he wishes to be heard on the unanimous-consent request.

Mr. ALLEN. Mr. President, reserving the right to object, I would like to ask the distinguished majority leader if the request for the unanimous-consent agreement applies only to the amendments that have heretofore been offered by the distinguished Senator from North Carolina and the distinguished majority leader.

Mr. MANSFIELD. The answer is "No." Other germane amendments could be offered.

Mr. ALLEN. And there is no limitation placed on the other amendments?

Mr. MANSFIELD. That is correct.

Mr. ALLEN. In answer to the distinguished Republican leader, the Senator from Alabama would not like to have his amendment included in the limitation.

Mr. JAVITS. Mr. President, reserving the right to object—and I shall not object—I would like the majority leader to know that I came down this morning expressly to vote on the Ervin amendment, which I consider to be very important to this bill. It is in deference to his wishes that I am refraining from any objection to its withdrawal. I would like to make that clear, because I think it is a very important amendment. I hope very much other Senators have not had the same experience.

I had rather hoped, too, that we could arrive at a unanimous-consent agreement on all amendments, but I am yielding to the majority leader's view that this is the best way to proceed with the bill.

Mr. MANSFIELD. Mr. President, I appreciate the remarks just made by the distinguished senior Senator from New York. He discussed this matter with me. I think it ought to be made clear that the distinguished Senator from North Carolina acted in good faith last night, and only since we adjourned last night did another situation present itself in which a courtesy—and the Senator from New York upholds the finest traditions of the Senate—should be accorded to any Senator under similar circumstances.

Mr. JAVITS. Mr. President, I would like to extend that recognition, too, to the Senator from North Carolina (Mr. ERVIN). I know he is a man of honor, and I appreciate the situation.

Mr. SCOTT. Mr. President, if the Senator will yield further, I hope, before too long a time, we could get a time limitation agreement on other amendments and an agreement on the substitute we have offered, so that we could know when we might reach a disposition of the bill, because Senators on both sides of these amendments are continually asking about the voting situation.

Mr. ALLEN. In response to the distinguished Senator from Pennsylvania, since he was looking in the direction of the junior Senator from Alabama when he was making that inquiry, the junior Senator from Alabama would say that much would depend on the state of the Scott amendment, as to whether a limitation might be placed upon the debate.

Mr. MANSFIELD. The Senator from Alabama, I take it, believes in extended discussion.

Mr. ALLEN. The Senator is correct.

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

Mr. MANSFIELD. I yield.

The PRESIDING OFFICER. Is there objection?

Mr. ERVIN. Mr. President, reserving the right to object, and I shall not object——

Mr. MANSFIELD. Mr. President, will the Senator yield briefly? I had yielded to the Senator from Rhode Island.

Mr. PASTORE. Do I understand that the Scott-Hart amendment is not subject to the limitation?

Mr. MANSFIELD. That is correct.

I now yield to the Senator from North Carolina.

Mr. ERVIN. As I understand the unanimous-consent request made by the distinguished majority leader, the pending amendment would be withdrawn and the time limitation on it would be superseded by the new time limitation of 2 hours on each amendment?

Mr. MANSFIELD. That is correct. That would apply only to the Mansfield 18-year-old amendment and all the Ervin amendments.

Mr. ERVIN. No objection. For clarification, my amendments are numbered 533 to 541, both inclusive.

Mr. HART. Mr. President, reserving the right to object—and I shall not object—the point made by the senior Senator from New York, that though unwell he has come to vote, having been given notice, on this Ervin amendment, would apply to other Senators in somewhat the same situation; and it is my understanding that while we will not have an opportunity to vote on the Ervin amendment that was called up last night, so far as the Senator from North Carolina is concerned, we will have opportunity today and, I believe without using the hours allocated, to vote on at least two additional Ervin amendments; am I correct in that understanding?

Mr. ERVIN. Yes; I shall be glad to call up two amendments, and I shall ask for rollcall votes on them, but I do not propose to argue them for more than a very few minutes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

The Chair hears none, and it is so ordered.

The unanimous-consent agreement was subsequently reduced to writing, as follows:

Ordered, That debate shall be limited to 2 hours on all amendments to be offered to the pending bill (H.R. 4249), to extend the Voting Rights Act of 1965 with respect to discriminatory use of tests and devices, by the Senator from Montana (Mr. MANSFIELD) and the Senator from North Carolina (Mr. ERVIN) and two hours on any amendments to be offered thereto, with the time to be equally divided and controlled by the proposer of the amendment and the Minority Leader, or by the proponents of amendments to the Ervin amendments and the Senator from North Carolina (Mr. ERVIN).

Mr. MANSFIELD. It is the understanding of the joint leadership that the Senator from North Carolina (Mr. ERVIN) will offer two amendments today, and at least one other on Monday next. The two having been disposed of, it is my hope that much more than one will be offered on Monday, so that we can get on with the work, keep up with developments, and make certain that the calendar is clean.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 535

Mr. ERVIN. Mr. President, I call up my amendment No. 535, and modify it in the following respects:

Strike out the figure "519" in the preamble to the amendment, and substitute for it the figure "544". I do this in order to make the amendment conform by number to the second Scott-Hart amendment. My amendment had originally been drawn to the first version of the Scott-Hart amendment.

Then I modify the substance of the amendment, so that it will read as follows:

That section 4(b) of the Voting Rights Act of 1965 is amended by striking ", or that less than 50 per centum of such persons voted in the presidential election of November 1964".

The PRESIDING OFFICER. The clerk will state the amendment as modified.

The ASSISTANT LEGISLATIVE CLERK. The Senator from North Carolina (Mr. ERVIN) proposes an amendment to amendment No. 544 proposed by Mr. SCOTT, as follows:

Add a new section, appropriately numbered, as follows:

"SEC. . That section 4(b) of the Voting Right Act of 1965 is amended by striking ', or that less than 50 per centum of such persons voted in the presidential election of November 1964'."

Mr. ERVIN. Mr. President, I yield myself such time as I may require, and I assure Senators that I shall be exceedingly brief.

On November 1, 1964, all of the 39 counties in North Carolina covered by the Voting Rights Act of 1965 had registered more than 50 percent of all of the persons of voting age within their borders, except the counties of Craven, Cumberland, and Onslow.

The only reason why the counties of Craven, Cumberland, and Onslow had not registered as many as 50 percent of the persons of voting age then residing in those counties arises out of the fact that the county of Craven is the seat of the marine air installation known as Cherry Point; the county of Cumberland is the seat of Fort Bragg, which, as I understand it, is, in numbers stationed there, the largest military installation in the United States; and the county of Onslow is the seat of Camp Lejeune, the largest Marine installation in the United States.

In estimating the number of residents of those three counties, the Bureau of the Census included in the total of persons of voting age residing in those counties the marines and the soldiers

and the members of their families there who were not residents of North Carolina, not residents of those counties, and not eligible to vote in those counties by reason of their nonresidence.

So all of North Carolina would have been excluded from the provision of the Voting Rights Act of 1965 which brings States or counties within the coverage of that act if they have registered 50 percent of their residents of voting age. Manifestly, it is an injustice to a county to count among its voting population, for the purpose of ascertaining whether it has discriminated against any of its voting population on account of race, persons temporarily there who are not residents of the county and, therefore, not entitled to vote.

I wish to make another observation, and that is that a State can register every person of voting age within the borders of the State and thereby make all of them eligible to go out and vote. But it has no power, under the system of government which prevails in the United States, to compel anybody to go out and vote. This being true, it is manifestly contrary to justice to deny to a State the right or the power to exercise its constitutional rights, which include the right to prescribe a literacy test, unless that State has denied the registration of voters. It is manifestly an injustice to treat a State in that manner, as the Voting Rights Act of 1965 does, unless it has denied the right of its citizens to register on account of race.

In my State of North Carolina, and in most of the States covered by the Voting Rights Act of 1965, the people have been faithful to the Democratic Party ever since 1868. This is true because in 1868 the Democratic Party manifested that it was more interested in the constitutional principle of fairplay than it was in political loaves and fishes.

In 1868, the South underwent the process of reconstruction, a process which, unhappily, is still in progress 102 years later.

The Democratic National Convention, assembled in Tammany Hall, in New York, had the honesty and the courage to adopt a resolution declaring that the Reconstruction Acts by which, among other things, the political party then in power undertook to usurp and exercise the constitutional powers of States to prescribe qualifications for voting, were unconstitutional.

As one who is a lifelong Democrat, and as one who comes of a family which has given its allegiance to the Democratic Party since Thomas Jefferson founded that party, I regret to say that the Democratic Party in recent years has not been the instrument of protection to the South and the instrument of protection to the Constitution of the United States that it was in 1868.

The Voting Rights Act of 1965, as I have repeatedly asserted, is, in my honest judgment, a perversion and a distortion of constitutional principles, and a perversion and a distortion of the principles of fair play. No provision of it is a greater distortion of the principle of fair play than the provision relating to States and counties in the South which failed to have 50 percent of their persons of voting age vote in the election of 1964.

Unfortunately, one of the most peculiar decisions that the Supreme Court ever handed down was the decision in South Carolina against Katzenbach, in which the Court said that Congress had the constitutional power to pass bills of attainder and convict the Southern States and Southern counties of violating the 15th amendment if less than 50 percent of the persons within their borders, whether military personnel or convicted felons serving sentences, failed to go out and vote in 1964.

I am glad to say that one court held that it is not evidence of a lack of testamentary capacity on the part of a lawyer to disagree with a court decision; but all of the court decisions down to that time show that the 1965 act is an unconstitutional bill of attainder. Moreover, the Supreme Court, in the case of South Carolina against Katzenbach, admitted that it is a bill of attainder; but it managed to escape holding the Voting Rights Act of 1965 unconstitutional as a prohibited bill of attainder by saying that the prohibition of a bill of attainder did not apply to the States. That is an absurd decision, because every decision of the Supreme Court of the United States on the subject, and the principles of the common law of England, from which we obtained this term, show that a bill of attainder is a legislative act which condemns people of wrongdoing without giving them a judicial trial and, on that basis, punishes them by fine or imprisonment or death, or denies them the right or the power to exercise a right vested in them.

(At this point Mr. YOUNG of Ohio took the chair as Presiding Officer.)

Mr. ERVIN. Mr. President, under all decisions and principles of the common law, a bill of attainder is such an act applicable either to named parties or to parties capable of identification.

In every decision of the Supreme Court with which I have any acquaintance, the Supreme Court has held that a State consists of people inhabiting a certain territory and organized for the purpose of self-government.

Certainly, the people of a State are capable of identification. For this reason, I refuse to accept as valid the decision of the Supreme Court that bills of attainder are not designed to protect the people of the States. But it is manifestly unjust to deny States or counties the power to exercise their constitutional powers under section 2 of article I, section 1 of article II, the 10th amendment, and the 17th amendment, to prescribe the qualifications for voting, including a qualification that one be able to read and write the English language as a condition precedent to voting.

Not only is this act unjust in this particular, but it also permits absurd inferences to be drawn from the failure of 50 percent of people within a State of voting age turning out and voting. That is true because we can take a State like North Carolina, as an example, which has a black population of approximately 25 percent, and a white population of approximately 75 percent. North Carolina could have registered every one of the adults of the two races, and if all the black people went out and voted, that would be 25 percent, but if only 24 percent of the white people went out and voted, then North Carolina would be condemned by this formula of discriminating against black people.

Thus, I have offered the amendment that would relieve North Carolina counties, in such counties as Hoke, which is brought under cover of the act, on the ground that its proof of discrimination justifies the inference of discrimination if only 49.8 percent of the people of voting age voted in the presidential election in 1964.

In other words, a difference there of 2 percent would make it a violation of the 15th amendment.

It is interesting to see why we have low voting in some areas of the South as contradistinguished from other areas of the country.

A few years ago, the State of California had a presidential candidate of the Republican Party as one of its native sons.

The great State of Massachusetts had one of its native sons as a Democratic candidate for President and a Republican candidate for Vice President.

Yet, only somewhere in the neighborhood of 70 to 75 percent of the people in California and Massachusetts went out and voted under those circumstances.

Yet, under this bill, the people of the Southern States would be condemned and denied their constitutional rights when they fell only below the great Commonwealth of Massachusetts and the Golden State of California by 25 percent.

Now there is a reason for that difference. The States and counties in the South affected have been faithful to the Democratic Party even when the Democratic Party has not been faithful in its duty to protect them.

Until recent years, many of these States had very few members of the Republican Party residing in them. As a consequence, most of the choices of officials of those States, including such Federal officials as presidential electors and so forth, were determined on the basis of the primary or at the convention. Manifestly, voters do not attend conventions as a rule—just a handful attend. In other cases, where they are determined by primaries, the people go out and vote. But where there is a one-party system, if the people who get nominated in a primary in a Federal election get one vote they know they will be elected. So that no one spends a lot of money, a lot of time, or a lot of energy to get the vote out in an election in which there is very little to do to determine who will be elected and where there is no contest between two political parties.

The surprising thing to me is that the percentage of voting in the counties in North Carolina which fall within the purview of this Act were as high as they were in 1964.

Thus, since a State can register everyone eligible by reason of age to register, but cannot compel any of them to come out and actually vote in the election for President, it is manifestly unjust and contrary to truth to take the fact that a State or county had less than 50 percent of its registered voters go out and vote for President in the general election as a criterion for denying them the right and the power to exercise their constitu-

tional power and their constitutional right, which is vested in them by four separate provisions of the Constitution of the United States.

For this reason, Mr. President, I offer the amendment to strike out that part of the test which is alternative in nature, which makes this act apply to a State or county if less than 50 percent of its voters or residents of voting age voted in the presidential election of 1964.

Mr. President, I yield the floor.

Mr. HATFIELD. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER The Senator from Oregon is recognized for 5 minutes.

Mr. HATFIELD. Mr. President, I am sure all of my colleagues have received a copy of the same letter I have received from the Council for Christian Social Action for the United Church of Christ.

I would like to read both the letter of transmittal and the statement from this particular group at this time.

It is dated March 6, 1970, addressed to the Honorable MARK HATFIELD, Senate Office Building, Washington, D.C.

It reads:

DEAR SENATOR HATFIELD: I'm sure you will be interested in the enclosed statement on extension of the Voting Rights Act adopted by the Council on Christian Social Action of the United Church of Christ. The Council is an official instrumentality of the United Church which has slightly over two million members in about 7,000 local churches.

You will note in the last paragraph that the Council finds desirable features in both the present Act and the Administration proposal and suggests a compromise incorporating the better provisions of both, such as the suspension of literacy tests for the entire nation and the continuation of most of the present Act regarding registration and new voting laws.

We hope this analysis and indication of support will be of some help to you in your own deliberations.

Sincerely yours,

TILFORD E. DUDLEY,
Director, Washington Office.

The statement presented with this letter of transmittal is entitled, "Extension of Voting Rights Act. A Statement of the Council for Christian Social Action, United Church of Christ."

It reads:

In 1965 Congress passed a Voting Rights Act which applied to states and counties where a literacy test or similar device was in effect in Nov. 1964 and less than 50% of the voting age population voted in the 1964 presidential election. For such jurisdictions, the Act suspended the literacy tests or devices, authorized the U.S. Attorney General to send federal examiners to supervise voting registration and required new election laws to be approved by the Attorney General or the District Court in Washington, D.C.

Six states and 41 counties came under the coverage of the Act. In those states, in the next three years, the registration rose 142% in Alabama, 35% in Georgia, 87% in Louisiana, 617% in Mississippi, 32% in South Carolina and 51% in Virginia. Negro registration in the area almost doubled—from 877,000 to 1.6 million—and about 400 Negro officials have been elected. We believe this program has been highly successful. It should be continued.

The Voting Rights Act expires this year. There are two proposals before the Congress for its continuance. The House Judiciary Committee recommended a straight extension of the Act, as it now is. However, the House itself adopted instead a bill which would suspend literacy tests in all states until Jan. 1, 1974; authorized the Attorney General to send voting examiners anywhere he considered them needed and to sue any state or county enacting any voting law which discriminates because of race or color. This Act also provides that any citizen can vote for President at any place where he has resided since Sept. 1 of that year and creates a National Advisory Commission to study methods of abridging voting rights.

We suggest that the conflict between the two proposals be resolved by adopting the better provisions of both. We recommend that the legislation suspend literacy tests for the entire nation; that the Attorney General be auhorized to send voting examiners to supervise registration wherever he considers them needed; that new voting laws enacted in states or counties covered by the original formula be approved by the U.S. District Court in the District of Columbia to be effective; that the residence requirement for voting in a presidential election be limited to September 1 of that election year.

Mr. President, I would like to amend that statement to have it read October 1, because I believe that would be more accurate in keeping with the spirit and purpose of the statement.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. On whose time?

Mr. KENNEDY. On the opponents' time.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. KENNEDY. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. SCOTT. Mr. President, I yield myself 5 minutes on the amendment.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 5 minutes.

Mr. SCOTT. Mr. President, no voter turnout has been upheld as a fraud in conjunction with literacy tests without existing widespread voter discrimination on account of race or color.

The claimed coverage of States which maintained tests and devices on November 1, 1968, would raise the danger that those States having tests and devices suspended under section 4(b) would not be covered. And this dangerous ambiguity seriously weakened the act.

The amendment proposed by the distinguished Senator from North Carolina (Mr. ERVIN) has one extremely serious fault in it, in that it would seek to remove the limitation of 50 percent on voting as long as 50 percent of the eligible voters are registered. Therefore, it would be possible if the Ervin amendment were agreed to for a situation to occur where not more than 10 or 15 percent of all of the voters in the heretofore covered area had voted in a presidential election. And this historically has happened in previous presidential elections.

I remember one congressional district when about 7,000 votes were cast. Therefore, there might be a 50-percent registration, but perhaps only 10 percent of all the voters would vote.

This is exactly the kind of situation we are trying to avoid, because it would encourage those who seek to evade the purpose of the act in their efforts to limit the voting of people in that district.

Therefore, while it appears on its surface, as so many amendments do, to have a certain plausibility, the plausibility is erased upon the application of logic.

The argument that some counties have colleges really could apply to almost all counties in America.

The argument that some counties in the southern part of the United States have military districts applies to a large number of counties, as I know to my sorrow because many of those military districts are ones I would rather see in the Commonwealth of Pennsylvania.

If one were to apply this to one State I have in mind, it is almost ready to sink below the level of the sea now by way of military districts, not impressed upon it by some tough outside authority, but vigorously sought by Representatives and Senators from that area. So if we start making exceptions for military districts or colleges we are headed, indeed, for an impossible situation.

Moreover, it will not be until the 1970 census that students under certain circumstances will be registered in the census from colleges they attend if, indeed, they are residents and not commuters, rather than the situation we had in the 1960 census, as I understand it. In the 1960 census many college students were registered from the homes of their parents. Now, a college student, if he is registered at the college, is going to be enumerated at the college, according to a letter I received from the Director of the Census.

Therefore, the remedy of the Senator, if it were included at all, would be better included after the completion of the 1970 census when we have more accurate figures, than to have it included now.

Mr. President, I think the amendment should be defeated. I am prepared to yield back the remainder of my time if the Senator from North Carolina is prepared to yield back the remainder of his time.

