The move I here suggest will forward the public interest and restore vitality and balance to the licensing process. It will serve to clarify environmental, antitrust and power preference issues at the same time and in the same manner that it serves to pinpoint health and safety issues and to expedite their resolution.

I sincerely hope the Commission will make a priority effort to further tighten up on its Rules of Practice in order to eliminate the yet lingering opportunities for obstructive techniques and procedural mischief which still boobytrap the difficult pathway to electrical energy sufficiency in the United States.

The regulatory hearings which the Joint Committee will probably hold during this session of Congress can provide a forum for consideration of other and larger aspects of the licensing process than those discussed tonight. They can provide a base for further detailed studies, which will probably be needed before major changes in the licensing process can be given serious legislative consideration. All these matters are important and will be given careful study.

One further matter to which I would like to see considerable study given is the nitty-gritty of whether or not the adversary process we have been using is really appropriate for resolving complex technical questions of nuclear safety and health. In my mind there is real doubt whether lay intervenors and their querulous counsel can contribute much to the answers to technical health and safety questions they raise.

Maybe we ought to change the law and provide that after an intervenor has managed to raise some unresolved question which actually is deemed significant that he then should go home. Thereafter it would be the AEC's responsibility to resolve it utilizing its staff, consultants, outside experts and other vast scientific and engineering resources. I am not really sure that the presence of a lot of environmental dilettantes and their hovering legal eagles has ever contributed much to nuclear safety or ever will.

C. DOUGLAS CARTER NAMED OUTSTANDING SPECIAL EDUCATOR FOR 1971

HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1971

Mr. MIZELL. Mr. Speaker, I rise at this time to inform my colleagues that Mr. C. Douglas Carter, director of curriculum planning for the Winston-Salem and Forsyth County school system, has been named North Carolina's outstanding special educator for 1971.

Mr. Carter's many accomplishments in the field of special education, encompassing both exceptionally gifted students and those mentally and physically handicapped, have been of great service to the people of my district and to people throughout North Carolina.

I am sure my colleagues join me, Mr. Speaker, in extending to Mr. Carter our expression of profound appreciation for the good he has done for so many people, and our congratulations for this great honor.

At this time, I would like to include a newspaper article from the May 1, 1971, edition of the Winston-Salem Twin City Sentinel, announcing the award and listing in some detail Mr. Carter's outstanding contributions.

The article follows:

CURRICULUM CHIEF GETS N.C. AWARD

C. Dougals Carter, director of curriculum planning for the city-county school system, today was named North Carolina's outstanding special educator of the year.

Carter received the Felix S. Barker Award at a state Council for Exceptional Children meeting in Greensboro.

The presentation was made by Barker, first director of the division of exceptional children of the State Department of Public Instruction. He is now retired.

Carter is the second educator to receive the statewide award. He was nominated after receiving a local award from the Forsyth County Chapter of the Council in March.

Carter, a Winston-Salem native, has been working with special education programs since joining the city school system in 1951.

Special education refers to children who are academically gifted and to those who are handicapped.

NUMEROUS PROGRAMS

After teaching at several schools, Carter was appointed director of special services of the city school system in 1957. He was named director of special education for the merged city-county system in 1963.

He has set up and, in some cases, supervised numerous programs for gifted and handicapped children in the regular school term, in summer sessions and at the Children's Center for the Physically Handicapped.

He helped establish the North Carolina Governor's School here and served as its superintendent for several years.

He also has conducted numerous workshops and has worked with state agencies in special education programs.

About 500 people attended the two-day meeting of the council, which ended at noon today. The featured speaker was Dr. Burton Blatt, director of special education of the University of Syracuse.

SENATE—*Thursday, May 13, 1971*

The Senate met at 11 a.m. and was called to order by Hon. ADLAI E. STEVENSON III, a Senator from the State of Illinois.

Rabbi Chaim Seiger, Baron Hirsch Congregation, Memphis, Tenn., offered the following prayer:

"Where there is no earthly justice, the L-rd's justice will prevail."—Midrash on Deuteronomy.

O L-rd, Creator and Judge of all mankind:

Into our hands have You given the maintenance of our earth to be guided by Your revealed laws of justice. For You are the Creator and we are the instruments of Your will. May we then ever understand that our choice is either life upon this earth with justice, or death and chaos—Your retribution.

In humility, we are aware that for many who love freedom and justice, we are the last, best hope. May we be worthy of the mantle which destiny has placed upon us as free men, and as Americans. May we be guided to create selflessly the better world for which You created us.

ה' עז לעמו יתן, ה' יברך את עמו בשלום.

"The L-rd will give strength to this people. The L-rd will bless this people with peace." Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., May 13, 1971.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. ADLAI E. STEVENSON III, a Senator from the State of Illinois, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, informed the Senate that the House had passed the bill (H.R. 8190), an act making supplemental appropriations for the fiscal year ending June 30, 1971, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 8190), an act making supplemental appropriations for the fiscal year ending June 30, 1971, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, May 12, 1971, be dispensed with.

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

ORDER FOR RECOGNITION OF SENATOR MOSS TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that tomorrow, at the conclusion of the prayer, the disposi-

tion of the journal, and the recognition of the joint leadership, the distinguished Senator from Utah (Mr. Moss) be recognized for not to exceed 15 minutes.

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

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

THE RULE OF GERMANENESS

Mr. MANSFIELD. Mr. President, do I correctly understand that the Pastore rule of germaneness, under the agreement entered into last week, does not begin to apply until the unfinished business is laid before the Senate?

The ACTING PRESIDENT pro tempore. That is the understanding of the Chair.

Mr. MANSFIELD. I thank the Chair.