Mr. ERVIN. Mr. President, I am prepared to yield back my time except for one observation. My information from the Bureau of the Census is in conflict with the view of the Senator from Pennsylvania. I have been informed that in the 1960 census for the first time students were included as being residents of the place where they attended college rather than where their homes might be.

Mr. SCOTT. The Senator may be right. However, I have stated the information which has been conveyed to me.

Mr. ERVIN. Mr. President, I am perfectly willing to yield back the remainder of my time.

Mr. SCOTT. I am perfectly willing to yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to amendment No. 535, as modified, to Mr. SCOTT's amendment in the nature of a substitute. On this ques-

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

The bill clerk called the roll.

Mr. LONG. Mr. President, on this vote I have a pair with the Senator from Wisconsin (Mr. NELSON). If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "Yea." Therefore I withhold my vote.

Mr. KENNEDY. I announce that the Senator from Washington (Mr. JACKSON), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Wyoming (Mr. MCGEE), the Senator from Montana (Mr. METCALF), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Senator from Wisconsin (Mr. NELSON), the Senator from Georgia (Mr. RUSSELL), and the Senator from Texas (Mr. YARBOROUGH), are necessarily absent.

I further announce that the Senator from Alaska (Mr. GRAVEL) and the Senator from New Jersey (Mr. WILLIAMS) are absent on official business.

I further announce that, if present and voting, the Senator from Alaska (Mr. GRAVEL), the Senator from Wyoming (Mr. MCGEE), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Washington (Mr. JACKSON) would each vote "nay."

On this vote, the Senator from Georgia (Mr. RUSSELL) is paired with the Senator from New Mexico (Mr. MONTOYA).

If present and voting, the Senator from Georgia would vote "yea" and the Senator from New Mexico would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Massachusetts (Mr. BROOKE), the Senator from Colorado (Mr. DOMINICK), the Senator from New York (Mr. GOODELL), the Senator from Nebraska (Mr. HRUSKA), the Senator from California (Mr. MURPHY) and the Senator from Illinois (Mr. SMITH) are necessarily absent.

The Senator from Idaho (Mr. JORDAN) 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) would vote "nay."

On this vote, the Senator from Nebraska (Mr. HRUSKA) is paired with the Senator from New York (Mr. GOODELL). If present and voting, the Senator from Nebraska would vote "yea" and the Senator from New York would vote "nay."

On this vote, the Senator from South Dakota (Mr. MUNDT) is paired with the Senator from Illinois (Mr. SMITH). If present and voting, the Senator from South Dakota would vote "yea" and the Senator from Illinois would vote "nay."

The result was announced—yeas 19, nays 58, as follows:

[No. 83 Leg.]

YEAS—19

Allen	Fulbright	Spong
Byrd, Va.	Gurney	Stennis
Byrd, W. Va.	Holland	Talmadge
Curtis	Hollings	Thurmond
Eastland	Jordan, N.C.	Tower
Ellender	McClellan	
Ervin	Sparkman	

NAYS—58

Aiken	Fong	Packwood
Allott	Goldwater	Pastore
Anderson	Gore	Pearson
Bayh	Griffin	Pell
Bellmon	Hansen	Percy
Bennett	Harris	Prouty
Bible	Hart	Proxmire
Boggs	Hartke	Randolph
Burdick	Hatfield	Ribicoff
Cannon	Hughes	Schweiker
Case	Inouye	Scott
Church	Javits	Smith, Maine
Cook	Kennedy	Stevens
Cooper	Magnuson	Symington
Cotton	Mansfield	Tydings
Cranston	Mathias	Williams, Del.
Dodd	McGovern	Young, N. Dak.
Dole	McIntyre	Young, Ohio
Eagleton	Miller	
Fannin	Muskie	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Mr. Long, for.

NOT VOTING—22

Baker	McCarthy	Nelson
Brooke	McGee	Russell
Dominick	Metcalf	Saxbe
Goodell	Mondale	Smith, Ill.
Gravel	Montoya	Williams, N.J.
Hruska	Moss	Yarborough
Jackson	Mundt	
Jordan, Idaho	Murphy	

So Mr. ERVIN's amendment, as modified, was rejected.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. SCOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ERVIN. Mr. President, I shall call up another amendment in a moment, and I think perhaps we can vote on it in about 10 to 15 minutes, at the latest.

Mr. SCOTT. Mr. President, if the Senator will yield, I ask him to do so to be sure that all Senators present understood what the Senator has said.

I understand that he does not intend to take a great deal of time, and neither do we.

Mr. ERVIN. That is correct. I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Will the Senator call it up first?

AMENDMENT NO. 539

Mr. ERVIN. I call up my amendment No. 539 to the Scott substitute and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. The Senator from North Carolina (Mr. ERVIN) proposes an amendment (No. 539) as follows:

Add a new section, appropriately numbered, as follows:

"Sec. That section 4(b) of the Voting Rights Act of 1965 is amended by adding at the end of the first paragraph thereof the following sentence: 'For the purposes of the determination required by this subsection the Director of the Census shall exclude the following: (1) All members of the Armed Forces on active duty stationed at a military installation who are bona fide residents of another State or political subdivision, (2) all persons confined in mental institutions who are disqualified under State law or who are bona fide residents of another State or political subdivision, (3) all persons confined in prisons who are disqualified to vote under State law or who are bona fide residents of another State or political subdivision, (4) all students who are bona fide residents of another State or political subdivision, and (5) all other persons disqualified to vote under State law, located in such State or political subdivision thereof.'"

Mr. KENNEDY. Mr. President, will the Senator yield to request the yeas and nays now?

Mr. ERVIN. Yes. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. KENNEDY. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order, and the Sergeant at Arms will request all the attachés to be seated or to leave the Chamber.

The Senator from North Carolina may proceed.

Mr. ERVIN. Mr. President, I offer this amendment in the hope the Senate will authorize fairplay and justice in this area.

In North Carolina, we have three counties which are covered by this act—namely, Cumberland, Onslow, and Craven—because each of them is the site of a defense installation. Craven County and Onslow County are the locations of marine installations and Cumberland County is the site of Fort Bragg, which I am advised is the largest Army post in the United States, and perhaps in the world.

Almost all of the men stationed at these places in the military service, and their wives and families who accompany them, are nonresidents of these three counties and could not vote for that reason.

Manifestly, in determining whether a State is discriminating against voters on the basis of race, or rather because less than 50 percent of those persons of voting age went out and voted in the 1964 presidential election, it is unfair and unjust to count among its voting population, adults who are there temporarily and are not eligible to vote by reason of their nonresidence.

In one of my counties, we had a most ludicrous application of this triggering device. It was so ludicrous that finally even the Department of Justice, after much traveling and many hearings, agreed to a consent judgment exonerating it. That was Wake County, which is the location of a hospital for the mentally ill and of the State's central prison, where convicted felons are confined.

Most of the mentally ill come from other areas of the State, and are not residents of Wake County, and most of the convicted felons come from other areas of the State, and are not residents of Wake County. Moreover, under the law of North Carolina, mentally ill persons and convicted felons are not eligible to vote anyway.

Yet Wake County, N.C., was originally condemned by this act because the Bureau of the Census counted all college students as residents in the State. It counted all prisoners over 21 years of age in the State who had been convicted of felonies. It counted all the mentally ill people of the age of 21 years and upward, confined in hospitals for the mentally ill.

All my amendment would do would be to provide that in counting the adult population of a county, and in determining whether less than 50 percent of the adult population voted in the presidential election of 1964, soldiers who are not

residents, students who are not residents of the county or of the State, convicted felons, who are ineligible to vote and mentally ill persons, who are denied the right to vote by State law; and other persons denied by the State the right to vote, are excluded. That would seem to be a fair proposal. I would hope that it would be accepted by every Senator who has a sense of justice and fairness.

Mr. SCOTT. Mr. President, I yield myself 5 minutes.

This is another amendment which has, ordinarily, the air of plausibility. It has that kind of mistiness which obscures the kind of reality which my friend from North Carolina likes to refer to as being as glaring as the midday sun on a cloudless day.

In order to remove the original aspect of plausibility, I respectfully point out that although this amendment appears fair on its face, it is totally impossible for the Director of the Census to carry out its mandate. The Census Bureau can exclude from the voting-age population all members of a military installation, but it cannot determine which members were bona fide residents of another State or political subdivision. The Census can exclude all students of voting age, but it cannot determine which students are bona fide residents of the State in which the campus is located. Nor can the Census locate those students who live off campus but are bona fide residents of other States and political subdivisions.

For example, many North Carolinians attend the University of North Carolina, in Chapel Hill, Orange County, and North Carolina State University, in Raleigh, Wake County. But how many of those students are bona fide residents of Orange and Wake Counties and entitled to be counted as a part of the voting age population in 1964?

The same is true of military installations. How is the Director of the Census to determine who is "disqualified to vote under States law?" Is he expected to disqualify persons who are not registered? Certainly nonregistrants are "disqualified to vote."

What about persons who cannot pass a State literacy test? Is the Director going to go to a State and ask people to interpret the State constitution when it is read to them?

This amendment is a very belated attempt to turn back the clock to the 89th Congress and rewrite standards for determination which were made under section 4(b) almost 5 years ago for the purpose of suspending invidious and discriminatory tests and devices and for preventing the reappearance of new ways to disfranchise blacks through changes in voting qualifications, practices, and procedures.

This kind of amendment reminds me of an anecdote told me in another context by the distinguished Senator from New Hampshire (Mr. McINTYRE) recently, and that is that these amendments, increasingly, indicate that there may be a certain lack of logical persuasiveness. The story is about two inexperienced hunters who went into the woods after game. The game warden readily identified them as being tyros at the sport and warned them that they might get lost.

He said, "If you do get lost, the signal for distress is to fire three shots in rapid succession."

In due course, they did get lost.

One of them said to the other, "You had better fire three shots."

So he fired three shots. Nothing happened.

After waiting for about an hour or two, the first hunter said, "You had better fire another three shots."

So the second hunter fired a second round of three shots. They waited another hour or so, and still nothing happened.

Again, the first hunter turned to the second and said, in great distress, "I guess you had better fire three more shots."

His friend said, "I can't. I have run out of arrows."

The time has come, I respectfully suggest, and again, absit invidia, that perhaps our friends are running out of arrows.

I am ready to yield back the remainder of my time.

Mr. KENNEDY. Mr. President, will the Senator from North Carolina yield?

Mr. ERVIN. I am happy to yield.

Mr. KENNEDY. I am wondering, along the line of the remarks of the Senator from Pennsylvania, whether the Senator from North Carolina has had an opportunity to talk with the people in the Bureau of the Census. Could the Senator address himself to the possibility or feasibility of trying to make such a determination on the basis of the merits?

Mr. ERVIN. Oh, yes. The census form contains questions as to when a student entered college for the first time, for the purpose of determining the length of residence of a student.

Mr. KENNEDY. But as to the other areas—for example, the military bases—how would it be possible to determine the eligibility of persons living on military bases, to determine the State where each is a "bona fide resident." The term "resident" is very difficult to define. Can the Senator tell us anything from conversations he has had with the Census Bureau? Would it be burdensome to make such a determination? Could it be done in a practical way?

Mr. ERVIN. The service record of every serviceman contains information as to his residence. Every serviceman's record discloses his place of residence. All that would be necessary would be to inquire of the military to get that evidence.

Mr. KENNEDY. I suppose that the import of the amendment would apply to other States, as well? A number of military bases are located, for example, in South Carolina and Georgia. Can the Senator tell us what the effect would be, or does he know what the effect would be, in those areas, if the amendment were adopted? Does the amendment exclude those areas?

Mr. ERVIN. I wish I could answer the question with absolute assurance, but I cannot. I do not know what the present population of Cumberland County is, or what the present population of Craven County is, or what the present population of Onslow County is. In other words, I do not have that information. However, I think that those localities probably would be freed from the application of the act.

Mr. KENNEDY. The Senator has spoken of the practical effect as it applies within his State. I suppose it is reasonable to ask whether, if it would apply in North Carolina, its extension to other States would be equaly applicable. I would certainly be interested in the determination of the extent of its effect upon the States, as well.

Mr. ERVIN. It might apply to other States. The reason why I use information and knowledge concerning North Carolina is that I do not have information as to the other States in this respect. But I think the principle is the same. If the principle is meritorious, it ought to be adopted, regardless of whom it exempts and whom it does not exempt.

Mr. KENNEDY. Do I correctly understand that these counties are prepared to be relieved from the coverage of the act itself? Is the Senator familiar with that petition?

Mr. ERVIN. So far as I know, they were never filed. I have no information on that subject; but so far as I know, only two counties in North Carolina ever filed an application to be relieved from this. I may be mistaken, but the only ones I know of are Wake County, where they had counted the felons and insane patients in order to bring them in, and Gaston County. Gaston County came up here before a panel appointed by Judge Bazelon—Judge Skelly Wright, Judge Spotswood Robinson, and Judge Oliver Gasch. They were denied relief, even though everyone in North Carolina knows there has been no discrimination in registering to vote in Gaston County within the memory of any living man.

Mr. KENNEDY. I was under the impression that the counties had petitioned to be removed from coverage. I will accept the Senator's statement, however, that he was not under that impression, athough I was interested in exploring the question further.

Mr. ERVIN. I am ignorant on the subject. I have no knowledge of its applying.

For purposes of clarification, let me say to the Senator that Judges Skelly Wright and Spotswood Robinson found, in effect, that a black child in Gaston County had great difficulty in learning to read and write when taught by a black teacher in a school attended by black students in the days when segregated schools were still constitutional. For that reason Gaston County was to be denied the right to be excused from coverage of the act.

Those findings of fault were the final insult to the black race because it was found that a black child could learn to read and write just as easily as any white child.

Mr. COTTON. Mr. President, will the Senator from North Carolina yield?

Mr. ERVIN. I yield.

Mr. COTTON. The Senator from New Hampshire would be inclined to vote for the Senator's amendment, were it not for the fifth provision in his amendment; namely:

(5) all other persons disqualified to vote under State law, located in such State or political subdivision thereof.

That opens a pretty wide door for the resumption of any kind of expedient to prevent certain people from voting. It seems to me that would be a catchall.

Mr. ERVIN. Mr. President, I state to the Senator from New Hampshire that I am going to ask unanimous consent to strike that fifth section because it is susceptible of a construction which is not intended by me. I hope that no one will object to it, because the yeas and nays have been ordered and I could not strike that first section except by unanimous consent. I hope that I will get unanimous consent to strike it; otherwise, I will have to rewrite the amendment with that omitted and offer the amendment again and have it taken up on Monday. That will take more time, which I should like to avoid.

Mr. SCOTT. Mr. President, I know of no reason why there should be any objection to a unanimous-consent request made by the Senator from North Carolina on that point.

Mr. ERVIN. Mr. President, I ask unanimous consent that I may modify the pending amendment by inserting the word "and" on line 5, page 2 of the amendment, between the words "subdivision" and the "(4)," by changing the comma on line 6 to a period and striking out the remainder of the amendment, "all other persons disqualified to vote under State law, located in such State or political subdivision thereof."

The PRESIDING OFFICER. Is there objection to the request of the Senator from North Carolina?

The Chair hears none, and the amendment is so modified.

Mr. COTTON. Mr. President, I have one more question to ask the Senator from North Carolina. I could not hear all the colloquy between the Senator from North Carolina and the Senator from Massachusetts; but did I gather correctly from the answers of the Senator from North Carolina that he did not expect any other test to be applied to military officers and others, to inquire from them as to where they did have residency?

Mr. ERVIN. It just applies to those in the military who are bona fide residents of another State or political subdivision.

Mr. COTTON. I understand. But it might be a complicated matter to ascertain by test in the matter of students, or drifters, or members of the Armed Forces, to investigate that thoroughly. It would be a cumbersome process. Was it the Senator's thought that they would have to answer the inquiry and subject themselves to penalties if they answered incorrectly? If that was the intention, that would seem a reasonably enforceable provision.

Mr. ERVIN. The Census Bureau has said that they would seek to elicit the residence of the student, as well as the college he is going to. Every man's military service record discloses his permanent residence. It would be a simple proposition for the first sergeant or an administrative officer to check that record.

Mr. COTTON. But a census is taken only once in 10 years. Some time later they might change their residence.

Mr. ERVIN. Yes, that is true, but I think it is unfair to count these people. I do not think it is too much of an administrative job to determine where soldiers reside or where students reside.

Mr. COTTON. The Senator from New Hampshire does not like the idea of drifters voting, or anyone who happens to be within the confines of the State a short time before an election being put on the checklist to vote. On the other hand, I do not want to see anything impractical here, or any bogging down. It seems to me that it could be provided in the amendment, that, rather than going back to the census to get information that may be 6 or 7 years old, they should be obliged to answer the questions and answer them under the penalty of perjury if they misrepresent them.

Mr. ERVIN. This I know is not based on the 1960 census, because this was passed in 1965. At that time, the Director of the Census Bureau appeared before the committee and in my presence testified that they could determine the residence of people in counties and States involved without difficulty.

Mr. COTTON. The Senator means year by year?

Mr. ERVIN. They did it that year. On the basis of what they determined, that was the basis on which the counties covered by the act were determined. In Wake County they admitted, in effect, that they had counted felons and the mentally ill as well as students in the colleges, so on that basis——

Mr. COTTON. They could not count the mentally ill because most of the mentally ill are not officially so designated.

Mr. ERVIN. Some people still think that many of the mentally ill work in Congress. In fact, I frequently tell children when they visit my office that not all queer animals are in the zoo, that some of them are in Congress. [Laughter.]

Now, Mr. President, if I could have the attention of the distinguished Senator from Massachusetts for a moment, since he asked me how this applied to the other States, which are covered, in whole or in part, by the act. Six States are covered completely. So the amendment would not apply to them, I do not think, because it would not make a great enough difference. The only application this one would have would be to some of the counties in North Carolina and maybe to Virginia. So far as South Carolina, Georgia, Alabama, Mississippi, and Louisiana are concerned, it would have no application whatever.

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

The PRESIDING OFFICER. On whose time?

Mr. KENNEDY. On the time of the opponents of the bill.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. MANSFIELD. Mr. President, will someone yield me 1 minute?

Mr. KENNEDY. Mr. President, I yield 1 minute to the distinguished majority leader.

The PRESIDING OFFICER. The Senator from Montana is recognized for 1 minute.

Mr. MANSFIELD. Mr. President, I wish to straighten the RECORD. When it was agreed to displace the then pending Ervin amendment this morning, I was under the impression that it was because of a suggestion made by the distinguished Senator from Vermont (Mr. AIKEN) that he wanted to consider offering an amendment to it.

I find, as a result of conversations since then, that that statement was not a fact. The use of the name of the Senator from Vermont (Mr. AIKEN) was not correct. It came from another source.

I just want the RECORD to show this correction, and if anybody was embarrassed by my earlier statement, I extend to him my deepest apology.

The PRESIDING OFFICER. Who yields time?

Mr. ERVIN. Mr. President, I have been informed by the distinguished junior Senator from Virginia (Mr. SPONG) that this would only apply to those three counties in North Carolina. Virginia is covered entirely, and this amendment would not make enough difference to affect its being covered.