PURCHASE OF U.S. OBLIGATIONS BY FEDERAL RESERVE BANKS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 103, S. 1700.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The legislative clerk read as follows:

(S. 1700) to amend section 14(a) of the Federal Reserve Act, as amended, to extend for two years the authority of Federal Reserve banks to purchase United States obligations directly from the Treasury.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 14(b) of the Federal Reserve Act, as amended (12 U.S.C. 355), is amended by striking out "July 1, 1971" and inserting in lieu thereof "July 1, 1973" and by striking out "June 30, 1971" and inserting in lieu thereof "June 30, 1973".

PURPOSE OF THE LEGISLATION

The bill would extend for a 2-year period, from June 30, 1971, to June 30, 1973, the authority of Federal Reserve banks to purchase U.S. obligations directly from the Treasury.

The present authority for Federal Reserve banks to make direct purchase of U.S. obligations was enacted in World War II and has been extended temporarily from time to time since enactment. The last extension was authorized in 1970 when the authority was extended to June 30, 1971.

There follows a letter from the Secretary of the Treasury requesting and justifying this authority be continued.

THE SECRETARY OF THE TREASURY,
Washington, April 19, 1970.

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

DEAR MR. PRESIDENT: There is transmitted herewith a draft of a proposed bill to amend section 14(b) of the Federal Reserve Act, as amended, to extend for 2 years the authority of Federal Reserve banks to purchase U.S. obligations directly from the Treasury.

The proposed legislation would extend for an additional 2 years, from June 30, 1971, to June 30, 1973, the temporary authority under which Federal Reserve banks may purchase public debt obligations directly from the Treasury in an amount not to exceed $5 billion outstanding at any one time. The present direct purchase authority was enacted during World War II and has since been extended from time to time on a temporary basis. The last extension was in 1970 and the authority will expire on June 30 of this year.

The authority has been used in recent years only in periods just prior to tax payment dates. Its existence permits the Department to operate with considerably lower cash balances than would otherwise be required. The authority was not utilized in 1970 and was utilized for only short periods in September and December 1968 and in April and September 1969. The availability of the direct purchase authority is also important as a standby means of providing a ready source of funds in the event of a disruption in the private financial markets due to a serious national emergency or a nuclear attack on the United States. The attached table demonstrates that the authority has been sparingly used in the past.

There is enclosed for your convenient reference a comparative type showing the changes in existing law that would be made by the proposed legislation.

It would be appreciated if you would lay the proposed bill before the Senate. An identical bill has been transmitted to the Speaker of the House of Representatives.

The Department has been advised by the Office of Management and Budget that there is no objection from the standpoint of the administration's program to the presentation of this proposed legislation to the Congress.

Sincerely yours,

JOHN B. CONNALLY.

DIRECT BORROWING FROM FEDERAL RESERVE BANKS
1942 THROUGH 1970

	Days used	Maximum amount at any time (millions)	Number of separate times used	Maximum number of days used at any one time
Calendar year:				
1942	19	$422	4	6
1943	48	1,320	4	28
1944	None			
1945	9	484	2	7
1946	None			
1947	None			
1948	None			
1949	2	220	1	2
1950	2	180	2	1
1951	4	320	2	2
1952	30	811	4	9
1953	29	1,172	2	20
1954	15	424	2	13
1955	None			
1956	None			
1957	None			
1958	2	207	1	2
1959	None			
1960	None			
1961	None			
1962	None			
1963	None			
1964	None			
1965	None			
1966	3	169	1	3
1967	7	153	3	3
1968	8	596	3	6
1969	21	1,102	2	12
1970	None			

The committee believes that the temporary authority granted to the Federal Reserve Banks to purchase directly U.S. obligations is important as a standby means of providing a ready source of funds to the Federal Government, and recommends favorable action by the Senate.

THE MILITARY SELECTIVE SERVICE ACT

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial published in the St. Louis Post-Dispatch during the period November 30–December 6, 1970, entitled "NATO's Lost Contact With Reality," an editorial published in the New York Times on May 5, 1971, entitled "Monetary Flap," and an article published in the Le Monde Weekly under date of March 25–31, 1971, entitled "1966, A Vintage Year for Diplomacy: Why De Gaulle Said 'No' To NATO."

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

[From the St. Louis Post-Dispatch, Nov. 30–Dec. 6, 1970]

NATO'S LOST CONTACT WITH REALITY

The rituals of NATO for a long time have shown a growing tendency to lose contact with reality. At these annual, semi-annual and quarterly ceremonies, such as the one just concluded at Brussels, diplomats and generals throw out their chests, proclaim flexible strategies, pass firm resolutions and applaud a stock message from the President of the United States avowing his unshakable determination to strengthen the alliance.

It all has the flavor of a quaint anachronism, a minute-like survival from the past having little bearing on the actual condition of Europe today. Because NATO has gone on striking these postures for more than 20 years, following the low of inertia it goes on striking them. If postures alone were involved they might be tolerated as an amusing tribal rite, but in addition they cost money, they divert resources badly needed everywhere for constructive ends, they foster illusions and inflict a certain amount of self-deception.

In the world of reality an announcement that the European members intended to increase their contributions to NATO would be taken as a welcome indication that the United States could taper down its own. Wasn't it the purpose of the American re-occupation to hold the line until Europe could take over its own defense, and isn't Europe today quite as prosperous, if not more so, than the U.S.? But in the Wonderland of NATO ordinary logic does not apply. From Brussels comes the glad and ritualistic word that, because the Europeans are going to spend more on NATO, the U.S. will be able *not* to spend less.

Secretarys Laird and Rogers assure NATO that the more or less 300,000 American troops stationed there, who with their 200,000 dependents constitute a major dollar drain that contributes heavily to our balance of payments deficit, will stay through 1972 and maybe beyond, as a token of appreciation for the magnificent European decision to spend more on arms and military equipment.

There is a bit of fakery here. The Europeans say they will increase NATO contributions by a billion dollars over five years. That is 200 million a year, and *that* is less than 1 per cent of their present military outlays. The touted increase is not even enough to keep pace with inflation, and not all of it is to be in cash, either. In a word, the Europeans offer no real increase in their NATO contribution, but we trade them the maintenance of our forces anyway, thereby accomplishing the familiar feat of winning nothing for something.