Mr. SCOTT. Mr. President, I yield back the remainder of my time.

Mr. ERVIN. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the amendment of the Senator from North Carolina, No. 539, as modified. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LONG (when his name was called). On this vote I have a pair with the Senator from Wisconsin (Mr. NELSON). If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withhold my vote.

The rollcall was resumed and concluded.

Mr. KENNEDY. I announce that the Senator from Connecticut (Mr. DODD), the Senator from Washington (Mr. JACKSON), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Wyoming (Mr. MCGEE), the Senator from Montana (Mr. METCALF), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Senator from Wisconsin (Mr. NELSON), the Senator from Georgia (Mr. RUSSELL), and the Senator from Texas (Mr. YARBOROUGH) are necessarily absent.

I further announce that the Senator from Alaska (Mr. GRAVEL) and the Senator from New Jersey (Mr. WILLIAMS) are absent on official business.

I further announce that, if present and

voting, the Senator from Alaska (Mr. GRAVEL), the Senator from Washington (Mr. JACKSON), the Senator from Wyoming (Mr. MCGEE), and the Senator from New Jersey (Mr. WILLIAMS) would each vote "nay."

On this vote, the Senator from Georgia (Mr. RUSSELL) is paired with the Senator from New Mexico (Mr. MONTOYA). If present and voting, the Senator from Georgia would vote "yea," and the Senator from New Mexico would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Massachusetts (Mr. BROOKE), the Senator from Colorado (Mr. DOMINICK), the Senator from New York (Mr. GOODELL), the Senator from Nebraska (Mr. HRUSKA), the Senator from California (Mr. MURPHY), and the Senator from Illinois (Mr. SMITH) are necessarily absent.

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

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

The Senator from Maryland (Mr. MATHIAS) and the Senator from Illinois (Mr. PERCY) are detained on official business.

If present and voting, the Senator from Massachusetts (Mr. BROOKE), the Senator from Maryland (Mr. MATHIAS), and the Senator from Illinois (Mr. PERCY) would each vote "nay."

On this vote, the Senator from Nebraska (Mr. HRUSKA) is paired with the Senator from New York (Mr. GOODELL). If present and voting, the Senator from Nebraska would vote "yea" and the Senator from New York would vote "nay."

On this vote, the Senator from South Dakota (Mr. MUNDT) is paired with the Senator from Illinois (Mr. SMITH). If present and voting, the Senator from South Dakota would vote "yea" and the Senator from Illinois would vote "nay."

The result was announced—yeas 30, nays 44, as follows:

[No. 84 Leg.]

YEAS—30

Allen	Fong	Miller
Byrd, Va.	Fulbright	Packwood
Byrd, W. Va.	Griffin	Sparkman
Cooper	Gurney	Spong
Cotton	Hansen	Stennis
Curtis	Holland	Talmadge
Dole	Hollings	Thurmond
Eastland	Jordan, N.C.	Tower
Ellender	McClellan	Williams, Del.
Ervin	McIntyre	Young, N. Dak.

NAYS—44

Aiken	Fannin	Pastore
Allott	Goldwater	Pearson
Anderson	Gore	Pell
Bayh	Harris	Prouty
Bellmon	Hart	Proxmire
Bennett	Hartke	Randolph
Bible	Hatfield	Ribicoff
Boggs	Hughes	Schweiker
Burdick	Inouye	Scott
Cannon	Javits	Smith, Maine
Case	Kennedy	Stevens
Church	Magnuson	Symington
Cook	Mansfield	Tydings
Cranston	McGovern	Young, Ohio
Eagleton	Muskie	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Long, for.

NOT VOTING—25

Baker	Goodell	Jordan, Idaho
Brooke	Gravel	Mathias
Dodd	Hruska	McCarthy
Dominick	Jackson	McGee
Metcalf	Murphy	Smith, Ill.
Mondale	Nelson	Williams, N.J.
Montoya	Percy	Yarborough
Moss	Russell	
Mundt	Saxbe	

So Mr. ERVIN's amendment No. 539, as modified, was rejected.

Mr. SCOTT. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. RANDOLPH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SPONG. Mr. President, in a colloquy yesterday with the Senator from Michigan (Mr. HART), I challenged the Senator to cite a single instance in which the Legislature of the State of Virginia had passed a law which was held to be contrary to the Voting Rights Act of 1965 or in any other way to discriminate among voters on the basis of race or color.

The Senator's immediate response was "No," he could not think of such an instance, but later he made reference to the case of *Allen* v. *Board of Elections* (393 U.S. 554, 556), saying:

> But the Allen case decided last spring by the Supreme Court did involve a case in Virginia—as well as three companion cases from Mississippi. In *Allen*, Virginia had employed practices which thwarted Negro voter efforts to support a candidate other than the winner of the party primary.

Mr. President, I have respect for the legal acumen of the distinguished Senator from Michigan. However, I would suggest that in this instance his interpretation of the Allen case is misleading.

In fact, the practice which the Senator from Michigan says was designed to thwart Negro voting efforts is today part of Virginia law—Virginia Code, section 24–251, special session 1969, chapter 5—having been determined by the U.S. Attorney General under the Voting Rights Act not to violate the 15th amendment.

Quite the opposite, the Virginia regulation which was at issue in this case greatly liberalized voting practices and was designed to facilitate voting by educationally deprived citizens.

Basically what was involved was a Virginia law which provided that voters who were physically unable to complete their ballots could receive aid from election judges.

In an effort to implement the Voting Rights Act which had become law only a week before, the Secretary of the Board of Elections on August 12, 1965, issued a regulation amending the Virginia law so that voters who are physically and educationally unable to complete their ballots could receive aid from election judges. In short, not only had Virginia given up its literacy test, but it was attempting in a positive way to assist voters who were unable to read or write.

The issue in the Allen case arose more than a year later in the general election of November 8, 1966. At that time a number of voters wished to write in a candidate whose name was not printed on the official ballot. Rather than seek the aid of election judges, however, they utilized a sticker bearing the candidate's printed name. These ballots were subsequently held to be invalid.

In the Allen case, the Court decided that Virginia's regulation was not in strict compliance with section 5 of the Voting Rights Act because it had not been precleared with the U.S. Attorney General. No decision was rendered on the question of voiding improperly marked ballots. This became moot when it was established that the Congressman involved in that election was no longer holding office. The Court therefore did not rule on that part of the plaintiff's charge nor did it make any reference to it in its final opinion.

As I stated earlier in my remarks, this regulation was subsequently cleared with the Attorney General and is today Virginia law. And again I would say that this regulation was an effort not to evade the spirit of the Voting Rights Act but an exemplary effort to implement it.

There is absolutely no basis for charging or implying that in the Allen case that Virginia was found to discriminate among voters on the grounds of either race or color.

In this connection, I want to quote from the Court's decision:

> As in all these cases, we do not consider whether this change has a discriminatory purpose or effect. (Page 24.)

And again:

> In saying this, we of course express no view on the merit or these enactments; we also emphasize that our decision indicates no opinion concerning their constitutionality. (Page 24.)

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

Mr. SPONG. I yield.

Mr. HART. I agree with the distinguished Senator from Virginia; it would be unfortunate if my remarks yesterday were taken to imply that the Court decided in Allen that the procedure in question had a discriminatory purpose or effect. That would be inaccurate because, as the Senator has pointed out, the Court did not pass on the merits of the procedure. I regret any implication to that effect. I merely was calling attention to the case and to the complaint which has been made. And I agree that the Attorney General subsequently cleared the procedure under section 5.

Mr. SPONG. I thank the Senator very much.

Mr. RANDOLPH. Mr. President, next week, within the Judiciary Subcommittee on Constitutional Amendments, and within the Senate itself, we will continue to focus attention on the efforts to provide the responsibility and the privilege to young persons in our Republic, ages 18, 19, and 20, of participation in the American ballot.

It is gratifying to me personally, as the sponsor of Senate Joint Resolution 147, a resolution which is cosponsored by 68 Senators, that we are moving constantly toward an objective which I and others have sought for so very long. The last Senator as of today to join in cosponsorship of my Senate Joint Resolution 147 is the able junior Senator from Florida (Mr. GURNEY).

The testimony to be taken next week by the Judiciary Subcommittee will further strengthen the arguments, which are so very, very many, that now, not

later, is the time for Congress to act on this vital issue.

I said, in colloquy with Senators the day before yesterday in this forum, that I believed the constitutional amendment route was preferable to the statutory approach which has been discussed and is pending in the amendment to be offered by several Senators. I have joined in the sponsorship of that amendment because, in the final analysis, I want to leave no avenue unexplored by which this Congress can act—the 91st Congress, not the 92d Congress or the 93d Congress, but the 91st Congress.

So, when the amendment to lower the voting age by statute is offered and the debate moves forward, we will have an opportunity to assess the situation and to determine whether to pursue the constitutional amendment route.

I believe that within a relatively few months—in fact, in less than 2 years—three-fourths of the States would ratify the constitutional amendment.

I will, therefore, join—at least I will follow with intense interest—what transpires within the Judiciary Subcommittee in the hearings next week which will be a continuation of the hearings within the past 3 weeks of this subcommittee chaired by the very able Senator from Indiana (Mr. BAYH).

We have zeroed in, as it were, upon the continuing and convincing arguments for the extension of the responsibility of the franchise to this group of Americans, approximately 12 to 14 million in number. It is not necessary to repeat the arguments today. Over and over again those of us who feel strongly on this matter have spoken out not only in this Chamber and in testimony given in committee, but throughout our own respective States. We have lately told of the need for the 18-, 19-, and 20-year-old youths of this country to become a strong segment of the voting strength of this country.

So I repeat, Mr. President, that the legal arguments are going to be presented not only by my own exhibits in the RECORD, but as well by the material already included by the able Senator from Massachusetts (Mr. KENNEDY) on yesterday, and the comment by our distinguished majority leader (Mr. MANSFIELD) and by others, including the diligent Senator from Washington (Mr. MAGNUSON), the veteran Senator from Arizona (Mr. GOLDWATER), and the able Senator from North Carolina (Mr. ERVIN) who continue to give attention to this issue.

It was my privilege to argue, as it were, this subject with a beloved colleague in this body, through our viewpoints being expressed in the American Legion magazine. The Senator from Florida (Mr. HOLLAND) said "No"; the Senator from West Virginia said "Yes." I give this only as one of the hundreds of examples of the arguments being drawn by magazines, by newspaper editorials, by special articles, by seminars, by forums, and by persons who speak, not just to others in conversation, but to audiences throughout our country on this vital issue.

Mr. President, I shall not attempt to prejudge what the Senate will do in reference to the statutory approach or the constitutional amendment approach. Whatever the approach, there is, I think, a ground swell which is not emotional in nature of recognition of the constructive contribution which these young people can make to the voting process in this Republic.

I hope, therefore, that all Senators will give special attention to this subject next week and will prepare themselves to evaluate—as I know they will—differing viewpoints and differing opinions so that we may be brought to the point of a carefully considered decision on this question.

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

Mr. RANDOLPH. Yes; I am very happy to yield to the Senator from Florida.

Mr. HOLLAND. I am happy that my distinguished colleague mentioned the fact that he and I expressed our individual views, which were somewhat different, for the American Legion magazine, and that those views were published in that magazine.

I wonder if my distinguished friend has asked for the inclusion in the RECORD of both articles—his so beautifully written, and mine——

Mr. RANDOLPH. Effectively and beautifully written.

Mr. HOLLAND. Well, I would not say so, but I hope understandably written.

I wonder if the Senator would object to the inclusion of both of those articles at this point in the RECORD, to show that good friends may differ on this subject, and to show the details of our differences in approach to this certainly important problem.

Mr. RANDOLPH. Yes. Mr. President, I think it is very helpful to have the comment of my friend the senior Senator from Florida, and I ask unanimous consent, at this point in my remarks, to have printed in the RECORD the arguments presented by Senator HOLLAND and myself for the American Legion magazine.

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

OPPOSING VIEWS BY CONGRESSMEN ON THE QUESTION, SHOULD 18-YEAR-OLDS BE ALLOWED TO VOTE?

YES: SENATOR JENNINGS RANDOLPH, DEMOCRAT, OF WEST VIRGINIA

For 193 years the American people have engaged in perfecting a form of government unique in world history. Many refinements have been made in a system that gives more citizens a voice in its operation. Our goal has been to broaden the base of democracy. We have departed from the idea of voting as a privilege of property ownership. Today, we generally recognize voting as the right of all persons who share the responsibilities of citizenship. The work is incomplete, however, because a significant segment of our population—one that is becoming ever more knowledgeable and concerned with our complex world—is yet denied the choice in helping to select the citizens who will govern it.

Since 1942, I have sponsored nine Congressional resolutions for Constitutional amendments to lower the voting age to 18. In that 27-year span our young people, in addition to fighting three wars, have assumed increasing responsibilities in a changing America.

Public opinion polls reveal a large majority of the population favors it, but we have not extended the franchise to an important 7% of our people.

That today's youth wants a role in government is beyond question. Events of the past year demonstrate clearly the desire to participate responsibly, but that road is blocked by an arbitrary and outmoded voting age. There is ample evidence that the violent radicals and destructive militants who grab the headlines constitute only a small minority of our young people, a group that could be effectively counterbalanced by arming the majority with the right to vote.

Eighteen is the real coming-of-age years. Most 18-year-olds have completed their formal education and are entering the world of work. They are eligible for the draft; they are no longer juveniles in the eyes of the courts; they are responsible for their actions and can be sued. Many take on the responsibilities of marriage and families. But in only four states can they exercise the full duty of citizenship through the ballot box before age 21—Georgia and Kentucky at 18, Alaska at 19 and Hawaii at 20.

The nearly 14 million persons between 18 and 21 are weary of waiting for the states to act and have formed an organization to work for a lower voting age. In February, it was my pleasure to encourage the Youth Franchise Coalition as it brought together a wide range of young people's groups into a single unit to actively campaign for a lower voting age. America needs the idealism and energy of its young citizens, schooled in traditions of self-government and eager to do their part in making it a strong and responsive system. If we are to bridge the generation gap, there is no more constructive way to commit our confidence in our young citizens than by lowering the voting age to 18.

NO: SENATOR SPESSARD L. HOLLAND, DEMOCRAT, OF FLORIDA

In 49 States male individuals do not attain majority until reaching the age of 21. Those of lesser age are minors and are not permitted to make binding contracts, serve on juries or participate in numerous other activities inherent to the responsibilities of full citizenship. It seems incongruous to me that persons not legally permitted to handle these responsibilities should be entrusted with the ballot, and should be allowed to pass on Constitutional changes, large bond issues and other policies of national or state concern.

Leaders of radical movements understand that patience is not a particular virtue of the young, and that radicalism has its greatest appeal to youth between the ages of 18 and 21.

Much is made of the argument that those old enough to be drafted into the armed forces are old enough to vote. Soldiers are called upon to obey commands and to follow military orders. They do not determine policy matters. For this reason it is utterly fallacious to draw a parallel between the draft age and the voting age. The fallacy of this position is shown by the fact that women, who don't fight, can vote, and that men who have passed fighting age also can vote.

To use the ballot most effectively, one must have the ability to separate promise from performance and to evaluate candidates on the basis of fact. That 18-year-olds can fight is a credit to their physical maturity. However, intellectual maturity is the soundest basis for full citizenship responsibility.

If the voting age were lowered, political organizations would move onto the college campuses with a vengeance. This would be dangerous since the years 18 to 21 are highly impressionable ones. These are years of great uncertainties and of rebellion rather than of reflection and establishment of permanent purpose.

From 1787 until 1943 there was agreement in setting the voting age at 21. Today, this same requirement prevails in 46 states. Georgia and Kentucky lowered the voting age to 18 and more recently Alaska and Hawaii established 19 and 20 respectively as the voting ages. In recent years no less than 11 other states have rejected proposals to lower the voting age. From these results it seems clear that the citizens of a great majority of the states do not consider the proposed change to be a wise one.

The federal Constitution is silent with regard to controlling the voting age. Historically, control and the qualifications necessary for granting the franchise have been left with the states. I believe a great majority of Americans think, as I do, that this should continue to be a state function.

Mr. HOLLAND. I thank my distinguished friend.

Mr. RANDOLPH. I add only this: When we speak of disagreement, on this point we have disagreement within Florida, Senator HOLLAND saying "No" and Senator GURNEY saying "Yes."

So we realize that the tides of difference do flow, not only from State to State but within a State. And again I emphasize, because I believe that it needs to be emphasized, that on the Senate joint resolution which I have introduced there are now 68 cosponsors. It is a cooperative commitment, and the Senator from West Virginia desires in nowise to be leading the way or to be a crusader. He wants the opportunity, as he has wanted it since 1942, to stand side by side with all the Senators and all those who want to bring about a lower voting age.

Mr. HOLLAND. Mr. President, will the Senator yield further?

Mr. RANDOLPH. I yield.

Mr. HOLLAND. In voicing my own attitude on this question—and I am glad that my distinguished friend has had placed in the RECORD the articles by himself and myself that were published in the American Legion magazine—I want to make it clear that I am expressing what, up until now, has been the viewpoint of the Legislature of Florida—one house of that legislature or the other, or both—for many, many sessions. I do not know how far back this subject has been discussed as an item of interest to our State. The matter proposed there, of course, was the submission of a State constitutional amendment. But in each case, the legislature has voted down any proposal to submit a constitutional amendment to reduce the voting age in my State from 21 to 18. So I want the RECORD to show that my article speaks not only from my own conviction but speaks the conviction that, up to this date, has been voiced on frequent occasions by the Legislature of the State of Florida.

Mr. RANDOLPH. Mr. President, I add only this further thought: I understand the situation in Florida, as I understand it in all the States that have attempted, in one way or another and at some time or other, to cope with this subject.

I will say that no Member of the Senate has ever deserved or continues to deserve more credit for the elimination of the poll tax in this Nation than the Senator with whom I have been having this very pleasant colloquy, the Senator from Florida (Mr. HOLLAND).

Mr. HOLLAND. I thank my distinguished friend.

Mr. RANDOLPH. In that instance, he was thinking in terms of a great national movement, not just a movement confined to his good State of Florida, or to the good State of West Virginia, where he has visited so often and where his forebears contributed so much to our earlier history.

I think it is important to say that at an earlier time there was a need to include the women of our country in those citizens enfranchised with the American ballot. Frankly, I say to the Senator from Florida (Mr. HOLLAND) and to other Senators who may be listening, that it is my own feeling and conviction that we would not have woman suffrage today in this country if it were not for the constitutional amendment in which Congress referred to the States the subject of woman suffrage. The intention then, as it is now, was to assure a large segment of our society of the desire to bring them into the voting population. It was only a few months, as the Senator from Florida will recall—I believe only 15 months—after the constitutional amendment to grant suffrage to women was referred to the States until a sufficient number had acted, and then the Secretary of State proclaimed that women could exercise the use of the American ballot.

Now we have come to another time in our history, not a time of advancement of feminism, but a time of advancement of the responsibility of youth; a time to enable them to protest, not meaninglessly in the streets, but, if they so desire, to protest a person upon a ballot, or a proposition upon a ballot, and to vote not only against a person or a proposition, but for a person or for an issue.

This will give to the youth of our country an opportunity which is so vital at this particular time to increase the constructiveness of the American system, in which I so thoroughly believe.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. HUGHES in the chair). Without objection, it is so ordered.

LAOS

Mr. MANSFIELD. Mr. President, in August of last year, I undertook a trip to Southeast Asia, at which time I visited the Philippines, Indonesia, Burma, Cambodia, and Laos.

I issued a report on that trip on September 13, 1969.

I ask unanimous consent that the pertinent part of that report, section E, having to do with Laos only and entirely, be printed in the RECORD.

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

E. LAOS

From a decline in involvement after the Geneva accord of 1962, the U.S. presence in that small nation has grown again to disturbing proportions. The reinvolvement is largely in the form of assistance of one kind or another, extended either directly by U.S. agencies or indirectly through private contractors. The cost of reinvolvement is already in the hundreds of millions and is rising. Most seriously several hundred lives have also been lost. Present tendencies in Laos, in short, run directly counter to what should be anticipated from the President's new doctrine.

To be sure, the reinvolvement of the United States in Laos is associated with the war in Vietnam as well as with the continued and spreading military activity of the dissident Pathet Lao. The armed forces of the latter group are now said to number between 15,000 and 20,000. In addition, it is estimated that some 50,000 North Vietnamese are in the country at this time, moving back and forth between the north and south or guarding infiltration routes and lines of supply. The Chinese have recently added armed guards to a road which, by agreement with a former Laotian government, they are building in remote northern Loas but this development does not seem to have stirred any deep alarm in Vientiane.

It is an understatement to note that the Geneva accord of 1962 which provided both for the neutrality of Laos and for an all-Lao Government of the various factions is now in suspension. The prospects for its resuscitation, moreover, are likely to remain grim, especially if the war in Vietnam is not brought to a conclusion in the near future. In present circumstances, the government in Vientiane is unable either to persuade the Pathet Lao to reenter a government of national unity or to prevent a steady accretion in the strength of this dissident movement.

The U.S. response to the worsening Laotian situation has been to condemn the continued presence and addition of North Vietnamese forces in the country and the involvement of Hanoi in support of the Pathet Lao. At the same time, as noted, we have reinvolved ourselves on a bilateral basis to support the government in Vientiane and as a supplement to the war in Vietnam. At best, this course is already costing some American lives and hundreds of millions of dollars, with all signs pointing to an accretion rather than a diminution. At worst, it could lead to the full assumption of a U.S. military role in the pattern of Vietnam—a course which was rejected by this government in 1961–62.

As it is now, the depth of our reinvolvement has already created a dilemma. On the one hand, a collapse in Laos is possible, without the continuance of aid, at least at its present level. On the other hand, the greater our support of the government in Vientiane, the less its creditability as a unifying neutral force for all of the Laotian factions. Indeed, in present circumstances, it would appear that the King, Sri Savang Vatthana, alone commands a general loyalty throughout the factionalized land. Any political role which he might play in reunification, however, has heretofore been circumscribed by the traditions and practices of the kingdom.

It is difficult to see how the administration's new doctrine can be sustained if there continues to be an increase in U.S. activities in the old pattern in this uncertain and unstable situation. It seems to me that, as a minimum, every effort must be made to avoid any further magnification of the American presence in Laos. Most importantly, any enlarging commitment of U.S. military forces in this remote region must be restrained.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from New York will state it.

Mr. JAVITS. Is the rule of germaneness still in effect?

The PRESIDING OFFICER. The Chair would inform the Senator from New York that the rule of germaneness is not in effect.

Mr. JAVITS. Mr. President, I wish to make a comment upon the issuance of the statement by President Nixon on the situation in Laos.

I note that the majority leader has just referred to Laos.

I have just come from Southeast Asia myself within the past few weeks. Although I did not get into Laos, I did visit Vietnam.

The real concern of the American people is that there should not be a repetition of slipping into war on Laos in the same way we slipped into the Vietnam war.

The President of the United States has sought to reassure us on that score, that the restrictions put on the use of American ground combat troops in the military authorization bill will be observed by the administration in respect to ground combat forces assigned to Laos.

That reassurance, Mr. President, is a good thing to have. I am gratified that the President has seen fit to assure us as to his intentions regarding ground troops and the recent Senate amendment to the Defense appropriations bill.

But, I am still disturbed by the part of the statement in which the President said:

> We have continued to carry out reconnaissance flights over northern Laos and to fly combat support missions for the Laotian forces when requested to do so by the royal Laotian government.

Mr. President, losses in respect to combat support missions can be—and in Vietnam were—translated into accelerated American involvement which finally ended up in our taking over the major combat responsibility in Vietnam.

The Gulf of Tonkin resolution, passed in 1964, is very pertinent to the present problem because it gives the President a virtual blank check—as valid for President Nixon as it was for President Johnson—to provide combat forces of the United States upon the request of what is called the protocol state under the Southeast Asia Treaty.

Laos is a protocol state, as is South Vietnam.

Here is the President confirming publicly that we are flying combat support missions upon the request—that is the word, "request"—of the Royal Laotian Government.

The President could again, as President Johnson did, gradually pyramid the situation of United States combat to involvement in Laos, without any further action of Congress, again facing us with an accomplished fact. American troops engaged in combat, first in "self-defense," who will need money in order to buy the necessary equipment and supplies. The honor of our Nation will be at stake, we cannot let our troops down, we have to have the appropriation, and we must vote the appropriations. The dread scenario is possible once again, with respect to Laos, at least so long as the Tonkin Gulf resolution remains in force. I do not believe President Nixon intends or desires to move in this direction. I am sure he is against it. But the potential ingredients are all there.

Mr. President, in my judgment, if the Senate really wants to have a substantive effect upon the situation in Laos, we must terminate the Gulf of Tonkin resolution.

It is one of quite a number of resolutions on the books. The Senator from Maryland (Mr. MATHIAS) has a bill which relates to a whole range of resolutions. The Gulf of Tonkin resolution can be terminated by concurrent resolution of the House and Senate and not requiring the signature of the President. That is provided for in the final cause of the Tonkin Gulf resolution.

Termination of the Tonkin Gulf resolution would clean the slate, so that there would be no question about the determination of Congress to recapture control of the Laos situation which is tantamount to war.

I hope very much that we will face up to that fact. This does not mean that I or any other Senator would inhibit himself from voting for affirmative action to take action on Laos, even ground combat action, if the peace and security of the United States, or the peace of the world, in our judgment, was at stake, and that this was the proper action to take for the youth of our country. The case would, of course, have to be made convincingly on the merits, but we would certainly consider it on the merits.

These decisions can and must be made on a case-by-case basis. They cannot be made by the President of the United States alone. They can be made only by the Nation—to wit, Congress and the President.

If we do repeal the Tonkin Gulf resolution, as I shall urge strongly in the Foreign Relations Committee, this does not mean that the United States will go isolationist or will consider that the west coast or the east coast are the sole boundaries of our security perimeter.

It will mean that we are not giving out blank checks to any President, no matter how much confidence we have in him.

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

Mr. JAVITS. Mr. President, I yield to the Senator from Michigan.

Mr. HART. Mr. President, I am delighted that I was on the floor and had the opportunity to hear the Senator from New York make the point he has made.

As is so often the case, he has in very brief compass focused our attention with clarity on a course which, in my judgment, makes good sense.

I am delighted to associate myself with his remarks.

Mr. JAVITS. Mr. President, I am very grateful to the Senator from Michigan.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. COOPER. Mr. President, as the Senator from New York has remarked at various times, sometimes we join in speeches on the floor on the same subject without knowing the other intends to make a speech. And that is what occurred today.

I did not know the President would make a statement today on Laos. I have not yet read his statement. Nevertheless, I had prepared a brief statement to deliver today, and as its content was known, I shall deliver it.

The concern of Congress and the people of our country over the American involvement in Laos has been amply demonstrated for nearly a year. The U.S. involvement embraces the supply of military advisers, equipment, and munitions to the Laotian forces and this has been authorized by Congress for several years. It includes the bombing of the Ho Chi Minh Trail, and this is directly connected with the war in Vietnam and I consider this action is within the constitutional powers of the President of the United States, both as Commander in Chief in wartime and under the very well-known doctrine of military necessity.

But from time to time, and more clearly lately, our involvement in South Vietname has become related to the local war between the Government forces of Laos, and the Pathet Lao. And it is this action which causes me to believe, and has caused me to believe for many months, that it holds the possible danger of an increasing involvement in Laos and the type of an increasing involvement as has occurred in South Vietnam.

I support the President's policy in Vietnam. It is a reversal of the old order of escalation. I know that it's success depends largely upon the attitude and action of the Government of North Vietnam. I know that the choices of the President with respect to Laos are difficult, because of its growing connection with the war in Vietnam. Nevertheless, I believe there are steps which should be taken to prevent, if possible, another Vietnam experience in Laos. I believe that these steps are consonant with the President's program of troop withdrawal from Vietnam and a just settlement of the war. It would be certainly declaratory of his intention which I respect that we shall not have an enlarged war either in Laos, Cambodia, or Thailand.

I believe it imperative, therefore, that the United States withdraw completely from any combat involvement in the local war between the Royalist forces and the Pathet Lao. This would not deny the supply of military aid to Laotian forces which has been authorized by Congress. What I am saying is that we should withdraw all U.S. personnel, whether a part of our military force or in a civilian role, who are engaged in air strikes or any combat activity in the local war in Laos.

I would propose another initiative upon the part of our Government. I know that the earlier suggestions about reconvening the Geneva Conference have not been successful. But I would hope that the President now, because of the North Vietnam encroachments in three countries, Vietnam, Laos, and Cambodia, which are breaches of the Geneva accords and the U.S. involvement in

Vietnam, Thailand, and the possible impact of this involvement upon Thailand, will act as he sees fit to call for or support the reconvening of the Geneva Conference.

We desire very much, as does the President, an end of our involvement in Vietnam and in Laos. We hope that it can be achieved either by the policy of Vietnamization or by negotiations in Paris. But because of the increasing involvement of all of the countries of Southeast Asia, a settlement, unless it is accompanied by political agreements on the part of all of the parties involved in these countries, might not be a lasting one.

We have debated possible dangers of involvement in a Vietnamese type of war in Laos for nearly a year. And Congress in various ways has expressed its intention that we should not become involved in such a war. It was in August 1969 that I first spoke in the Senate on this concern.

With knowledge of the difficulties the President, who has inherited the problems of Vietnam and Laos and full appreciation of what he is doing in Vietnam to end that war, I have argued the withdrawal fram Laos of all our personnel either military or civilian, who are engaged in combat in Laos in support of the local war.

Second, we should increase our efforts toward negotiations in Paris, and we should take the initiative of asking and supporting a reconvening of the Geneva conference to achieve not only a military settlement in Southeast Asia, but also a political settlement.

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

Mr. COOPER. I yield.

Mr. JAVITS. Mr. President, I, too, deeply appreciate the Senator's reaction to the Laotian situation.

I am sure the Senator would join in urging the administration to cooperate so that the transcript of the Laotian hearings may be released at an early date and the people can be really informed.

Mr. COOPER. I agree. I believe, and have always believed, that the full facts are of the greatest interest to the American people and should be revealed, not only to Congress, but also to the people of the United States. I believe it would have a salutary effect among our people and the Members of Congress as well, and would also be helpful to the administration.

I have now read the wire report of the President's statement. It is a correct statement of the situation and will be appreciated by the people.

Mr. JAVITS. Mr. President, there is another thing I would like to ask the Senator. I do not want the Senator to commit himself, because he is a member of the Foreign Relations Committee. But I am sure the Senator heard me urge the termination of the Tonkin Gulf joint resolution.

Does the Senator feel that serious consideration of that question is warranted and is, indeed, made very pertinent by the dangers we face in Laos?

Mr. COOPER. I believe that serious consideration should be given to it. There has been so much controversy over the joint resolution that I believe, that no administration should claim its authority, even though by its wording, such authority may be given.

To clear the decks, it may be a good course to follow.

Mr. JAVITS. Mr. President, I thoroughly agree with the Senator from Kentucky. We have indications from Secretary Rogers and from the President that they are not relying on the Tonkin Gulf joint resolution. But I think that it would clear the decks, as the Senator has said.

The reasons given for what is now public—the President's statement that we are flying armed reconnaissance missions on request—is that the Plaine des Jarres involvement is related to the interdiction of the Ho Chi Minh Trail. One must always have a balance in these matters. One cannot expect to get all profits; there are some losses.

I gather the Senator to feel, and I wish to join him in this, that although it may have some effect on efforts to interdict the Ho Chi Minh Trail, it is not sufficient to justify running the risk of another war in that part of the world by involving ourselves even from the air in the Plaine des Jarres actions.

Mr. COOPER. I agree wholely.

As I said a while ago, the bombing of the Ho Chi Minh Trail to interdict supplies and men entering South Vietnam is a constitutional authority.

Mr. JAVITS. I agree, under the Tonkin Gulf resolution.

Mr. COOPER. But that authority could be extended in Laos and to the local Laotian war, if one contends it is a necessary part of the operation in Vietnam.

With the facts that I have, and the Senator knows them as well as I, I do not believe that such a point has been reached, but if the fighting continues in Laos and with Americans engaged, the fine line of demarcation could be eliminated and we could find Laos a theater of the war in Vietnam.

I agree that the risk of stopping whatever participation we have is not as large as continuing the participation and a possible enlargement which, in the end may result in a new war in Laos or an enlarged Vietnam war.

Mr. JAVITS. Do I understand the Senator's feeling to be that what he considers to be within the authority of the President—to wit, interdiction of the Ho Chi Minh Trail—may also be stretched to mean invasion of the air space of Laos because the Ho Chi Minh Trail goes through Laos? So that we understand each other on that score, we are not arguing the niceties or subtleties, we are arguing the involvement of the United States in the danger of another war in Laos, or a full extension of the Vietnam war to Laotian territory.

Mr. COOPER. We understand each other and we have the same position.

Mr. JAVITS. I thank the Senator. This colloquy is tremendously helpful.

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. ELLENDER. Mr. President, we are being called upon to make a highly significant choice between alternative proposals on the subject of voting rights.

Although the choice may not be a totally simple one, there should be no doubt of a proper outcome if we will only apply a bit of logic and commonsense in making our choice between the three basic concepts which are before us.

First, there are those of us who support the administration's compromise proposal which has been passed by the House. Although this plan has some undesirable aspects, which I shall discuss shortly, it would at least bring the whole subject of Federal protection of voting rights back within the realm of equal protection of laws. It would do this by applying a reasonable law nationally and by abandoning an unreasonable one which now applies only regionally.

Second, there are those who basically want only to extend the Voting Rights Act of 1965 for another 5 years but who feel they cannot do so without also outlawing literacy tests throughout the country, that is, giving the act at least the semblance of nationwide coverage. Actually, by means of a so-called "compromise" which is now before us, they seek to maintain one harsh and discriminatory standard of regulation for the six-plus States now covered by the act and a lesser standard for the rest of the Nation.

Third, there are those of us who would like to avoid enactment of any new law or extension of any old one which calls for suspension of reasonable, fairly administered literacy tests. We think it would be sufficient to rely, instead, upon a number of other provisions already in the law which I shall mention in a few moments.

Although this latter approach is by far the most desirable one, as far as I am concerned, I realize that it is not a possible goal under the present circumstances and that the administration's compromise bill, already adopted by the House, is the best that can be expected.

REGIONAL LAW IS BAD LAW

The thrust of my remarks today, Mr. President, will be to point out the illogic, the danger, and the outright unconstitutionality of adopting any provision which does not apply equally to all parts of the country. A law which penalizes a handful of States while the others go completely unaffected is not the American way of doing things. In my book it is undemocratic, un-American, and untenable.

During the debates which preceded the adoption of the Voting Rights Act of 1965, many of us pointed out in specific terms the illogic of using the arbitrary 50-percent formula or "trigger" which effectively limits coverage of the act to only a half dozen States, all of them quite conveniently located in the so-called Deep South, whatever that means.

Somehow, there was supposed to be a magic quality in the notion that protection for voter registration was needed only in those States which had a literacy

test and which either had less than 50-percent registration of voting age population or which produced a voter turnout of less than half the voting age population in the 1964 presidential election.

Use of this standard resulted in two illogical consequences. In the first place, it resulted in Federal intervention in many parts of the affected States where there was absolutely no need for protection. In other words, it voided the fundamental presumption of innocence which is so basic to our system and presumed areas within certain States guilty without any cause whatever. In many parts of Louisiana, for instance, there is no greater percentage of Negro voting age population registered today than there was in 1964. In some other parts of the State that is not so, but I want to point out that even within an individual State such a law has contradictory and illogical results.

Second, it blindly ignored situations in other States which merited at least as much attention as any problem existing in the six States covered by the act. I cited such examples in a speech I made on March 22, 1965. This speech prompted a complimentary editorial in the Evening Star edition of March 26, 1965.

This editorial explains in a few words the point I was making and the illogic of the approach used by the 1965 Voting Rights Act. It is the same kind of illogic which applies to the proposal for extension of the act that is now before us. The truth of the matter is not affected in the least by the Scott-Hart plan to deprive still more States of their constitutional right to impose reasonable and fairly-administered prerequisites for voting.

Mr. President, I ask unanimous consent to place the Star editorial of March 26, 1965, in the RECORD at this point.

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

ILLOGICAL IS THE WORD

Virginia's Senator Willis Robertson commented the other day that the pending voting bill "rests upon an assumption that is bad logic as well as bad law."

The issue as to bad law is hardly one for laymen. Let's leave that to the lawyers and the judges. The matter of logic, however, is in a somewhat different category.

In an address to the Senate this week, Senator Ellender of Louisiana, while attacking the bill on constitutional grounds, also made an interesting point in the area of logic.

The sanctions in this bill would apply to Louisiana because that state has a literacy test and because only 47.3 percent of all persons of voting age actually voted in the 1964 election. (Some 63.5 percent of the eligibles are registered in Louisiana and could have voted had they taken the trouble to do so.) The bill would not apply to New York, which also has a literacy test, because more than 50 percent of the eligibles did vote in 1964. And, interestingly enough, neither would it apply to Texas. Texas has a poll tax, which Louisiana does not. But Texas does not have a literacy test. Therefore, it is exempted from the bill although only 44.4 percent of its eligibles voted in 1964, as compared to 47.3 in Louisiana. The logic eludes us.

It may be worth pointing out that the 1964 Civil Rights Act provides that anyone with a sixth grade education is presumed to be literate. This is a rebuttable presumption and differs from the New York standard, under which an eighth grade education is conclusive on the point of literacy. But even a sixth-grade showing would offer some assurance that a prospective voter will at least be able to read and write passably well.

As we have stated before, we think reasonable literacy tests, given without discrimination, are desirable. We also have expressed the view that the percentage of eligibles who are registered, as distinguished from those who voted or didn't take the trouble to vote in a given election, is the better standard. Senator Ellender's comparison of the situation in his state with that in Texas tends to confirm us in these beliefs.

Mr. ELLENDER. So we see that any bill which contains within its provisions an extension of the 1965 act is an illogical and discriminatory proposal. I repeat that the scheme of attaching onto this illogical bill any additional section to give the appearance of nationwide applicability only compounds the sin. It only adds insult to injury by preserving what is bad in the law and tacking on to it still other illogical and unconstitutional infringements upon the rights of States to maintain and to apply fairly their own voter qualifications.