Behind the elaborate pretense of the NATO rituals the reality is that our troops in Europe are not enough to stop an invasion should one ever occur, and yet they are more than are needed to serve as hostages for guaranteed U.S. intervention in any European war. President Eisenhower saw that

long ago. One division would do as well as six, he said, if the purpose was to lay a tripwire that would bring major American power into play in event of attack. The size of the European garrison is dictated not by military considerations but by the crude and inglorious fact that everybody there has got used to enjoying the payrolls incidental to the U.S. presence.

The traditional evasion to cope with this fact is to say, as Secretary Rogers did in Brussels, that the U.S. will not reduce its forces except as part of a mutual reduction in which the Soviet Union participates. This sounds fine, but is meaningless. The size of the U.S. garrison is not now and never has been determined by the number of Soviet troops in Europe. If it were, we would need many hundreds of thousands more there than we have.

Our garrison is a symbol, and that's all. The symbol is bigger than it has to be and bigger than we can afford. Congress, without waiting on any Soviet decisions, ought to assert its authority to reduce the occupation force. And who knows? Unilateral action by us might just possibly generate unilateral and very satisfactory action by the other side.

[From the New York Times, May 5, 1971]

MONETARY FLAP

Waves of speculation in European money markets have driven up the price of gold, knocked the dollar down to its lowest pegged rate, and forced the German mark up to its ceiling rate of nearly 28 cents against the dollar.

The immediate cause of the rush of more than a billion dollars into Germany and other European money centers yesterday was the betting that there would be another upward revaluation of the mark—or that the dollar would be devalued in relation to gold.

This latest flooding of hot dollars into Europe was brought on by increasingly open debate in Germany that an upvaluation of the mark was essential to check rising inflation. Five German economic institutes have recommended that the mark should be permitted to float upward to find a new parity against the dollar.

But the German central bank and the Economics Ministry are still expressing determination to keep the mark at its present value. German agriculture and industry are afraid of being hurt by a dearer mark and are leaning harder on the Brandt government. The Germans are also being pressed to hold firm by their European Common Market partners, who are trying to achieve monetary union and are opposed to exchange rate flexibility.

As much as the Germans may dislike the idea of another revaluation, they detest inflation even more—and the German economists have warned the Government that if nothing is done to stem the huge dollar inflows by a revaluation, the inflation—which has been running at 4.5 per cent—would speed up to 5.5 or 6 per cent.

The best means of stemming the flow of hot dollars to Europe—once immediate speculation over the mark dies down—is to eliminate the interest rate differential between the United States and Europe. That differential has been narrowed in recent months but is far from closed. But the United States, eager to regain full employment, is unwilling to see interest rates climb too fast and abort the recovery. On their side, the Europeans, worried about inflation, are unwilling to drive interest rates down.

Yet it is essential that the gap be closed or neither party will achieve its objective. On both sides of the Atlantic, efforts to close the gap will require a new mix of monetary and fiscal policy. The Nixon Administration must stop pushing for faster monetary growth—and rely more upon fiscal policy to stimulate economic recovery. Similarly, the Europeans must reduce their reliance on tight money as the chosen weapon against inflation, and raise taxes instead.

Beyond this immediate crisis lie major tasks if monetary balance is to be restored among the major Western industrial nations and Japan. This will require an overhaul of existing exchange rates, military burdens and trade policies. Neglect of the underlying causes of the present monetary flap would poison Western economic relations.

[From Le Monde Weekly, Mar. 25–31, 1971]

1966, A VINTAGE YEAR FOR DIPLOMACY: WHY DE GAULLE SAID "NO" TO NATO

Just five years ago, on March 10 and 11, 1966, the French government informed the fourteen other members of the Atlantic Alliance of its intention to withdraw all its forces and other personnel from the inter-allied command in Europe.

At the same time the French asked Nato headquarters as well as all foreign troops stationed in Franch to leave, and placed all French forces stationed in Germany under French command. General de Gaulle had announced his intentions to the principal partner in the alliance in a letter to President Johnson on March 7.

He had also publicly indicated his intentions when he declared in a press conference on February 21 that he was determined to re-establish "normal conditions of sovereignty under which whatever was French, its soil, air space, coastal waters and armed forces, as well as any foreign troops in France, would henceforth be exclusively under French control."

Although the decision made headlines at the time, the break with the Atlantic Pact military organization did not come as a surprise to France's allies. Since 1958, when President Eisenhower rebuffed De Gaulle's proposal for a Big Three alliance of world-wide rather than merely Atlantic scope, the French president had been using the cold response to his idea as an excuse for his own cool attitude towards the alliance.

The following year, he announced that the French Mediterranean Fleet would be pulled out of the unified command if war occurred. Meeting with President Kennedy in 1961 De Gaulle indicated that sooner or later he would withdraw France from Nato.

In his New Year's address in December 1964, the French leader made the distinction for the first time in public between the North Atlantic Alliance, which still served a function, and the military pact, "which had no future." Why did he wait for eight years before acting? The former head of state gave his reasons in *Mémoires d'Espoir*.

France first had to become a nuclear power and end the Algerian war. In addition, Soviet threats, in particular the uncertainty created by Mr. Khrushchev over the future of Berlin, had to be dispelled. M. Pompidou, who was prime minister at the time, gave a further reason when he told the National Assembly, on April 20, 1966, that French policy required a "durability guarantee" which in fact had been provided by General de Gaulle's reelection for a seven-year term in December 1965.

The decision was, of course, based on the Gaullist desire for national independence, but the numerous explanations given at the time allowed Gaullist "doctrine" to be more closely defined in terms of strategy, European policy and East-West relations. It was no accident that 1966 was the "big year" for the Gaullists in foreign affairs. In addition to the Nato decision, General de Gaulle visited Moscow and delivered his famous speech in Phnom Penh, Cambodia.