CONSTITUTIONAL BASIS FOR LITERACY TESTS

Of course, the constitutional basis upon which the Supreme Court recognizes the States' right to prescribe voter qualifications is article I, section II, which provides:

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 legislatures.

Additional support of the right of the States to maintain voter qualifications is recognized in section 1 of the 17th amendment to the Constitution which provides:

The Senate of the United States shall be composed of two Senators from each State elected by the people thereof for six years, and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for the electors of the most numerous branch of the State legislatures.

That amendment was adopted only a few years ago by the people of this country.

As recently as March 1, 1965, the U.S. Supreme Court has upheld the right of States to maintain and prescribe their voter qualifications. In the case of Carrington against Rash, Mr. Justice Stewart, in delivering the opinion of the Court said:

There can be no doubt either of the historic function of the States to establish, on a nondiscrminatory basis, and in accordance with the Constitution, other qualifications for the exercise of the franchise. "Indeed, the States have long been held to have broad powers to determine the conditions under which the right of suffrage may be exercised." Lassiter v. Northampton Election Board, 360 U.S. 45.

Mr. Justice Stewart went on to quote with approval *Pope* v. *Williams*, 193 U.S. 621:

In other words the privilege to vote in a State is within the jurisdiction of the State itself, to be exercised as the State may direct, and upon such terms as to it may seem proper.

How could any language be clearer than that?

ADEQUATE VOTER PROTECTION WITHOUT VOTING RIGHTS ACT

Actually, Mr. President, what we should be doing today is to repeal this Voting Rights Act without any further suspension of literacy tests at all, for even the administration's proposal still impinges heavily upon the above-quoted constitutional rights of the States. We should, instead, be setting aside the entire concept of suspending literacy tests and of requiring advance permission from Washington before certain States can modify their voting laws.

Unfortunately, the "politics" of this situation does not permit the Senate to consider such a course of action. Instead, we are relegated to a choice among poor alternatives. The best we can hope to come up with is the lesser of evils, and even that possibility is now seriously jeopardized by the misdirected support which many Senators are giving the Scott-Hart substitute.

Although, as I have said, the politics of the situation do not allow us the liberty even to consider complete defeat of the proposals which call for suspension of literacy tests, such action would not by any means deprive any person or group of persons of full and adequate protection. There are many other laws on the books which are designed to protect those rights and which could be made to do so quite effectively.

For instance, in addition to the 15th amendment which guarantees that all qualified persons may vote without regard to race, and in addition to the due process and equal protection clauses of the 14th amendment, there are at least eight different and distinct laws on the books guaranteeing the right to vote.

First, any citizen may sue any election official for damages who denies him the right to vote—42 U.S.C. 1933.

Second, any citizen who alleges he is wrongfully denied the right to vote may sue in Federal court without a jury to prevent the denial of that right—42 U.S.C. 1971.

Third, any election official, anywhere in the United States who denies any qualified voter his right to register and vote under color of law is punishable by fine and imprisonment—18 U.S.C. 242.

Fourth, any election official who conspires with another to deny any citizen the right to vote is subject to a fine of $5,000, or imprisonment for 10 years, or both—18 U.S.C. 241.

Fifth, the Attorney General may sue in the Federal courts for an injunction at any time any person is engaged or there are reasonable grounds to believe he is about to engage in any act designed to deprive a person of his right to vote—42 U.S.C. 1993.

Sixth, if a Federal judge finds a pattern of discrimination pursuant to the 1960 Civil Rights Act, he may appoint Federal voting referees to replace local officials.

Seventh, the 1964 Civil Rights Act provides that all voting cases be expedited; that if less than 15 percent of a race is registered, Federal referees be appoint-

ed; and that everyone with a sixth-grade education is presumed literate—42 U.S.C. 1971.

Eighth, there are the 17 other sections—except sections 4 and 5—of the Voting Rights Act of 1965 which are permanent law and are not expiring. These sections apply nationwide, unlike the regional applicability of sections 4 and 5.

So, Mr. President, it is obvious that there are abundant means at the fingertips of the Federal Government to protect citizens in their rights to register and to vote. There is literally no need to resort to laws such as the Voting Rights Act of 1965, which is itself discriminatory.

It is bad enough that such a law denies States their constitutional right to fix reasonable voter qualifications; it is absolutely maddening to see such a law applied unequally and in a way which would have been considered patently insane by the authors of our Constitution.

VOTING RIGHTS ACT IS ITSELF DISCRIMINATORY

Mr. President, for many years now I have been listening to lectures by Presidents, Attorneys General, Cabinet Secretaries and, of course, by many of my distinguished colleagues on the subject of discrimination.

They have eloquently propounded the general concept that is basically wrong and inherently unjust to deny equal protection of the laws to any of our citizens or to any group of citizens in any part of the country.

Under the provisions of many statutes which have been adopted in recent years, it has become virtually impossible for anyone to discriminate between individuals—even for logical and proper reasons—if there is also present the broader question of sex, national origin, race, creed or religion. Even if these factors have nothing to do with the issue at hand, they often cloud that issue and serve as grounds for action against those who give the appearance of discriminating.

In other words, discrimination by owners of public accommodations, by most employers, by public officials and by public institutions is totally taboo. The thought that a State or local government might today adopt a statute or an ordinance which is deliberately, clearly and by its own terms discriminatory in nature is absolutely unthinkable. The Congress and the courts have made this sort of thing a relic of the past—or, at least, so we are supposed to believe.

We are supposed, of course, to ignore the monumental exceptions to this rule which all three branches of this Federal Government chose from time to time to impose upon the system.

Almost everyone can conveniently ignore or rationalize the existence of a small body of plainly discriminatory "sectional" laws and court decisions, because they are so unaffected and untouched by the consequences of these several deliberate attempts which have been made and are still being made to set the southeastern corner of this country aside for special attention.

First, there are special guidelines by HEW.

Second, a special brand of constitutional law is imposed by a high court which is usually motivated more by sociological hearsay than it is by a firm desire to protect the integrity of the Constitution.

Third, we find a special category of laws designed by a Congress which, until recent weeks, has not looked closely enough at the issues before it to realize that it is practicing the worst sort of hypocrisy when it adopts measures that do not apply equally to all parts of the country.

Only quite recently has one branch of the Federal Government taken the first step in breaking the pattern described above. I refer to the 56-to-36 vote on February 18, 1970, by which the U.S. Senate adopted an amendment that I was proud to cosponsor with my distinguished colleague from Mississippi (Mr. STENNIS) to require uniform, nationwide application of the various statutes which outlaw discrimination in public schools.

If the House of Representatives takes the same action, we shall see the end to at least one of the major pieces of regional or sectional legislation now on our books. Then, of course, there will be the separate and highly important question of whether the administration will actually respond with a truly evenhanded enforcement of these laws North, South, East, and West; but that is a separate question whose consideration will have to await final passage of the HEW authorization bill of which the Senate's uniform application language is a part.

COURAGE AND WISDOM NEEDED

The issue now is whether a majority of the Senate will again display the courage, the wisdom, and the dedication to equal protection that it did 2 weeks ago in moving away from the concept of regional, discriminatory legislation. In looking at the question of voting rights we must again shape the law in such a way that is not itself an instrument of discrimination.

Of course, there is no question in anyone's mind that the Voting Rights Act of 1965 is itself an act of discrimination. Some Senators might rationalize that fact in various ways, but the fact remains that it does not provide equal protection under the law. It specifically provides otherwise.

Instead, that act provides special protection of the law for certain persons in a certain part of the country and, of necessity, results in unequal protection of the law for everyone else in the country. To me, it is obvious that illiterates in other parts of the country are receiving less protection and are relegated to a position of unequals under the law. It is only one small step from this particular kind of unequal protection to still other kinds.

For instance, why not have one special set of criminal statutes which are applicable only to those which have cities over 2 million population and where there has been more than a 50-percent increase in crime since such-and-such a year? Obviously, such cities are ignoring the rights of law-abiding citizens and cannot be trusted any longer to run their own affairs. Why not conjure up some arbitrary standard whereby the Federal Government can go in and take over those cities?

Or why not have a special set of laws and penalties for a specific list of colleges where in any given month of 1968 there were fewer than 50 percent of schooldays on which the school's administration displayed an ability to protect the rights of the majority of students against the violent tactics of radical minority groups? In selecting—ex post facto, of course—the year and the month which would serve as the trigger, we might make certain that only a small group of liberal east and west coast schools will we affected. Maybe that would be the way to throttle the "effete snobs" to whom Mr. Agnew refers.

Why not apply the 50-percent formula or some other equally magic formula to any situation where it can serve as a convenient way of singling out a special industry, a special city, a special school, a special State, a special region, a special political party, or even a special individual for heavy-handed Federal intervention and control.

DANGER TO THE DEMOCRACY

I will tell you why we cannot afford to permit such precedents. It is because we cannot allow this Nation, step by tiny step, to be turned into a gestapo state whose laws become instruments of the Government for use against the people rather than instruments of all the people for protection against arbitrary actions by the Government.

Mr. President, let us not fall victim to the naive belief that the American system of democracy is invulnerable to those who might like to impose dictatorship upon our people. Democracy, like most other beautiful things, is frightfully fragile. Unless its principles and precepts are guarded with utmost care by those who value its benefits, democracy will fall easy prey to the totalitarian elements which are always in our midst.

It is well recognized by my colleagues, particularly those who are attorneys, that one of the most powerful forces at work within our institutions is the factor of precedent. If such and such an action is acceptable, legal, and appropriate in one particular situation, it is likely to become an acceptable course of action in various other situations.

Where there is an abuse of power in what appears to the majority to be a "good cause," it will likely come back to haunt the Nation in the form of oppressive action in behalf of a cause and schemes which are aimed at ruling people rather than allowing them to rule themselves.

Once machinery has been set up for the abuse of power and once there is an accepted precedent for ignoring the concepts of "equal protection"; that is equal applicability, of the laws, then we shall find ourselves under the heel of a government which operates by means of exceptions to the rule of law rather than by the rule of law itself.

MORE TERRIBLE THAN TIGERS

The people of this country have not had the experience of living under op-

pression. We have not experienced first hand the butchery, the genocide, and the totally arbitrary and brutal abuse of power by a Stalin or by a Hitler.

I suppose there is no really effective way of describing the terror of an oppressive government or of awakening the people to the absolute need for avoiding precedents which might give rise to such a system. One of the most effective descriptions I have seen is one which comes from the Kleinknecht Gems of Thought Encyclopedia. It reads as follows:

In passing by the side of Mount Thai, Confucius came on a woman who was weeping bitterly by a grave. The Master pressed forward and drove quickly to her; then he sent Tze-lu to question her.

"Your wailing," he said, "is that of one who has suffered sorrow on sorrow."

She replied, "That is so. Once my husband's father was killed here by a tiger. My husband was also killed, and now my son has died in the same way."

The Master said, "Why do you not leave this place?"

The answer was, "There is no oppressive government here."

The Master then said, "Remember this, my children: Oppressive government is more terrible than tigers!"

EQUAL APPLICATION A MUST

It is when we begin turning to illogical, arbitrary, and immaterial criteria as a basis for our laws that we begin to admit defeat as a nation. The thing which makes us a "nation" in the first place is public willingness to submit to the same national laws in State A or in region B as apply to all other States and regions.

When those laws become a bother or a burden, we can at least find a basic consolation and a basic reassurance in the fact that all other Americans are also subject to them. We know that if such laws remain on the books it must be because they are serving such a high national purpose that a majority of the people from all across the country are willing to suffer the same bother and the same burdens as we do as a fair price for their continued enforcement.

But when one part of the country is able to escape these burdens and these obligations under the law, the foundations of the law itself are shaken. That is what the Voting Rights Act of 1965 did. It shook the foundations of our law by setting a precedent which plainly denies equal protection of the laws and is, in my book, plainly unconstitutional.

Today, we have the opportunity of correcting that wrong, at least in part, by replacing that unwise act with a House-passed substitute which has its own serious faults but which, at least, will apply nationally rather than regionally.

Mr. BAYH. Mr. President, I rise to speak in support of the substitute bill introduced by the distinguished minority leader and cosponsored by a bipartisan group of nine other members of the Judiciary Committee.

INTRODUCTION

I will not belabor the record upon which the 1965 Voting Rights Act was passed. In over 1,500 pages of testimony, the Senate was shown beyond any doubt the legacy of fear and official repression throughout large parts of our Southern States. We were shown a record of cruelty and cynicism, a history of ingenious—and sometimes blatantly simple—devices for denying the vote. From this record arose a bipartisan bill with the first really effective provisions in our history for assuring the franchise to all Americans.

Before proceeding further I should say that it has been my good fortune over the past 2 or 3 days to have been able to participate in a friendly discussion of the relative merits of the matter before the Senate with our distinguished colleague, the junior Senator from Alabama. I wish to repeat what I said during that discussion, namely, that I do not view the measure which is presently before the Senate as an effort to indict the entire South, or to indict a people, or indeed even to indict a majority of the people in the South. As I look at our efforts, they are designed to try to deal with those few unscrupulous individuals in the South who still are participating in the practices that led to the enactment of the 1965 act.

Just how effective the 1965 act has been may be shown by a few statistics. Between 1962 and 1967, nonwhite registration in the State of Georgia went from 27.4 percent to 52.6 percent, an increase of 170,000 black voters. In the 3 years between 1964 and 1967, nonwhite registration in Alabama increased from 19.3 percent to 51.6 percent. In Mississippi, it went from 6.7 percent to 59.8 percent, that is, from 28,500 registered Negroes before the act to over a quarter of a million after the act. Throughout the affected States and counties, some 1 million additional black voters were registered. In the 11 Southern States, there are now approximately 540 elected officials who are black citizens. But more important than any statistic is the glimmer of hope—the strength to face fear—that comes to a man descended from generations of disenfranchisement.

It is from this perspective that we must view the coming expiration of the 1965 act. I originally took the position that the 1965 act should be extended without change, for fear that any additional legislation might delay our completing action. But as I have reviewed the administration bill passed by the other body, H.R. 4249, I have come to believe that several features of that bill will represent substantial progress in eliminating inequities in the election process. And I have realized that these constructive features—the two critical points in H.R. 4249—point the way toward a united and bipartisan solution to a problem beyond the scope of parochial party interest. It is for these reasons that I support the substitute bill, the Scott-Hart amendment.

MAJOR FEATURES OF THE SUBSTITUTE BILL

The Scott-Hart bill contains three central provisions, two of them incorporated from H.R. 4249.

First, the bill extends the ban on literacy tests and other such "tests and devices" nationwide, in accordance with the provisions of H.R. 4249. I believe this feature of the bill is warranted—indeed, required—by the extensive analyses presented by the Civil Rights Commission, beginning at page 400 of our subcommittee hearing record, showing "that literacy tests have a racially discriminatory effect."

When we first began our committee discussion a year ago we did not have such documented evidence from the Civil Rights Commission. The Senator from Indiana was concerned that we had not had the opportunity to develop the broad basis of support necessary constitutionally for the Federal Government to move into an area which was previously occupied by the States. But with this additional evidence supplied by the Civil Rights Commission I think we can constitutionally move into this area and strike away literacy tests, because of their patently discriminatory effect against a large number of our citizens.

Second, the bill substantially limits residence requirements in Presidential elections, in accordance with the objectives of section 2(c) of H.R. 4249. This provision—originally proposed by Senator GOLDWATER and cosponsored by a bipartisan group of 30 Senators—would remedy a long standing anachronism of American political life. I believe this feature of the bill will receive overwhelming support.

To our distinguished colleague from Arizona and other Senators who have joined in this effort let me say that they are striking at one of the real shortcomings of many well-intentioned election laws in this country. We need to find ways to broaden the franchise. In many areas, I think unintentionally, strictly enforced residence laws disenfranchise many citizens who are otherwise qualified to vote under the law. I can see why residence requirements should be drafted so that anyone who votes should be reasonably familiar with the candidates for whom he votes. For example, I see why a person should live in a State for a time before he votes for officials in a State or in his home county. But I can see little reason why a doctor of philosophy, who moves from Indiana across the State line to Illinois at the wrong time just before an election, should be denied the right to vote for President or Vice President. This amendment, the principal author of which is the Senator from Arizona (Mr. GOLDWATER), would do away with this inequity.

Third, the bill extends the 1965 act intact for another 5 years. Because the bill incorporates the limitation on residence requirements and the nationwide literacy test ban from H.R. 4249, it thus differs from H.R. 4249 in only one major respect: For States and counties subject to the original trigger provision of section 4(b) of the 1965 act, the bill would continue to impose the requirement under section 5 of the act that proposed changes in any voting qualification, prerequisite, standard, practice, or procedure be first submitted to the Attorney General of the United States. Under section 5, any such change may thereafter be enforced if the Attorney General makes no objection within 60 days, or if the District Court for the District of Columbia finds that the new law or ordi-

nance is not racially discriminatory in purpose or effect.

Mr. President, the continuation of section 5 in the substitute bill is the only major departure from H.R. 4249. For this reason, and because I view the retention of section 5 as crucial to the effectiveness of the act, I would like to explore briefly two questions related to section 5. Does H.R. 4249 provide an alternative remedy as effective as section 5? And if not, what would be the consequence of repealing section 5?

In the discussion that has ensued over the past 2 or 3 days with our distinguished colleague the Senator from Alabama, I concurred in the statement that previous legislation carried forward and continued through the 1965 act provided the authority for the Attorney General to deal with many grievances existing not only in the South but in many other parts of the country as far as denying the right to vote is concerned. But section 5 has a particular relevance, namely its ability to deal with the insidious, well calculated efforts made by a few unscrupulous officials to whom I referred a while ago. These officials seem to exist in the South, and continue to act to deny black citizens the right to vote.

Thus, section 5 is absolutely indispensable if we are to be successful in our continued efforts which have already put 1 million black voters on the registration rolls in the States covered by the act.

WOULD H.R. 4249 BE AS EFFECTIVE AS SECTION 5?

Now let us look at a comparison of whether the safeguards in H.R. 4249, as passed by the House, would be as effective as section 5.

Instead of the existing "preclearance" method provided by section 5, H.R. 4249 would authorize the Attorney General to seek an injunction in a three-judge Federal district court against the enforcement of any voting qualification or procedure which has the purpose or effect of racial discrimination. In a detailed and incisive memorandum beginning at page 50 of our subcommittee hearings, the Civil Rights Commission has set out five substantial disadvantages to the H.R. 4249 provision as compared to section 5.

Let me detail and document this point, because I want the RECORD to show that our concern with the continuation of section 5 is not based on some specious reasoning or on some desire to indict a people or to be punitive in a sectional manner. These reasons are as follows:

(1) *Tedious and time-consuming litigation.*—The proposal flies in the face of the experience Congress had in mind when it enacted Section 5 in 1965. Until the Voting Rights Act of 1965, private citizens (and, after 1957, the Attorney General) could sue to set aside laws and practices which denied the right to vote on the basis of race. Past studies have shown the inadequacy of civil litigation as a means of protecting Negro voting rights from officially sanctioned destruction. The most eloquent testimony of the ineffectiveness of prior methods of protection is the fact that in 1964 in the seven States covered by the Act, only 29 percent of the adult Negro population was registered to vote, compared with 73 percent of adult whites.

Mr. President, there is the key to this argument. I have heard our distinguished friends who are affected by this legislation suggest that this legislation has no force and effect. Yet the facts of the matter are that the Attorney General testified that the voting percentage has gone from 29 percent of adult Negroes to over 50 percent after the act. Before the act, the registration figures were 29 percent for adult Negroes to 73 percent whites. So one can see the real disparity in the opportunity to exercise the franchise that existed before the 1965 Voting Rights Act was passed and after it was passed.

Continuing the quotation:

In *South Carolina* v. *Katzenbach*, 383 U.S. 301 (1966), the Supreme Court discussed why the case-by-case method of litigation against voting discrimination had proved ineffective. The Court stated: "Voting suits are unusually onerous to prepare, sometimes requiring as many as 6,000 man-hours spent combing through registration records in preparation for trial. Litigation has been exceedingly slow. . . . Even where favorable decisions have finally been obtained, some of the States affected have merely switched to discriminatory devices not covered by the federal decrees or have enacted difficult new tests designed to prolong the existing disparity between white and Negro registration." *Id.* at 314 (footnote omitted).

To prevent such disingenuous changes in voting laws, Congress enacted Section 5. Under it individuals and the Government no longer need initiate time-consuming litigation to stop discriminatory practices, and then if ultimately successful find that the victory is meaningless because the State can simply adopt new discriminatory laws, in an endless cycle. The Voting Rights Act assures that the validity of voting laws will be tested before, not after, they are put into effect. As the Supreme Court said, "Not underestimating the ingenuity of those bent on preventing Negroes from voting, Congress therefore enacted § 5 . . . ." *Allen* v. *State Board of Elections*, 37 U.S. Law Week 4168 (1969).

(2) *Misplaced Burden of Proof.*—Under the legislation proposed by the Administration—

This is the provision contained in the House-passed bill—

the Attorney General or a private litigant would bear the burden and have to devote considerable resources to proving that a particular change in State law is discriminatory. Under the present Section 5, the burden of proof that a practice or procedure is not discriminatory is on the State or political subdivision. Given the history in some States of repression of any attempts by black people to gain political power, and the greater familiarity of the State with the purpose and effect of its legislation, this is where the burden should remain. As the Supreme Court observed: "After enduring nearly a century of systematic resistance to the Fifteenth Amendment, Congress might well decide to shift the advantage of time and inertia from the perpetrators of the evil to its victims." *South Carolina* v. *Katzenbach*, 383 U.S. 301, 328 (1966). Under H.R. 4249 the shift would be undone.

(3) *Increasing difficulties for private litigants.*—An important gain in voter protection under the 1965 Act was the right of individuals to sue to enforce Section 5, regardless of inaction by the Department of Justice. This right was clarified recently when the Supreme Court interpreted Section 5 in *Allen* v. *State Board of Elections, supra*. In such suits the private litigants need establish only that the State has not complied with Section 5, in order to block changes in legislation. With individual citizen vigilance, Section 5 will be even more effective if retained, since enforcement will no longer depend entirely on the resources, knowledge and priorities of the Department of Justice.

(4) *Past violations must not be condoned.*—The Attorney General in his statement observed that: "Where local officials have passed discriminatory laws, generally they have not been submitted to the Department of Justice." He suggested in testimony before the Subcommittee that this was one reason why the section should be repealed. It should be remembered above all that most States have obeyed Section 5, and sought approval of changes in their voting laws. Like most laws, Section 5 achieves its purpose because people obey it. As for the instances in which there have been violations, there are two reasons that instances of noncompliance would not support the section's elimination.

First, until the *Allen* decision, referred to previously, it had been unclear whether Section 5 applied to all election law changes in the covered States, or only to those changes which dealt with voting and registration. Thus in this case neither Mississippi nor Virginia, the States involved in the *Allen* case, had submitted to the Attorney General or sought approval from the District Court of the District of Columbia for statutes altering such matters as whether elective offices are to be appointive, requirements for filing by candidates, and procedures concerning assistance to voters unable to mark ballots. Because the Court has not made clear that Section 5 has a very wide scope, States can now be expected to submit more statutes for approval.

Second, if a State continues to ignore Section 5, the remedy under the existing law is simple. Either the Attorney General or a private litigant can sue in any Federal district court to enjoin the State's change in law for failure to follow the dictates of Section 5. Such a lawsuit is very expeditious. The only proof required is that the new State provision relates to voting, that it has modified the law in effect as of November 1, 1964, and that it has not been submitted to the Attorney General or the District Court of the District of Columbia. No proof is required that the change has a discriminatory effect. On this showing, injunction follows as a matter of course. A recent example of the effectiveness of this procedure occurred in Mississippi, where a Federal district court enjoined a municipal primary election in Mississippi because the city expanded its corporate limits—allegedly to dilute the black vote by adding white areas to the town—without submitting the changes to the Attorney General or the District Court in the District of Columbia.

The burden of such litigation is slight, the proof simple, the likelihood of obtaining immediate relief great. Prevention of such flagrant noncompliance with the law would not overburden the Department of Justice. Normally the cure for cases of outright defiance of the law is not repeal of the law, but, rather more vigorous enforcement.

(5) *Attorney General's power to sue adds nothing of substance.*—[H.R. 4249], after eliminating the simple enforcement procedure described above, would substitute a section authorizing the Attorney General to sue in Federal court whenever he believes a State has enacted or is administering any voting procedure with the purpose or effect of denying the franchise on grounds of race. But the Attorney General already has the authority to bring such suits. Section 2 of the Voting Rights Act of 1965 provides that: "No voting disqualification or prerequisite to voting, or standard, practice, or procedure shall be imposed or applied by any State or political subdivision to deny or abridge the right of any citizen of the United States to vote on account of race or color."

And Section 12(d) of the same Act provides that: "Whenever any person has engaged or there are reasonable grounds to be-

lieve that any person is about to engage in any act or practice prohibited by section 2 . . . the Attorney General may institute . . . an action for preventive relief, including an application for a temporary or permanent injunction, restraining order, or other order. . . ."

Similar powers were included in the Civil Rights Act of 1957, 71 Stat. 634. Thus the new section would give the Attorney General no powers in addition to those granted by the Voting Rights Act and its predecessors. His access to a three-judge forum and the right of direct appeal to the Supreme Court were granted in the Civil Rights Act of 1964. Most importantly, under the present law, lawsuits with or without direct appeal are unnecessary since Section 5 preserves the status quo until legality is decided without need to resort to litigation.

Of these serious objections, I am most alarmed by the additional burden of proof—and the corresponding workload and delay—that would be imposed upon the Attorney General. When the Attorney General appeared before our subcommittee, I questioned him at some length on this matter. I call attention to the fact that at page 202 of our hearing record that he finally agreed with me that it would be much more difficult to prove a violation—and obtain an injunction—under H.R. 4249 than under the existing section 5. Given the fact that the entire Civil Rights Division of the Justice Department employs only about 100 attorneys to enforce all aspects of the civil rights law, any change making it much more difficult to secure relief must reduce the Department's impact in the area of voting discrimination.

I note, in one brief aside, that hearings were held on that point—they appear in the same general part of the record, in case anyone wishes to study it in more detail—by the House Committee on Appropriations. Mr. Jerris Leonard, Assistant Attorney General in charge of civil rights, had testified before the committee, asking for additional appropriations for assistance in the civil rights area.

In a rather specific colloquy between members of the committee and Mr. Leonard, he admitted that these additional assistants were necessary to catch up with work that had not yet been done. In other words, additional help was needed to keep pace with the burdens that he then bore in the Civil Rights Division. Yet by the Attorney General's own admission, if section 5 is taken away, the burden will be even greater for an understaffed, undermanned Civil Rights Division. I think this has to be taken into consideration.

WHAT WOULD RESULT FROM REPEAL OF SECTION 5?

Mr. President, what would result from the repeal of section 5? This is a question I think we have every right to ask. It seems to me that it is apparent that the repeal of section 5, as proposed in H.R. 4249, would greatly weaken the Attorney General's authority to deal with racial discrimination resulting from changes in State or local election law, regulation, or practice. How serious are such changes? How likely are they in the absence of section 5?

I do not believe that any member of our subcommittee—with the exception of our distinguished chairman—devoted more time and attention to the hearings on this legislation than I. Throughout the proceedings, I attempted to question the witnesses and gage their views on just those issues. And although I wish that I could conclude otherwise, on the basis of this record, I believe it likely that massive statutory and regulatory changes will be made, throughout the Southern States in general, if section 5 is repealed. I do not mean this criticism as an indictment of the entire South, as I said a moment ago, all the people who live in this region of our country. Surely some change in attitudes has occurred, but the record, unfortunately, shows clearly that some misguided officials remain determined to use any means available to deny the right to vote to minority citizens.

If there had been the birth of a new day; if, indeed, there had been a renaissance; if there had been a whole change of attitudes; if case after case had exhibited conclusively that individuals and communities had, since the passage of the 1965 Voting Rights Act, suddenly realized the error of their way and were willing to open their places of registration and provide an opportunity for all citizens to participate, I would say that section 5 is no longer needed.

It is a serious accusation to say that that has not been the case. I do not make the accusation lightly. Because of its seriousness, I would now like to document those examples which have led me to the conclusion that there are still some people in places of authority who would deny to minority voters the right to fair participation in the electoral process.

One of the most discouraging pieces of evidence in this picture is the continuing record of election misconduct documented by the Civil Rights Commission since the passage of the 1965 act. Among legislative and administrative techniques undertaken by Southern legislators and administrators and recently collected by the Commission are the following incidents:

1. ATTEMPTS TO EXTEND THE TERMS OF OFFICES HELD BY WHITE INCUMBENTS

There have been attempts to extend the terms of offices held by white incumbents at a time when it appeared that the white incumbent would be faced with an election contest by a black candidate.

Two weeks after the passage of the Voting Rights Act, the Alabama Legislature passed an act to extend for an additional 2 years the terms of office of Bullock County commissioners some of whom were scheduled for reelection. The Negro voting age population in Bullock County is twice that of the white voting age population.

2. ABOLISHMENT OF OFFICES SOUGHT BY NEGRO CANDIDATES

Efforts have been made to abolish outright offices sought by Negro candidates.

In February 1966, a Negro farmer in Baker County, Ga., qualified to run for justice of the peace in his district to succeed to a vacancy created by the death of the incumbent. Within a few days thereatfer the Baker County Commissioners voted to consolidate all the militia districts into one district. The effect was to abolish the one office for which a Negro had filed.

3. MAKING LOCAL ELECTIVE OFFICES APPOINTIVE IN PREDOMINANTLY BLACK COUNTIES BUT NOT IN PREDOMINANTLY WHITE COUNTIES

For many years county superintendents of education in Mississippi were elected at the same time and in the same manner as other county officers. In June 1966, the legislature amended the Mississippi statutes requiring that the office of county superintendent of education be appointive only in certain predominantly black counties: Claiborne, Coahoma, Copiah, Hancock, Holmes, Humphreys, Jefferson, Lincoln, Madison, and Noxubee Counties. The appointments were to be made by the county board of education whose members, all white, serve staggered 6-year terms.

We can argue as to whether the best means to fulfill a responsibility, and the best way to carry it out, is to have a person appointed by a higher authority rather than elected by the people he serves. I am willing to concede that that point can be argued. But if that is the case in communities where there is a preponderance of white citizens, it is also the case in communities where there is a preponderance of black citizens.

Another Mississippi statute of local application provided that school trustees in Grenada County representing newly annexed school district territory were to be appointed by the school board rather than elected by the residents of area—who were predominatnly black—as provided for other districts.

4. INCREASING FILING FEES

Another method used to make it more difficult to vote or to have the blacks share the action in an election process is to increase the filing fees.

In Lowndes County, Ala., filing fees for candidates in the Democratic primary were raised from $50 to $500 for sheriff and from $10 to $100 for member of the board of education. The per capita income of blacks in Lowndes County is about $500.

So I think one can see that in this county where the average income of black citizens is $500 raising the fee from $10 to $100 to afford one a chance to participate in the decisions governing the education of one's children seems to make it a monumental amount. I think that is a significant bit of evidence. It is another device that has been used as an added restriction on getting one's name on the ballot.

5. ADDING REQUIREMENTS FOR GETTING ON THE BALLOT

The Georgia Municipal Election Code was changed in 1968 to require that persons who hold election and registration offices to be "judicious, intelligent, and upright electors." The Attorney General objected to these changes because the qualifications were vague and subjective and had proven to be subject to discriminatory application, as to how these seemingly innocent qualifications were applied to the voter or registrar in question.

In June 1966, Mississippi increased the number of signatures required on nominating petitions of independent can-

didates in order to qualify as a candidate in the general election for U.S. Senator, from 1,000 to 10,000 and for U.S. Representative, from 200 to 2,000.

(At this point Mr. COOK took the chair as Presiding Officer.)

Mr. BAYH. Mr. President, independent candidates also were required to file on the day before party primary elections and any person voting in a primary election was disqualified from running as an independent candidate in the general election. Nineteen Negro candidates on independent tickets were disqualified under this provision of the law. The Attorney General objected to this statute in May 1969, after it was held within section 5 in *Allen* v. *State Bd. of Elec.*, 393 U.S. 544 (1969).

Later, I want to refer to that particular statute in relation to another concern I have.

Alabama enacted a similar statute—the Garrett Act—in 1967 to prevent newly organized political groups from trying first to have their candidates elected in a party primary before determining to run as independents. Following the Supreme Court's decision in *Hadnott* v. *Amos*, 394 U.S. 358 (1969), the Attorney General entered an objection to this statute.

The Attorney General entered objection to that statute later in 1969, following Hadnott against Amos and I want to refer to it at some length in regard to a conversation I had with the Senator from Alabama.

In January 1970, the Mississippi legislature had pending a bill to require candidates for local school board to have completed high school. The median educational attainment for blacks in many counties of Mississippi is sixth grade or less. Thus, the requirement would cut down on the number of eligible black candidates.

Two Mississippi statutes of local application were enacted in 1966 to require that candidates for school boards in Coahoma, Washington, and Leflore Counties—all predominantly black—be resident freeholders and owners of real estate valued at $5,000 or more.

But the same increase in qualifications was not applied in those areas where the predominant number of citizens were white.

6. RESTRICTING THE ELECTORATE

In South Carolina in certain local elections, the electorate was limited to holders of a specified amount of real property.

In Greene County, Ala., shortly after a July 1969, election in which blacks gained control of the county commission, the all-white county board of registrars purged its rolls of black voters by strict application of a State law disqualifying a person as a voter who has been convicted of certain crimes. In addition, the county obtained 10 indictments against black persons for voting illegally who previously had been convicted of crimes which result in loss of the right to suffrage. Eventually, all but one of the indictments were dropped. In the remaining case, a 65-year-old man convicted of stealing a sheep 10 years ago was sentenced to 2 years in jail for voting illegally. Before the July 1969 election, no attempt had been made to purge voting lists on the grounds that an elector was disqualified by reason of a prior conviction.

In other words, there is one set of rules as to whether a person should vote if he steals a sheep after the black voters get in the majority, and another set of rules relative to the same violation before the black voters have a majority of the votes.

7. DILUTING THE BLACK VOTE BY GERRYMANDERING

In Lowndes County, Ala., in 1967, an attempt was made to gerrymander black residents out of incorporated municipalities and districts.

If one has a chance to register and his face is black and there are enough voters to elect an official of that race, the white officials in charge of gerrymandering change the town boundary so that black voters are excluded from the town and lose the right to vote for officials of their own race.

8. DILUTING THE BLACK VOTE BY SWITCHING TO AT-LARGE ELECTIONS

Louisiana in 1968 removed the previous requirement for the creation of a minimum number of police jury wards in a parish, thus permitting a police jury tions. Most of the sponsors of this act to redistrict the parish into one parish-wide ward. The Attorney General in objecting to the change in September 1969 referred to the decision of the Supreme Court in *Fairley* v. *Patterson*, 393 U.S. 544 (1969) in which the Court stated:

> The right to vote can be affected by a dilution of voting power as well as by an absolute prohibition on casting a ballot. . . . Voters who are members of a racial minority might well be in the majority in one district, but in a distinct minority in the county as a whole. This type of change could therefore nullify their ability to elect the candidate of their choice just as would prohibiting some of them from voting.

Based on the 1960 census, there were five parishes in which Negroes were a majority of the voting age population. Of the remaining 59 parishes, 34 had one or more wards in which Negroes were a majority of the voting age population. The total number of such wards was 109. Thus, a change from ward to at-large voting in those parishes would have the effect of diluting the actual or potential voting power of the Negro inhabitants.

In May 1966, Mississippi granted an option to incumbent county boards of supervisors to provide for at-large elections. Most of the sponsors of this act were from majority black counties. Following the Supreme Court's ruling in the Allen case, the Attorney General disapproved this statute in May 1969.

Anniston, Ala., in July 1968 switched to at-large election of city councilmen. The city population is 27 percent black. Two of the five wards, however, are predominantly black. Therefore, the law has the effect of diluting the potential Negro voting power in Anniston.

I cannot imagine a more frustrating experience than to go without the opportunity to have candidates of my race represent me for years and have Congress pass an act that says I will have a chance to have a piece of the action, and about the time I go out and register and there are enough voters at the polls to elect a person of my race, I find that this right is taken away from me by a white group of election officials. These officials suddenly decide under these circumstances that the best way to enact a city councilman is at-large. I know the real reason the change has been made is that a person of my race will not have an opportunity in that at-large election to get enough votes to be elected.

9. RESTRICTING ASSISTANCE TO ILLITERATE VOTERS

The Voting Rights Act of 1965 has added large numbers of illiterate voters to the rolls in the seven States covered by the act. Obviously, these illiterate voters need some assistance at the polling place in casting their ballot if balloting is to proceed smoothly and efficiently.

Georgia enacted legislation which restricted any one voter from assisting more than five illiterate voters. The Attorney General disapproved this statute in 1968.

Mississippi repealed its statute which provided for assistance to illiterate voters. The Attorney General in entering an objection to the repeal in May 1969 stated:

> The obligation of the State of Mississippi and its election officials in primary and general elections "to provide to teach illiterate voter who may request it such reasonable assistance as may be necessary to permit such voter to cast his ballot in accordance with the voter's own decision" was established in *United States* v. *Mississippi* 256 F. Supp. 344 (S.D. Miss., 1966).

10. REIMPOSING LITERACY TESTS IN OTHER GUISES

Here is another example. It is difficult to believe. Congress passed a law providing that literacy tests, tests of the ability to read and write, could not be prerequisites for voting. Then we found that despite this prohibition, in some cases there was a reimposition of the need to be able to read and write if one was going to be able effectively to exercise the ballot.

For example, Alabama enacted a series of laws between 1965 and 1969, requiring voters to sign a polling list at the voting machine before they are allowed to enter the machine. The Attorney General objected in 1969.