FOLDING UMBRELLA

The first assumption of Gaullist policy was that the Soviet threat in Europe had disappeared, or at least it had considerably decreased since the signing of the North Atlantic Treaty in 1949. At the same time the value of the American "nuclear umbrella" had decreased. The threat to American territory posed by the Soviet nuclear arsenal made Washington wary of using what was still called "the Bomb" against its principal enemy.

This was reflected by Defense Secretary Robert McNamara's policy of "graduated retaliation," which was adopted by Nato, although not officially, until 1967.

As M. Pompidou remarked, this strategy allowed the United States to limit the first phase of operations to territories outside those of the principal aggressor. In other words, in order to pull its chestnuts from the fire, Washington was ready to spare Moscow, leaving Europe, from France to Poland's Bug River, to suffer the consequences. Another compelling reason was the growing American involvement in Vietnam—France did not want to risk being dragged into somebody else's war.

Some observers occasionally wondered whether De Gaulle planned to withdraw from the Alliance itself as well as from the military organization to which it had given birth. But, in fact, all the Gaullist leaders took pains to distinguish between the two, and the General himself promised President Johnson that France would remain in the Alliance when the treaty came up for renewal in 1969—"unless events in the next three years change the basic elements of East-West relations."

Since De Gaulle believed that changes—not fundamental, but real nonetheless—were occurring in Europe and the world, there remained a certain degree of uncertainty.

In any case, M. Pompidou expected, as he stated in a speech in April 1966, that "discussions concerning the future of the Alliance" would be held before the treaty was renewed. By invading Czechoslovakia eight months before, the Soviets and their allies had closed the ranks of the Western allies.

HURRY ON BACK

The reaction of France's allies to the 1966 decision was bitter, but they did not dramatize the situation. President Johnson affected the conviction that the French would not stay out of the Alliance for long, and let it be known that their place would always be waiting for them.

He fought a series of rearguard actions over the costs and deadlines for the evacuation of American forces from France, using a Franco-American agreement of December 1958—signed by the De Gaulle government—to argue that two years' notice was required to repudiate the accord.

Chancellor Erhard's German government was even more of a stickler for legal niceties, and in a note dated May 3, 1966 tried to bring the French back into the Nato fold by invoking the discussions about the stationing of French forces on German territory.

Since the reply from Paris was that the French were prepared to recall all of their troops before July 1, 1967, the conversations took on a more serious tone, and an agreement was reached in December 1966.

The allies bowed to the inevitable. The 26,000 American soldiers and 1,300 civilians, who along with some 16,000 French civilian employees had operated the 29 U.S. bases and depots in France, left before the spring of 1967, well within the deadlines set by Paris. SHAPE (Supreme Headquarters Allied Powers Europe) relocated in Belgium and the Central European Command, based in Fontainebleau, moved to Holland.

Later, in October 1966, the Fourteen decided to transfer the Atlantic Council, civilian headquarters of the Alliance, to Revere, a suburb of Brussels, even though the French had not requested the transfer and were in fact still sitting on the Council.

BALM OF TIME

What remains five years later of the frequently impassioned reactions which General de Gaulle's decision provoked both in France and abroad? Two facts stand out—first, the

two principals in the debate in the National Asssembly which followed the decision were M. Pompidou and René Pleven, at the time a leader of the opposition. Today, the latter is a member of the cabinet over whose sessions the former presides.

And second, even if France asked them, it is very doubtful that the Americans would agree to send their forces back to France or pay the $200 million a year for their upkeep. NATO, at least in part thanks to De Gaulle's prompting, has become a forum where economic problems are examined at least as preparations for war, and, despite an occasionally hardened attitude, detente is discussed more than the Soviet threat.

Criticism of the "morality" of the French decision has not altogether evaporated, however. The strongest of these arguments is that General de Gaulle chose to confront his allies with a fait accompli rather than to enter into discussions with them on reforming the structures of the Alliance, discussions which he himself considered would be of no avail.

In fact, Paris was much more interested in 1966 in recovering complete sovereignty than in reforming an alliance to which it had no particular objection once France had left it. On the contrary, the French government has undertaken a kind of selective cooperation with the Alliance, retaining what it considers useful and rejecting the rest.

CORDIAL CONTACTS

Contacts, which are frequent and increasingly cordial, between the French General Staff and NATO Headquarters began officially as early as December 1966 with a meeting between the late General Ailleret and General Lyman Lemnitzer. In March 1966 the French had announced their intention of remaining in the NATO early-warning and riposte system, in the technical research centre in The Hague, and several other organizations.

To go from this to say that France is taking advantage of NATO without carrying its share of the burden is an easy step, but not one entirely justified since France makes disproportionately high defence expenditures compared with most of her allies. The French also participate in periodic NATO military exercises, particularly naval maneuvers.

Like so many other major decisions, France's withdrawal from NATO seems finally to have been accepted, and appears to be irreversible. It seems reasonable to ask whether anyone other than the General would have had the courage to take such an agonizing decision. As Socialist leader Guy Mollet remarked to M. Pompidou in 1966, "De Gaulle knew he could trust us never to take such a decision, but he did not trust you enough to believe that you would dare to do it if he were no longer around."

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Does the Senator from Pennsylvania (Mr. SCOTT) desire to be recognized at this time under the standing order?

Mr. SCOTT. Mr. President, I yield back my time.

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair now recognizes the distinguished Senator from Alaska (Mr. GRAVEL) for a period not to exceed 15 minutes.

(The remarks of Mr. GRAVEL when he introduced S. 1855 appear in the Routine Morning Business section of the RECORD under Statements on Bills and Joint Resolutions.)

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore (Mr. STEVENSON). Under the previous order there will be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes.

QUORUM CALL

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

SENATE MUST TAKE TIME TO GET ANSWERS ON SST

Mr. PROXMIRE. Mr. President, before the Senate proceeds to affirm the House action of yesterday in reviving the supersonic transport we should find out some hard facts. In the cold, grey light of the morning-after this SST revival looks entirely different.