Here we have a statute of Congress providing that one can vote even if he cannot read or write, and despite this, a State comes along and says, "That is all very well and good, but you cannot get into the polling place unless you can sign your name. An X is not enough to do the job."

Mississippi in 1966 provided that persons signing nominating petitions do so "personally" without providing for a procedure for persons who want to add their support, but could not write their names.

Another item that I would like to add here concerns what I suppose we can best call general attitudes. I know if one is not very careful, it is easy to be overly punitive or overly critical in talking about general attitudes.

Just let me tell the Senate what I am talking about. It is pretty easy to understand. If election officials leave the name of black candidates off the ballot, certainly this is a pretty good example of the wrong attitude. It makes it hard to say that there has been a sudden renaissance, and that there is no longer

a need for restrictive and punitive legislation.

I discussed at some length with the junior Senator from Alabama the Greene County case in which an election was held, Greene County having a predominance of black voters, and the black candidates' names were incidentally left off the ballot. But ultimately the Supreme Court of the United States in Hadnott against Amos said, to no one's surprise, that there is something wrong with leaving the names of candidates for election off the ballot.

The Supreme Court called for a special election, and in that special election, the black candidates got the most votes.

In my discussion with my distinguished friend, the junior Senator from Alabama, he suggested that the reason for this was a State law—a State law, I might suggest that was passed after the Voting Rights Act of 1965 was passed. The State law to which he referred was passed in 1967.

The Senator from Alabama overlooked the fact that in the Hadnott against Amos case, there were two reasons that the Court overruled the case.

The first was that the election official was wrong in relying on the Corrupt Practices Act and saying that the candidates had to file a financial statement before the election. The facts of the matter are these, that before the primary election, both the white and black candidates filed such financial affidavits. Then, following the primary, the black candidates' names were removed from the ballot, ostensibly because they had not filed another such affidavit prior to the final election.

The record shows, however, that the white candidates had not filed a second affidavit either, and their names were not left off the ballots.

Mr. President, I might read from a specific reference in Hadnott against Amos, in which the Court said:

> Since the names of the white candidates who won the May 7 primary were placed on the ballot, although they also did not file a second designation after that date, appellees clearly have the burden of satisfying the denial of the ballot places to the black NDPA candidates. Appellees have failed to satisfy that burden.

The second point I would like to raise is that although our distinguished friend, the junior Senator from Alabama, pointed out that the reason these names were left off was because of a statute that said they could not run—and they did participate in the primary—in the Hadnott against Amos case, the Supreme Court ruled that this act, with all that surrounded it, was unlawful under section 5 of the Voting Rights Act.

So it does not apply in that case or in subsequent cases.

In addition to the Civil Rights Commission, of course, we received testimony from several officials of Southern States. In my opinion, that testimony also suggests that these States will regress to their 1964 standards in the absence of section 5. Attorney General Summer of Mississippi insisted, at page 384 of our hearings, that even before the 1965 act Mississippi "registration offices were being opened to these people where they had not previously had an inclination or opportunity to register and vote. It was being done." Yet Mr. Summer ignored or did not know, the fact that only 6.7 percent of nonwhite voters in Mississippi—only 28,000 Negroes—were registered in the fall of 1964. And he failed to note that less than 10,000 blacks were registered in Mississippi in the entire decade before 1964—notwithstanding the powers granted in the 1957 Civil Rights Act, which are identical to those proposed in H.R. 4249. Governor Maddox of Georgia testified before us filled with, what I think can accurately be called, rancor and defiance. And from our hearings, he went to lunch in the other body, where he passed out ax handles, symbolic of white repression, and insulted a distinguished black Member of that body.

But of all the testimony our subcommittee heard on the question of regression, none was more eloquent than that of Vernon Jordan, director of the Southern Regional Council's voter education project. I think it is important for the Senate to have the opportunity to hear Mr. Jordan's remarks.

Mr. Jordan is one of those dedicated and brave men who have risked their lives to bring the vote to the poor and the black in our Southern States. Mr. Jordan has little doubt of the impact of repealing section 5, as he testified at pages 447 to 450 of our hearing record:

> Section 5. . . . is an essential provision of the present Act. Without that provision, the states covered could nullify the gains in black registration simply by adopting election laws and procedures that would render black votes ineffective—which is what some of the states and communities are trying to do anyway, as ably reported by the U. W. Commission on Civil Rights in its study, "Political Participation," published in May of 1968. If it had not been for Section 5 of the present Act, there is no telling to what extent the states and communities covered might have legislated and manipulated to continue their historical practice of excluding Negroes from the Southern political process.
>
> But if the task is impossible now, consider how much more impossible it would be if H.R. 4249 is passed. Changes in election laws and procedures would not be mailed in by the Attorney General of Mississippi. Neither would they be mailed in by the City Clerk of Selma, Alabama. They would not be submitted by the County Commission of Baker County, Georgia. Rather, the Justice Dept, with its already small and over-burdened staff, would have to seek out these discriminatory new procedures, investigate them, prepare a suit, and take them to court.
>
> This is not merely additional work for an already understaffed division of the Justice Department; it is an open invitation to the states, cities, counties, and towns covered by the Voting Rights Act to change their laws and procedures at will. The more the changes, the more the Civil Rights Division of the Justice Department will have to pursue the changes. Already civil rights laws are being ignored and flouted all over the South, particularly in remote rural areas. The theory was explicitedly stated by a white man to one of our field workers in Southwest Georgia last summer: "It will take the Justice Department a hundred years to get down to a little county like ours."
>
> The administration proposal is a clear signal to officials of the white South: "Go back to your old ways. Even the meager enforcement machinery that already was there is being taken away. You need no longer fear interference from Washington in your treatment of black people in your communities. You need no longer worry about blacks being elected to your city and county offices."

Mr. Chairman, for the last four years the Voter Education Project has helped finance nearly 500 voter registration and citizenship education programs in eleven Southern states. Usually these are short programs lasting six or eight weeks. In exchange for our funding, we require these programs to send us weekly reports. These reports, Mr. Chairman, provide some of the most fascinating and revealing reading as any to be found anywhere about what is going on in the South today. Many of these reports tell of harassment and intimidation of Negroes who fear that if they register to vote that they will be evicted from their farms or discharged from their jobs, or have their welfare checks cut off. Not even the present law and the present enforcement machinery can motivate thousands of Southern Negroes to overcome the fear and the apprehension ingrained by generations of white oppression to go to the courthouse to register, and later to vote.

I quote these reports to indicate the slowness and general ineffectiveness of the present enforcement machinery. How much slower and how much more ineffective will the machinery be when the provisions of the Act and the task facing the Civil Rights Division of the Justice Department is spread, paper-thin across the nation? How much more reluctant will black people be to overcome their ingrained fears when the word gets back to the crossroads, bayous and ghettoes—as it gradually will—that Uncle Sam no longer will be looking over the shoulders of the Southern Whites who control the election machinery of the region.

Already there are efforts to manipulate, gerrymander and baffle the black voters of the South. Predominantly black voting places suddenly are moved without notice on the eve of elections. Voters are shifted from one precinct to another without notification. District elections are changed to at-large elections so as to dilute the black vote. Political boundaries are redrawn, and elected offices are changed to appointive offices. Qualifying fees and other qualifications for seeking offices suddenly are changed in subtle ways designed to make it difficult for Negroes to run.

The same states that were the most efficient, determined and malicious in their efforts to keep black people off the registration rolls can be expected to be the most efficient, determined and malicious in the efforts to cancel out the growing black vote. Congress was mindful of this responsibility when it put Section 5 into the Voting Rights Act. If there were those who felt that the states covered by the Act would repent and turn from their evil discriminatory traditions in five short years, then those people were overly optimistic and sadly mistaken.

Mr. Chairman, I am a life-long resident of one of the seven states covered by the Voting Rights Act. I am quite familiar with the atmosphere in my state and with the white supremacist attitudes of the politicians who tightly control local politics in my state, particularly in rural areas. Moreover, Mr. Chairman, my position as director of the Voter Education Project for the past four years has carried me into virtually every corner of the other six states. I have been in close contact with blacks at the grassroots level who are seeking to enter and use the poltical process in order to push for remedies to the injustices imposed on them at birth by a white-controlled society. I know—as well as any man in this room—that Canton and Grenada and Selma and Sandersville and hundreds of other Southern communities stand poised and ready to eliminate the burgeoning black vote in their jurisdictions. The slightest flicker of a green light from Washington is all these white-dominated communities need. When they receive the signal, they will act!

More than mere politics is involved here. More than a few legislative seats and school board positions are at stake. In fact, the en-

tire future of black people in the Deep South is at stake.

Mr. President, my review of the record before our subcommittee has led me to concur with Mr. Jordan—what is at stake here is nothing less than "the entire future of black people in the Deep South." That is the responsibility we face as we debate this act. And in fact, the stakes are even higher.

CONCLUSION

The Voting Rights Act of 1965 comes before this body for extension in a time of great moral stress. On one hand, we see a small group of citizens who have determined that the institutions of our society cannot possibly respond to the needs of the 1970's. In their view, our institutions must be scorned and eventually pulled down, as the only course to meaningful reform—actually destroying the system which has served this country for some 200 years. At the same time, we see the face of institutional repression, we feel the hand of officials grown disrespectful of the law and the tradition they represent.

These awful forces have met too often in the decade behind us. From Selma and Neshoba County to Detroit, from Berkeley to Chicago, too many Americans have learned the terrible consequences of violence breeding repression and repression breeding more violence. I hope that we who are so fortunate as to be living in the United States will resolve that our institutions are still young and vital enough, our ideas still bold and forceful enough, our leaders still brave and resourceful enough, to accommodate the social concerns and the moral tensions of our society within the democratic process.

One of the great moral and political threads that runs through our time is the effort to bring alienated Americans into the "system." We do not make this effort solely as a means of quelling revolution. For often the healthiest seeds of meaningful progress and reform can be found in the darkest depths of moral alienation—alienation among the black and the brown and the red man, alienation among the young and the poor and the migrant laborer, yes even alienation among "silent" Americans. But we cannot begin to make the progress we must unless we can bring these forces within the institutional framework of American society.

The Voting Rights Act which we debate today play a crucial role in bringing Americans within the system. Unlike many of the alienated forces in our land today, these are people anxious to participate in the system, eager to exercise the rights and accept the responsibilities of citizenship.

As Vernon Jordan testified before us:

We live in a time, Mr. Chairman, when many young black people are advising other blacks to give up working for change through the American political system. I must confess that there are many times when I can see the point of their advice. We live in a time when high governmental officials are insisting that everyone must work through the existing system. One wonders if these officials realize how insensitive that advice must sound to people who must risk their jobs, their livelihood and their well-being even to get their names on the list of registered voters.

When Dr. Aaron Henry appeared before our subcommittee, he told us quietly and calmly of the fear and repression which continues to exist in his home State of Mississippi today. He reminded us of Emerson's statement to Thoreau that "Where there is freedom, there is my home," and of Thoreau's reply: "Where there is not freedom, there is my home." We cannot shrink from our responsibility to bring freedom—freedom now—to all parts of this country.

The substitute bill will not bring the millenium. But it will keep our faith with the American people. The bill is fair, it is impartial, it is effective, and it is desperately needed. It has broad, bipartisan support from all parties and all regions and all races.

It is imperative that the Senate speedily adopt the Scott-Hart amendment.

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

Mr. BAYH. I am glad to yield to my distinguished colleague from Oregon.

Mr. HATFIELD. Mr. President, I am sure all of our colleagues will take the time to read in the RECORD these very eloquent words that have been given today by my good friend and colleague, the distinguished Senator from Indiana (Mr. BAYH).

As I sat here listening to his very outstanding legal brief, as it might be called, because he did not present the problem in other than a calm and very appropriate manner, citing case by case evidence of all kinds which substantiates his position, I could not help but feel that we really are talking about something far broader than just black versus white or Negro versus non-Negro.

Actually what we are doing here in the extension of the Voting Rights Act of 1965 has worldwide significance. I know, having had many private conversations with the Senator, from hearing his words on the floor of the Senate, and knowing of his actions in committee, that he would agree with me when I say it is really almost hypocrisy for this country to pronounce piously such words as, we are fighting for the cause of freedom in Vietnam; we stand for the freedom of all men everywhere in the world; we carry out our policy of dispersing our men throughout the world to fight and stand for freedom; we call for huge expenditures in the budget of our Defense Department to maintain security of this Nation and assure the people in other parts of the world of our interest in their freedom, when at the same time, by either inaction or by action we fail to make freedom a meaningful word for a major segment of our American people; namely, the black and the poor.

I think it behooves us to realize that what we do on the floor of the Senate will have repercussions far beyond the borders of our particular States or the Nation. I think one of the most important problems we face today in this Nation is to restore and rebuild faith and confidence in our system of government, which seems to have been eroded. That faith and confidence seems to have eroded among many of our young people and much of it has to do with the loss of faith in this system by the white young people of this country. Much of this loss of faith is brought about by the evidence they see on all sides of how we are treating our own people in communities, the black citizens of our country. They are very critical of the whole establishment, the whole system, because of the very situation surrounding the blacks.

So in my opinion here is another dimension. If we want to do something to build a bridge of communication, which seems to need a bridge, to our young people, our young white people, we can do that in a positive way by an extension of this act to show them we are serious about this business of bringing the meaning of true freedom to all of our people.

I think my colleague, the Senator from Indiana, would also agree that this is really involved in or tied to other great problems; that we are not talking about a political issue here which is merely the registration of people and getting them to the polls to vote; but that we are talking about something that relates to these black people in many instances and why they are illiterate. They cannot sign their names in conformity with some of these rather suspicious State laws because the equal opportunity for education has been denied these same people. So we are really talking about an educational issue in that sense of the word. Today these same people who cannot sign their names, along with many white people who cannot do so, have really been denied educational opportunity.

Then, we are talking about a further related problem. Many of these people are poor and have not achieved in school. They have been dropouts because they have not had a proper diet, food intake, or nutrition. So we are talking about a vicious cycle of poverty involving nonachievement, noneducational opportunity, and we are talking about denial of political rights. We are really talking about the heart of America and the very soul of our country which has been deeply tarnished by our failure to do more sooner. Let us not now undo that which we have done.

I think the Senator has done a great service in listing these evidences, this indictment, if you please, Mr. President, and not just against the South but against all of us, because this Congress and the Congresses before this Congress and the 1965 Congress should have taken that action sooner. Therefore, it could not be ascribed just to the lack of interest on the part of Southern States but also apathy in the Northern States which has been permitted to exist too long. However, once action was taken in 1965 we have proof that there has been progress under the Voting Rights Act.

The Senator was talking about the increase of black voters in Mississippi of 612 percent because of the Voting Rights Act.

When the Senator mentions that there had been only 10,000 registered in a whole decade, I think that would be ample evidence so that people could understand this issue without emotion or being involved in feelings or section-

alism; that we could look at just the hard, cold facts, without even the human compassion we like to think all of us have, and we could see that the overwhelming evidence is in support of the continuation of the act.

I have been most pleased to hear the Senator from Indiana today. I thank him very much for his contribution to this cause.

Mr. BAYH. Mr. President, I am deeply appreciative of the remarks of my distinguished friend from Oregon. This is not the first time that he and I have had the opportunity to discuss some of the critical problems affecting our Nation. I compliment him for his deep concern, which is characteristic, not only in the voting rights area, but in the other areas which he touched upon—the impact of our inability to act, of our being so selfish, and really so irresponsible, in some of these areas at home; the impact all this has on what other people think of us in America. They look to us for guidance and leadership, and yet, unfortunately, in some areas we are found wanting.

I know the Senator from Oregon has had the opportunity, as has the Senator from Indiana, which the Senator from Indiana has enjoyed tremendously, of speaking on our college and university campuses. There is much discussion today about the generation gap. If there is one difference between the generation gap today and that in other times, it is that the young people of today, unlike some of us, and perhaps some even older than us, are unwilling to sweep the unfinished business under the rug, and to turn our heads, and not speak out on the difference between what we say and what we do, the difference between promises and performance.

I look on this development not as a disturbing one, but as one of the best things we have going for us—the ideals which these young people are going to bring to our system once they have the chance to have the reins in their hands.

I have already occupied the floor for a long time, and I shall be brief; but, as the Senator has pointed out, these are areas which are of deep concern to our young people. I personally am an optimist by nature. Although I am frustrated on occasion now when I look at our inability to recognize, let alone cope with, these problems, I know that, if we will just readdress ourselves and reorder our priorities and put first things first and realize what we can really do in this country, we can accomplish some of our unfinished business. We have to do something about our educational problems, some of which have been described. The young people are definitely concerned about a policy that results in appropriating $21.6 billion to kill as many enemy soldiers as we can and then appropriating only $240 million for the education of boys and girls in elementary and secondary schools. They are interested in our discussions over an increase of $1.3 billion in health, education, and welfare, when they know we are spending $30 billion a year in Vietnam alone.

I think this determination to see that everybody will have a right to vote will be taken as a sign of faith by these young people who are now very much discouraged.

In closing, let me say that I have sat and listened, and I have stood and listened, and I have listened and debated with some of our colleagues who come from States that are affected by the act. They paint a picture of mass oppression against them as a people, when the fact of the matter is that if everyone who wants to vote has an opportunity to vote, if everyone who wants to register has an opportunity to register, if no discriminatory election laws are passed, there is no way that the States involved can be detrimentally affected. All we are doing, as my colleague from Oregon knows, is demanding that every citizen of this country have that most cherished right. the right to vote.

ORDER OF BUSINESS

Mr. KENNEDY. Mr. President, on behalf of the Senator from New Jersey (Mr. WILLIAMS), I ask unanimous consent that two statements prepared by him be inserted in the RECORD.

The PRESIDING OFFICER. There being no objection, the statements and insertions of Senator WILLIAMS of New Jersey were ordered to be printed in the RECORD, as follows:

FIREMEN HELP CUT CLIFTON, NEW JERSEY'S, CRIME RATE

Mr. WILLIAMS of New Jersey. Mr. President, the city of Clifton, New Jersey, has initiated a program of increased crime protection which merits not only the highest commendation within the Congress but deserves careful study by community leaders throughout the Nation.

The city's firemen, utilizing their knowledge, experience and expertise in community matters, provide on a part-time basis superior manpower which has eventually led to a 22% decrease in burglaries, a 30% drop in auto fatalities, and an 8% decrease in holdups on the streets of Clifton.

A recent article in the Christian Science Monitor focused attention on the city's accomplishments in this regard, and I ask unanimous consent that it be printed in the RECORD at this point.

"FIREMEN HELP CUT NEW JERSEY TOWN'S CRIME

"CLIFTON, N.J.—This prosperous, white middle-class community—part of New York City's great suburban sprawl—has done something unusual for a moderately large American city. It has increased its police protection and cut its crime rate without raising taxes.

"The feat has been accomplished by turning firemen into part-time policemen.

"In case of fire

"When they're not on fire calls, Clifton's firemen periodically descend to a mechanized firing range in the basement of one of their pump houses for target practice.

"Or they take their fire-engine red patrol cars and cruise the city's streets on the lookout for lawbreakers.

"In case of a fire they rush directly to it, usually arriving ahead of the fire engines.

"Cajoling Clifton's 155 firemen to become part-time policemen and the city's 123 policemen to accept the aid has been a five-year struggle for Clifton City Manager William Holster.