Members of the House, the public and much of the press assumed yesterday that the House simply changed payments to close up and end the program into payment to continue the SST.

They assumed the cost of going ahead with the SST would be no more than it would have been if the House and Senate had voted for the program last March.

They were wrong.

In addition to the arguments against the program made when it was killed in the House and Senate there is a new one, a clincher.

Those who opposed the SST last March have the same reasons to oppose it now: It still is a trivial waste of money compared to the urgent need for funds for housing, education, poverty, health, pollution control, or just plain tax relief. And the SST represents as much of a threat to the environment now—in May—as it did in March.

But there is now a new element. It was contributed by the statements issued by both Boeing and General Electric after the House acted.

Boeing said that a new contract would have to be negotiated with the Government before work could start again on the SST.

And then they added this:

This will take considerable study, effort and agreement among the contractors, the Government and the Airlines. This new contract must fully recognize the rights of the parties under the terminated contract and the large cost which will be incurred in re-establishing and carrying out the new program through not only the prototype stage, but the production of construction aircraft as well.

Now, Mr. President, this means we are in an entirely new ball game. And Boeing is exactly right. This will take time. Time to negotiate the rights of the airlines, the contractors, and the Government; time to determine the distribution of the large costs which Boeing cites to carry the program not only through the prototype stage, but the production of construction aircraft as well. What does this mean to Government costs: Additional hundreds of millions—almost certainly, additional billions—this is quite possible, at any rate we should find out—and if it takes weeks or months to find out, this Senator intends to do all in his power as a Senator to prevent the Senate from appropriating funds to continue this program until we know just exactly how deeply the Federal taxpayer is going to be asked to get in. We must have answers and full answers.

And when we get the answers there must be time to let the costs sink in—with the American people as well as with the Congress.

Now Mr. President, listen to what the General Electric Co. said about the House action that would attempt to simply complete the program without any more cost than was contemplated when we ended the program in March.

Here is the General Electric statement:

The Government is contractually obligated to reimburse Boeing and GE their share of the money invested in the program up to the time it was terminated for the convenience of the Government. Any proposal to go forward with the program would necessarily involve very substantial financial commitments beyond $85 million and would involve very substantial restarting charges and redirection of the program.

Should the administration receive full congressional approval and reinstate the SST program, it would be necessary to renegotiate with the contractors.

Furthermore Mr. Borch—chairman of the board of General Electric said that the Government would have to assume the entire—not 90 percent as the old contract provided of the SST development cost.

Now Mr. President what does this all mean? It means that in addition to all the other arguments against the SST you now have a program that will cost far more than was contemplated when the Congress in both houses killed the program last March.

It means that we do not know—we have no idea how much more that cost will be and it means we should certainly find out before we act on any appropriation measure that contains funds to continue the SST. It will take time much time and we must insist that we take that time—and know just what we are doing with hundreds of millions of the taxpayer's money.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

PROPOSED SUPPLEMENTAL APPROPRIATION FOR THE COMMISSION ON RAILROAD RETIREMENT FOR 1971 (S. DOC. NO. 92–18)

A letter from the President of the United States transmitting proposed supplemental

appropriation for the fiscal year 1971 for the Commission on Railroad Retirement (with accompanying paper); to the Committee on Appropriations.

PROPOSED EMERGENCY LOAN GUARANTEE ACT OF 1971

A letter from the Secretary of the Treasury, submitting a draft of proposed legislation to authorize emergency loan guarantees to major business enterprises (with accompanying papers); to the Committee on Banking, Housing and Urban Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

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

H.R. 5352. An act to amend the Act to authorize appropriations for the fiscal year 1971 for certain maritime programs of the Department of Commerce (Rept. No. 92–106).

By Mr. MANSFIELD (for Mr. FULBRIGHT), from the Committee on Foreign Relations, with amendments:

S. Con. Res. 21. A concurrent resolution calling for the suspension of military assistance to Pakistan (Rept. No. 92–105)

By Mr. ELLENDER, from the Committee on Appropriations, with amendments:

H.R. 8190. An act making supplemental appropriations for the fiscal year ending June 30, 1971, and for other purposes (Rept. No. 92–107).

By Mr. ELLENDER, from the Committee on Appropriations, without amendments:

H.J. Res. 633. A joint resolution making further continuing appropriations for the fiscal year 1971, and for other purposes.

EXECUTIVE REPORTS OF A COMMITTEE

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

By Mr. McINTYRE, from the Committee on Armed Services:

Hadlai Austin Hull, of Minnesota, to be an Assistant Secretary of the Army.

REGULAR AIR FORCE

Gen. Joseph J. Nazzaro, when retired, for appointment to the grade of general;

Lt. Gen. Theodore R. Milton and Lt. Gen. John D. Lavelle to positions of importance and responsibility designated by the President to the grade of general, while so serving;

U.S. ARMY

Chaplain (Brig. Gen.) Gerhardt Wilfred Hyatt for appointment as Chief of Chaplains, U.S. Army, and as major general;

Chaplain (Col.) Aloysius Joseph McElwee to be brigadier general;

Maj. Gen. Walter James Woolwine and Maj. Gen. George Philip Seneff, Jr., to be assigned to a position of importance and responsibility designated by the President to the grade of lieutenant general;

U.S. NAVY

Rear. Adm. Worth H. Bagley, designated for commands and other duties, to the grade of vice admiral, while so serving;

The following-named captains of the line of the Navy for temporary promotion to the grade of rear admiral:

William J. Kotsch	Dewitt L. Freeman
Eugene H. Farrall	Arthur W. Price, Jr.
Rowland G. Freeman III	Charles H. Griffiths
Rupert S. Miller	Charles D. Grojean
Carl J. Seiberlich	John M. Tierney
Joseph E. Snyder, Jr.	Isham W. Linder
Forrest S. Petersen	Charles P. Tesh
Bernard B. Forbes, Jr.	William Thompson
Doniphan B. Shelton	Frank D. McMullen, Jr.
Leonard A. Snead	Henry S. Morgan, Jr.
Tyler F. Dedman	Edward W. Cooke
Samuel L. Gravely, Jr.	Denis J. J. Downey
Charles F. Rauch, Jr.	Chester G. Phillips
Stanley T. Counts	Alfred J. Whittle, Jr.
Harry D. Train II	James H. Doyle, Jr.
William A. Myers III	Harry E. Gerhard, Jr.
Robert G. Mills	James B. Wilson
James O. Mayo	Donald B. Whitmire
David A. Webster	William H. Rogers
Raymond W. Burk	Wesley L. McDonald
Lloyd W. Moffit	Earl F. Rectanus
Samuel M. Cooley, Jr.	William F. Clifford, Jr.
Merton D. Van Orden	Edward C. Waller III
Wayne S. Nelson	James D. Watkins
Alan B. Shepard, Jr.	

Mr. McINTYRE. Mr. President, from the Committee on Armed Services I report favorably the nominations of 57 flag and general officers in the Army, Navy, and Marine Corps. I ask that these names be placed on the Executive Calendar.

In addition, I report favorably 1,740 promotions to captain in the Army, 930 promotions in the Navy in the grade of chief warrant officer, 709 appointments in the Marine Corps in grade of first lieutenant and below, and 1,931 promotions in the Air Force in grade of lieutenant colonel and below. Since these names have already been printed in the CONGRESSIONAL RECORD, in order to save the expense of printing on the Executive Calendar, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

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

(The nominations ordered to lie on the Secretary's desk were printed at the end of the Senate proceedings of April 19. 1971, April 23, 1971, and May 5, 1971.)

Mr. McINTYRE. Mr. President, without in any way minimizing the merits of the other candidates for promotion, I feel impelled to point out to my colleagues the name of captain—soon to be rear admiral—Alan B. Shepard, Jr.

Mr. President, on behalf of my State, I want to express my admiration for the dedication and determination which has been shown by this native son of Derry, N.H., during the past decade in our space program. The Granite State takes intense pride in the accomplishments of Alan Shepard and great satisfaction in his promotion to flag rank.

By Mr. THURMOND, from the Committee on Armed Services:

James E. Johnson, of California, to be an Assistant Secretary of the Navy.

Mr. THURMOND. Mr. President, I send to the desk the nomination of James E. Johnson as Assistant Secretary of the Navy for Manpower and Reserve Affairs. This nomination received the unanimous approval this morning of the Senate Armed Services Committee. I urge the Senate to give it prompt and favorable action.

Mr. Johnson is presently Vice Chairman of the Civil Service Commission. It has been my pleasure to know him in this capacity and I am confident he will render the same high caliber of service to the Navy that has marked his career with the Civil Service Commission.

Mr. President, in presenting this nomination, I ask unanimous consent that Mr. Johnson's biographical sketch be printed in the RECORD at the conclusion of my remarks.

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

JAMES E. JOHNSON

Present address: 2816 Blue Spruce Lane, Wheaton, Maryland.

Born: March 3, 1926, Madison, Illinois.

Married: Juanita V. Butler.

Children: Three sons—21, 11, 4, and one daughter—16.

Education: Lincoln High, Forrest City, Ark., 1939–43; DuSaba High, Chicago, Ill., 1943–44, Grad w/G.E.D.; Maryland University, Overseas and U.S. Ext., 1960–62; Chapman College, Orange, Calif., 1961–68; Orange Univ. College of Law, Santa Ana, Calif.; Santa Ana College, Santa Ana, Calif., 1962–69, Assoc. of Arts; and George Washington Univ., Washington, D.C., and Extension Courses, 1958–70, B.S.

Military service: U.S. Marine Corps, 1944–1965.

Employment: January 1969—Present Commissioner and Vice Chairman, U.S. Civil Service Commission; 1967–1969—Director, California State Department of Veterans Affairs; 1965–1967—Insurance Executive, Prudential Life Insurance Company, Anaheim, California; 1944–1965—U.S. Marine Corps. Held positions of Squadron, Adjutant, Supply Fiscal Officer, and Legal Officer, Naval Law School graduating as Legal Counsel, Personnel Administrators School, Military, Administrator in Accounting; Marine Corps Supply, School, Fiscal Supply Officer; Instructor Training School, Military Instructor; Public Information School, Public Relations Officer for liaison between foreign countries and the United States military bases in the Far East.

Affiliations: Member, District of Columbia Health and Welfare Council; member, Board of Directors, United Givers Fund; member, Advisory Board, National Capital Area Council, Boy Scouts of America; member, Board of Directors, Golden Empire Council of Boy Scouts; former member, Board of Directors, Sacramento Safety Council; member, Board of Directors, United Christian Centers; past president of Orange County Chapter, Children's Asthma Research Institute and Hospital; former director, Youth Leadership Program; former finance chairman, Planned Parenthood Association; area governor of Toastmasters International; and member, Board of Governors, Anaheim YMCA.

BILLS AND JOINT RESOLUTIONS INTRODUCED

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. GRAVEL:

S. 1855. A bill to amend the Atomic Energy Act of 1954 to require licensees and contractors to assume greater financial responsibilities. Referred to the Joint Committee on Atomic Energy.

By Mr. JAVITS (for himself, Mr. BEALL, Mr. DOMINICK, Mr. KENNEDY, Mr. PROUTY, Mr. RANDOLPH, Mr. TAFT, Mr. SCHWEIKER):

S. 1856. A bill to assure an opportunity for occupational education (other than that resulting in a baccalaureate or advanced degree) to every American who needs and desires such education by providing financial assistance for postsecondary occupational education programs, and to strengthen the concept of occupational preparation, counseling, and placement in elementary and secondary schools, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. BROOKE:

S. 1857. A bill to amend the joint resolution establishing the American Revolution Bicentennial Commission, as amended. Referred to the Committee on the Judiciary.

By Mr. HART:

S. 1858. A bill to amend the National Environmental Policy Act of 1969 to provide for a National Environmental Data System. Referred to the Committee on Commerce.

By Mr. JAVITS:

S. 1859. A bill to amend the Housing and Urban Development Act of 1970 to provide a more effective approach to the problem of developing and maintaining a rational relationship between building codes and related regulatory requirements and building technology in the United States, and to facilitate urgently needed cost-saving innovations in the building industry, through the establishment of an appropriate nongovernmental instrument which can make definitive technical findings, insure that the findings are made available to all sectors of the economy, public and private, and provide an effective method for encouraging and facilitating Federal, State, and local acceptance and use of such findings. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. MONTOYA:

S. 1860. A bill for the relief of Loreta Valido Balbas. Referred to the Committee on the Judiciary.

By Mr. WILLIAMS:

S. 1861. A bill to amend the Fair Labor Standards Act of 1938, as amended, to extend its protection to additional employees, to raise the minimum wage to $2.25 an hour, to provide for an 8-hour workday, and for other purposes. Referred to the Committee on Labor and Public Welfare.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRAVEL:

S. 1855. A bill to amend the Atomic Energy Act of 1954 to require licensees and contractors to assume greater financial responsibilities. Referred to the Joint Committee on Atomic Energy.

LIABILITY FOR NUCLEAR ACCIDENTS

Mr. GRAVEL. Mr. President, I am introducing a bill which would repeal the main provisions of the Price-Anderson Act—Public Law 85-256—for I believe anyone who uses nuclear material should accept the financial liability for damage which that nuclear activity may cause to the public. My belief is based on the simple observation that, in our economic system, public liability is the principal restraint on reckless activity. I fundamentally question the wisdom of the Price-Anderson Act, which, "in order—to encourage the development of the Atomic Energy industry" stipulates that—

The United States may make funds available for a portion of the damages suffered by the public from nuclear incidents, and may limit the liability of those persons liable for such losses.

The word "incident" replaces the word accident, but a single manmade nuclear accident causing more than $500 million worth of damage is an accident in anyone's language. It is a manmade catastrophe.

One important provision of the Price-Anderson Act, which added section 170 to the Atomic Energy Act of 1954, sets the limit for public liability at $560 million per nuclear accident, regardless of the real size of the damage, which could exceed $7 billion per accident according to the Atomic Energy Commission—July 1970.

The other most important provision of the Price-Anderson Act—see AEC regulation 10 CFR 140.11 which implements it—is that about 80 percent of the $560 million must be paid to the injured parties by the American taxpayers, not by the AEC licenseholder.

My bill addresses both of those key provisions: the proposed section 170a removes the limit on the liability, and it removes all of the taxpayer's liability for the nuclear hazards created by licenseholders such as electric utilities and universities. As proposed, it stipulates that whosoever chooses to put the public at risk with his nuclear activity must demonstrate, as a condition of receiving and retaining his license, that he has and mantains financial protection to cover public liability claims.

The proposed sections 170a and 170i retain the sound concepts presently embodied in section 170 that licenseholders and contractors waive the issue of charitable or governmental immunity and waive any immunity from public liability conferred by Federal or State law, waive the issue of fault, and waive the statute of limitations if suit is instituted within 3 years from the date on which the injured person could first have known of his injury—for example, radiation-induced cancer, which may not become apparent for 10 to 30 years.

In fact, these very provisions in the present version of section 170 reflect one of the reasons that Price-Anderson should not simply be repealed. Complete repeal might leave no one at all liable even for powerplant accidents, since a publicly regulated utility might claim Government immunity for performing a public service, or might be protected against suits by the inability of the public to prove negligence or fault from the radioactive and unapproachable debris of the former powerplant. Furthermore, simple repeal would undo the progress embodied in the sections of 170 which apply to Government-sponsored nuclear activities—such as underground nuclear bomb tests. Namely, in section 170, the AEC circumvents the principle of "sovereign immunity" by agreeing to indemnify its contractors for public damages up to $500 million. My proposed bill would retain the principle of AEC financial responsibility for what it causes to be done, but would simply remove the artificial limit on the amount of its liability.

Perhaps because of some of the provisions described above, the Price-Anderson Act claimed in its opening paragraph not only to encourage the atomic energy industry, but also to protect the public. By some illogic, it was construed to be public protection when the public both suffers an extraordinary manmade disaster and then has to pay for most of the damage.

Nevertheless, Congress did endorse this kind of reasoning when it passed the Price-Anderson Act by voice vote in 1957. The act, which amended the Atomic Energy Act of 1954, was due for renewal in 1967 and was actually renewed by Congress in 1965, and amended in several other years. Sections 2i and 170 of the Atomic Energy Act contain the essence of the original Price-Anderson Act and subsequent amendments. In order to make it easy to compare my bill with sections 2i and 170, as they now stand in law, I ask unanimous consent that their texts be printed as one section of my remarks today.

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

ATOMIC ENERGY ACT OF 1954, CHAPTER 1, SECTION 2

i. In order to protect the public and to encourage the development of the atomic energy industry, in the interest of the general welfare and of the common defense and security, the United States may make funds available for a portion of the damages suffered by the public from nuclear incidents, and may limit the liability of those persons liable for such losses.