"Pickets at first

"Mr. Holster conceived the idea during a 1956 nationwide tour when he found communities smaller than Clifton (population 92,000) with joint fire-police squads.

"At first neither Police Chief Joseph Nee nor Fire Chief Stephen Lendl liked the idea. Neither did the New Jersey Policemen's Benevolent Association (PBA) nor the Firemen's Mutual Benefit Association.

"When the experiment began more than two years ago, the local PBA picketed city hall for a while and ousted from its ranks the participating policeman.

"Today, things are different. Both Chiefs Nee and Lendl say the joint force has raised levels of efficiency and moral—particularly among firemen. They both point to impressive statistics which they believe have resulted directly from the program:

"A 22 percent drop in burglaries.

"A 30 percent drop in auto fatalities.

"An 8 percent decrease in holdups on the streets.

"Chief Nee says the word is out among criminals: Stay out of Clifton.

"And the word has gone out as well to communities across the nation.

"Delegations from neighboring communities and from as far away as Schenectady, N.Y., and Warner Robbins, Ga., have visited Mr. Holster's office. In addition the City Manager has been virtually bombarded by requests for copies of a brochure about the program.

"Clifton's experiment was prompted partly by the threat that crime might spill over from neighboring cities. Passaic and Paterson have large slum populations and high crime rates.

" 'We're trying to deal with our problems before they become problems,' Mr. Holster said."

ANNIVERSARY OF THE BIRTHDAY OF THOMAS MASARYK

Mr. WILLIAMS. of New Jersey. Mr. President, on March 7th, as the nation of Czechoslovakia celebrates the birthday of Thomas Masaryk, founder and first President of the Republic of Czechoslovakia, we Americans join with Czech descendants the world over in paying tribute to the forefather of Czechoslovak democracy.

In his first political office, Masaryk held a position in the Austrian Parliament for 12 years, representing the liberal Young Czech Party. He resigned in 1893 in order to devote his time to improving education there.

In 1907, as a member of the newly-organized Realists Party, Masaryk was re-elected to the Parliament. He used his office as a political forum for effectively denouncing the Austrian policy with Germany.

At the start of World War I, Masaryk chose to escape from Austria. Determined to help the Czech cause for freedom, he called upon neighboring countries to extend political recognition to Czechoslovakia.

Throughout the war, Thomas Masaryk demonstrated to the world a courageous example of determination and persuasion. A visit to the Soviet Union in 1917 won Russian aid and equipment for his Czech army of 92,000; and a similar visit to the United States in May, 1918, resulted in the signing of the Lansing Declaration of sympathy for the Czech people and their independence. This declaration soon led to *de facto* recognition of the Czech state by several allied nations.

Masaryk's reputation for honesty and sincerity soon won him recognition throughout Czechoslovakia, and on November 14, 1918, he was elected first President of the Republic. He was overwhelmingly re-elected in 1920, 1927, and 1934. In 1935, when President Masaryk retired from his office, the people of Czechoslovakia appropriately gave him the title of "President-Liberator", a title which existed until his death in 1937.

Mr. President, during the 17 years of the Masaryk Presidency, a great foundation for democratic principles was laid. It is therefore fitting that on March 7, 1970, 120 years after his birth, people of all free nations honor and acknowledge the contributions to liberty and freedom initiated by Thomas Masaryk.

ORDER FOR ADJOURNMENT UNTIL 11:30 A.M., MONDAY, MARCH 9, 1970

Mr. KENNEDY. Mr. President, I ask unanimous consent that the prior order setting the time for the convening of the Senate at 12 noon Monday be vacated, and that when the Senate completes its business today, it stand in adjournment until Monday next at 11:30 a.m.

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

ORDER FOR RECOGNITION OF SENATOR TYDINGS ON MONDAY

Mr. KENNEDY. Mr. President, I ask unanimous consent that on Monday next, immediately after the completion of the reading of the Journal, the Senator from Maryland (Mr. TYDINGS) be recognized for not to exceed 30 minutes.

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

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON MONDAY

Mr. KENNEDY. Mr. President, I ask that at the conclusion of Senator TYDINGS' address there be a brief period for the transaction of routine morning business, with the usual limitation of 3 minutes on statements.

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

STATEMENT BY THE PRESIDENT ON LAOS

Mr. GRIFFIN. Mr. President, in recent days we have heard a good deal of discussion concerning the situation in Laos. Today the President released a very significant and important statement concerning the extent of our involvement in Laos. I ask unanimous consent that a copy of the President's statement, released this afternoon, be printed in the RECORD.

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

STATEMENT BY THE PRESIDENT

In light of the increasingly massive presence of North Vietnamese troops and their recent offensives in Laos, I have written letters today to British Prime Minister Wilson and Soviet Premier Kosygin asking their help in restoring the 1962 Geneva Agreements for that country.

As Co-Chairman of that Conference, the United Kingdom and the Soviet Union have particular responsibilities for seeing that its provisions are honored. My letters note the persistent North Vietnamese violations of the Accords and their current offensives; support the Laotian Prime Minister's own current appeal to the Co-Chairmen for consultations; urge the Co-Chairmen to work with other signatories of the Geneva Accords; and pledge full United States cooperation.

Hanoi's most recent military build-up in Laos has been particularly escalatory. They have poured over 13,000 additional troops into Laos during the past few months, raising their total in Laos to over 67,000. Thirty North Vietnamese battalions from regular division units participated in the current campaign in the Plain of Jars with tanks, armored cars and long-range artillery. The indigenous Laotian Communists, the Pathet Lao, are playing an insignificant role.

North Vietnam's military escalation in Laos has intensified public discussion in this country. The purpose of this statement is to set forth the record of what we found in January 1969 and the policy of this Administration since that time.

I. WHAT WE FOUND

A. The 1962 accords

When we came into office, this Administration found a highly precarious situation in Laos. Its basic legal framework had been established by the 1962 Accords entered into by the Kennedy Administration.

Laos has been a battleground for most of the past twenty years. In 1949 it became a semi-independent state within the French Union. The Pathet Lao Communists rebelled against the government in the early 1950's, and fighting continued until the 1954 Geneva settlements ended the Indochina War. Laos at that time became an independent neutral state. The indigenous Communists, the Pathet Lao, nevertheless retained control of the two northern provinces.

Since then, this small country has been the victim of persistent subversion and finally invasion by the North Vietnamese.

By 1961 North Vietnamese involvement became marked, the Communist forces made great advances, and a serious situation confronted the Kennedy Administration. In his news conference of March 1961, President Kennedy said, "Laos is far away from America, but the world is small . . . The security of all Southeast Asia will be endangered if Laos loses its neutral independence."

In May 1961 negotiations for a Laotian settlement opened in Geneva, with Governor Harriman as the chief American negotiator. During the course of those long negotiations fighting continued and the Communists made further advances. Faced with a potential threat to Thailand, President Kennedy ordered 5000 Marines to that country in May 1962.

Finally, in July 1962, after fourteen months of negotiations, fourteen nations signed the Geneva Accords providing for the neutralization of Laos. Other signatories besides the United States included the Soviet Union, Communist China, North Vietnam, the United Kingdom, France, the Southeast Asian nations most directly involved, and the members of the International Control Commission, Canada, India and Poland.

These Accords came one month after the three contending forces within Laos announced agreement on the details of a coalition government composed of the three major political factions and headed by the neutralist, Prince Souvanna Phouma. North Vietnam claimed that it favored a coalition government. Both North Vietnam and the Soviet Union backed Prince Souvanna for his new post. The present government of Laos thus has been the one originally proposed by the Communists. In approving the 1962 arrangements, the Kennedy Administration in effect accepted the basic formulation which had been advanced by North Vietnam and the Soviet Union for a Laotian political settlement.

B. The Record 1962–1969

Before the ink was dry on the 1962 Geneva documents, and despite the fact that they embodied most of its own proposals, North Vietnam started violating them. In compliance with the Accords, the 666 Americans who had been assisting the Royal Lao Government withdrew under ICC supervision. In contrast, the North Vietnamese passed only a token 40 men through ICC checkpoints and left over 6,000 troops in the country.

A steadily growing number of North Vietnamese troops have remained there ever since, in flagrant violation of the Geneva Accords. They climbed to about 33,000 in mid-1967, 46,000 in mid-1968, and 55,000 in mid-1969. Today they are at an all-time high of some 67,000 men.

These are not advisors or technicians or attaches. They are line units of the North Vietnamese army conducting open aggression against a neighbor that poses no threat to Hanoi.

In addition, since 1964, over a half-million North Vietnamese troops have crossed the "Ho Chi Minh Trail" in Laos to invade South Vietnam. This infiltration route provides the great bulk of men and supplies for the war in South Vietnam.

The political arrangements for a three-way government survived only until April 1963 when the Pathet Lao Communist leaders departed from the capital and left their cabinet posts vacant. Fighting soon resumed and since then, there have been cycles of Communist offensives and Royal Laotian Government counter-offensives. The enemy forces have been led and dominated throughout by the North Vietnamese. In recent years Hanoi has provided the great majority of Communist troops in Laos.

North Vietnam appears to have two aims in Laos. The first is to insure its ability to use Laos as a supply route for North Vietnamese forces in South Vietnam. The second is to weaken and subvert the Royal Lao Government—originally established at its urging—to hinder it from interfering with North Vietnamese use of Laotian territory, and to pave the way for the eventual establishment of a government more amenable to Communist control.

Prime Minister Souvanna Phouma has tried a variety of diplomatic efforts to restore peace in Laos. He has repeatedly appealed to the Co-chairman and others to help arrange for restoration of the 1962 Accords. He and the International Control Commission, hampered by lack of authority, have reported and publicized North Vietnamese violations of the Accords. And Prime Minister Souvanna Phouma has made several attempts to achieve political reconciliation with the Pathet Lao and to reconstitute a tripartite government.

None of these efforts has borne fruit. Frustrated in his diplomatic efforts and confronted with continuing outside aggression, Souvanna has called upon three American Administrations to assist his government in preserving Laotian neutrality and integrity.

By early 1963 the North Vietnamese and Pathet Lao had openly breached the 1962 agreements by attacking the neutralist government forces in north Laos and by occupying and fortifying the area in southeast Laos along what came to be known as the Ho Chi Minh Trail. In these circumstances, the Laotian Prime Minister requested American aid in the form of supplies and munitions. The Kennedy Administration provided this assistance in line with the Laotian Government's right under the Geneva Accords to seek help in its self-defense.

In mid-May 1964 the Pathet Lao supported by the North Vietnamese attacked Prime Minister Souvanna Phouma's neutralist military forces on the Plain of Jars. North Vietnam also began to increase its use of the Ho Chi Minh Trail to further its aggression against South Vietnam. The Johnson Administration responded to Royal Laotian Government requests to meet this escalation by increasing our training and logistic support to the Royal Lao Government. In May 1964, as North Vietnamese presence increased, the United States, at Royal Lao Government request, began flying certain interdictory missions against invaders who were violating Lao neutrality.

Thus, when this Administration came into office we faced a chronically serious situation in Laos. There had been six years of seasonal Communist attacks and growing U.S. involvement at the request of the Royal Laotian Government. The North Vietnamese had steadily increased both their infiltration

through Laos into South Vietnam and their troop presence in Laos itself. Any facade of native Pathet Lao independence had been stripped away. In January 1969, we thus had a military assistance program reaching back over six years, and air operations dating over four years.

II. THE POLICY OF THIS ADMINISTRATION

Since this Administration has been in office, North Vietnamese pressure has continued. Last spring, the North Vietnamese mounted a campaign which threatened the royal capital and moved beyond the areas previously occupied by Communists. A counterattack by the Lao Government forces, intended to relieve this military pressure and cut off supply lines, caught the enemy by surprise and succeeded beyond expectations in pushing them off the strategic central plain in north Laos known as the Plain of Jars.

The North Vietnamese left behind huge stores of arms, ammunition and other supplies cached on the Plain. During their operations in the Plain of Jars last summer and fall, Lao Government forces captured almost 8,000 tons of Communist equipment, supplies and weapons, including tanks, armored cars, artillery pieces, machine guns and thousands of individual weapons including about 4,000 tons of ammunition. The size and nature of these supply caches the Communists had emplaced on the Plain by the summer of 1969 show clearly that many months ago the North Vietnamese were preparing for major offensive actions on Laotian territory against the Royal Lao Government.

During the final months of 1969 and January 1970, Hanoi sent over 13,000 additional troops into Laos and rebuilt their stocks and supply lines. They also introduced tanks and long-range artillery.

During January and February, Prime Minister Souvanna Phouma proposed to the other side that the Plain of Jars be neutralized. The Communists' response was to launch their current offensive which has recaptured the Plain of Jars and is threatening to go beyond the furthest line of past Communist advances.

The Prime Minister is now once again trying to obtain consultations among all the parties to the Geneva Accords, envisaged under Article IV when there is a violation of Lao sovereignty, independence, neutrality or terroritorial integrity.

In this situation, our purposes remain straightforward.

We are trying above all to save American and allied lives in South Vietnam which are threatened. By the continual infiltration of North Vietnamese troops and supplies along the Ho Chi Minh Trail, Hanoi has infiltrated over 100,000 men through Laos since this Administration took office and over 500,000 altogether. Our air-strikes have destroyed weapons and supplies over the past four years which would have taken thousands of American lives.

We are also supporting the independence and neutrality of Laos as set forth in the 1962 Geneva Agreements. Our assistance has always been at the request of the legitimate government of Prime Minister Souvanna Phouma which the North Vietnamese helped establish; it is directly related to North Vietnamese violations of the agreement.

We continue to be hopeful of eventual progress in the negotiations in Paris. But serious doubts are raised as to Hanoi's intentions if it is simultaneously violating the Geneva Agreements on Laos which we reached with them largely on the basis of their own proposals. What we do in Laos has thus as its aim to bring about conditions for progress toward peace in the entire Indo-Chinese Peninsula.

I turn now to the precise nature of our aid to Laos.

In response to press conference questions on September 26, December 8 and January 30, I have indicated:

That the United States has no ground combat forces in Laos.

That there were 50,000 North Vietnamese troops in Laos and that "more perhaps are coming."

That, at the request of the Royal Laotian Government which was set up by the Geneva Accords of 1962, we have provided logistical and other assistance to that government for the purpose of helping it to prevent the Communist conquest of Laos.

That we have used air power for the purpose of interdicting the flow of North Vietnamese troops and supplies on that part of the Ho Chi Minh Trail which runs through Laos.

That, at the request of the Royal Laotian Government, we have flown reconnaissance missions in Northern Laos in support of the Laotian Government's efforts to defend itself against North Vietnamese aggression and that we were engaged in "some other activities."

It would, of course, have posed no political problem for me to have disclosed in greater detail those military support activities which had been initiated by two previous administrations and which have been continued by this Administration.

I have not considered it in the national interest to do so because of our concern that putting emphasis on American activities in Laos might hinder the efforts of Prime Minister Souvanna Phouma to bring about adherence to the Geneva Agreements by the Communist signatories.

In recent days, however, there has been intense public speculation to the effect that the United States involvement in Laos has substantially increased in violation of the Geneva Accords, that American ground forces are engaged in combat in Laos and that our air activity has had the effect of escalating the conflict.

Because these reports are grossly inaccurate, I have concluded that our national interest will be served by putting the subject into perspective through a precise description of our current activities in Laos.

These are the facts:

There are no American ground combat troops in Laos.

We have no plans for introducing ground combat forces into Laos.

The total number of Americans directly employed by the U.S. government in Laos is 616. In addition, there are 424 Americans employed on contract to the government or to government contractors. Of these 1040 Americans, the total number, military and civilian, engaged in a military advisory or military training capacity numbers 320. Logistics personnel number 323.

No American stationed in Laos has ever been killed in ground combat operations.

U.S. personnel in Laos during the past year has not increased while during the past few months, North Vietnam has sent over 13,000 additional combat ground troops into Laos.

When requested by the Royal Loatian government, we have continued to provide military assistance to regular and irregular Laotian forces in the form of equipment, training and logistics. The levels of our assistance have risen in response to the growth of North Vietnamese combat activities.

We have continued to conduct air operations. Our first priority for such operations is to interdict the continued flow of troops and supplies across Laotian territory on the Ho Chi Minh Trail. As Commander-in-Chief of our Armed Forces, I consider it my responsibility to use our air power to interdict this flow of supplies and men into South Vietnam and thereby avoid a heavy toll of American and allied lives.

In addition to these air operations on the Ho Chi Minh Trail, we have continued to carry out reconnaissance flights in Northern Laos and to fly combat support missions for Laotian forces when requested to do so by the Royal Laotian Government.

In every instance our combat air operations have taken place only over those parts of Laos occupied and contested by North Vietnamese and other Communist forces. They have been flown only when requested by the Laotian Government. The level of our air operations has been increased only as the number of North Vietnamese in Laos and the level of their aggression has increased.

Our goal in Laos has been and continues to be to reduce American involvement and not to increase it, to bring peace in accordance with the 1962 Accords and not to prolong the war.

That is the picture of our current aid to Laos. It is limited. It is requested. It is supportive and defensive. It continues the purposes and operations of two previous Administrations. It has been necessary to protect American lives in Vietnam and to preserve a precarious but important balance in Laos.

III. THE FUTURE

Peace remains the highest priority of this Administration. We will continue our search for it in Vietnam. I hope my appeal today to the Geneva Conference Co-chairmen will help in Laos. Our policy for that torn country will continue to rest on some basic principles:

We will cooperate fully with all diplomatic efforts to restore the 1962 Geneva Agreements.

We will continue to support the legitimate government of Prime Minister Souvanna Phouma and his efforts to deescalate the conflict and reach political understandings.

Our air interdiction efforts are designed to protect American and allied lives in Vietnam. Our support efforts have the one purpose of helping prevent the recognized Laotian government from being overwhelmed by larger Communist forces dominated by the North Vietnamese.

We will continue to give the American people the fullest possible information on our involvement, consistent with national security.

I hope that a genuine quest for peace in Indochina can now begin. For Laos, this will require the efforts of the Geneva Conference Co-chairmen and the signatory countries.

But most of all it will require realism and reasonableness from Hanoi. For it is the North Vietnamese, not we, who have escalated the fighting. Today there are 67,000 North Vietnamese troops in this small country. There are no American troops there. Hanoi is not threatened by Laos; it runs risks only when it moves its forces across borders.

We desire nothing more in Laos than to see a return to the Geneva Agreements and the withdrawal of North Vietnamese troops, leaving the Lao people to settle their own differences in a peaceful manner.

In the search for peace we stand ready to cooperate in every way with the other countries involved. That search prompted my letters today to the British Prime Minister and the Soviet Premier. That search will continue to guide our policy.

ADJOURNMENT UNTIL MONDAY, MARCH 9, 1970, 11:30 A.M.

Mr. KENNEDY. Mr. President, if there be no further business to come before the Senate, I move that the Senate stand in adjournment until Monday, at 11:30 o'clock a.m., in accordance with the previous order.

The motion was agreed to; and (at 3 o'clock and 37 minutes p.m.), the Senate adjourned until Monday, March 9, 1970, at 11:30 a.m.