ATOMIC ENERGY ACT OF 1954, CHAPTER 14

SEC. 170. INDEMNIFICATION AND LIMITATION OF LIABILITY.—

a. Each license issued under section 103 or 104 and each construction permit issued under section 185 shall, and each license issued under section 53, 63, or 81 may, have as a condition of the license a requirement that the license have and maintain financial protection of such type and in such amounts as the Commission shall require in accordance with subsection 170 b. to cover public liability claims. Whenever such financial protection is required, it shall be a further condition of the license that the licensee execute and maintain an indemnification agreement in accordance with subsection 170 c. The Commission may require, as a further condition of issuing a license, that an applicant waive any immunity from public liability conferred by Federal or State law.

b. The amount of financial protection required shall be the amount of liability insurance available from private sources, except that the Commission may establish a lesser amount on the basis of criteria set forth in writing, which it may revise from time to time, taking into consideration such factors as the following: (1) the cost and terms of private insurance, (2) the type, size, and location of the licensed activity and other factors pertaining to the hazard, and (3) the nature and purpose of the licensed activity: *Provided,* That for facilities designed for producing substantial amounts of electricity and having a rated capacity of 100,000 electrical kilowatts or more, the amount of financial protection required shall be the maximum amount available from private sources. Such financial protection may include private insurance, private contractual indemnities, self insurance, other proof of financial responsibility, or a combination of such measures.

c. The Commission shall, with respect to licenses issued between August 30, 1954, and August 1, 1977, for which it requires financial protection, agree to indemnify and hold harmless the licensee and other persons indemnified, as their interest may appear, from public liability arising from nuclear incidents which is in excess of the level of financial protection required of the licensee. The aggregate indemnity for all persons indemnified in connection with each nuclear incident shall not exceed $500,000,000 including the reasonable costs of investigating and settling claims and defending suits for damage: *Provided, however,* That this amount of indemnity shall be reduced by the amount that the financial protection re-

quired shall exceed $60,000,000. Such a contract of indemnification shall cover public liability arising out of or in connection with the licensed activity. With respect to any production or utilization facility for which a construction permit is issued between August 30, 1954, and August 1, 1977, the requirements of this subsection shall apply to any license issued for such facility subsequent to August 1, 1977.

d. In addition to any other authority the Commission may have, the Commission is authorized until August 1, 1977, to enter into agreements of indemnification with its contractors for the construction or operation of production or utilization facilities or other activities under contracts for the benefit of the United States involving activities under the risk of public liability for a substantial nuclear incident. In such agreements of indemnification the Commission may require its contractor to provide and maintain financial protection of such a type and in such amounts as the Commission shall determine to be appropriate to cover public liability arising out of or in connection with the contractual activity, and shall indemnify the persons indemnified against such claims above the amount of the financial protection required, in the amount of $500,000,000, including the reasonable costs of investigating and settling claims and defending suits for damage in the aggregate for all persons indemnified in connection with such contract and for each nuclear incident: *Provided*, That this amount of indemnity shall be reduced by the amount that the financial protection required shall exceed $60,000,000: *Provided further*, That in the case of nuclear incidents occurring outside the United States, the amount of the indemnity provided by the Commission shall not exceed $100,000,000. The provisions of this subsection may be applicable to lump sum as well as cost type contracts and to contracts and projects financed in whole or in part by the Commission. A contractor with whom an agreement of indemnification has been executed and who is engaged in activities connected with the underground detonation of a nuclear explosive device shall be liable, to the extent so indemnified under this section, for injuries or damage sustained as a result of such detonation in the same manner and to the same extent as would a private person acting as principal, and no immunity or defense founded in the Federal, State, or municipal character of the contractor or of the work to be performed under the contract shall be effective to bar such liability.

e. The aggregate liability for a single nuclear incident of persons indemnified, including the reasonable costs of investigating and settling claims and defending suits for damage, shall not exceed the sum of $500,000,000 together with the amount of financial protection required of the license or contractor: *Provided, however*, That such aggregate liability shall in no event exceed the sum of $560,000,000: *Provided further*, That with respect to any nuclear incident occurring outside of the United States to which an agreement of indemnification entered into under the provisions of subsection 170 d. is applicable, such aggregate liability shall not exceed the amount of $100,000,000 together with the amount of financial protection required of the contractor.

f. The Commission is authorized to collect a fee from all persons with whom an indemnification agreement is executed under this section. This fee shall be $30 per year per thousand kilowatts of thermal energy capacity for facilities licensed under section 103. For facilities licensed under section 104, and for construction permits under section 185, the Commission is authorized to reduce the fee set forth above. The Commission shall establish criteria in writing for determination of the fee for facilities licensed under section 104, taking into consideration such factors as (1) the type, size, and location of facility involved, and other factors pertaining to the hazard, and (2) the nature and purpose of the facility. For other licenses, the Commission shall collect such nominal fees as it deems appropriate. No fee under this subsection shall be less than $100 per year.

g. In administering the provisions of this section, the Commission shall use, to the maximum extent practicable, the facilities and services of private insurance organizations, and the compensation for such services. Any contract made under the provisions of this subsection may be made without regard to the provisions of section 3709 of the Revised Statutes, as amended, upon a showing by the Commission that advertising is not reasonably practicable and advance payments may be made.

h. The agreement of indemnification may contain such terms as the Commission deems appropriate to carry out the purposes of this section. Such agreement shall provide that, when the Commission makes a determination that the United States will probably be required to make indemnity payments under this section, the Commission shall collaborate with any person indemnified and may approve the payment of any claim under the agreement of indemnification, appear through the Attorney General on behalf of the person indemnified, take charge of such action, and settle or defend any such action. The Commission shall have final authority on behalf of the United States to settle or approve the settlement of any such claim on a fair and reasonable basis with due regard for the purposes of this Act. Such settlement may include reasonable expenses in connection with the claim incurred by the person indemnified.

i. After any nuclear incident which will probably require payments by the United States under this section, the Commission shall make a survey of the causes and extent of damage which shall forthwith be reported to the Joint Committee, and, except as forbidden by the provisions of chapter 12 of this Act or any other law or Executive order, all final findings shall be made available to the public, to the parties involved and to the courts. The Commission shall report to the Joint Committee by April 1, 1958, and every year thereafter on the operations under this section.

j. In administering the provisions of this section, the Commission may make contracts in advance of appropriations and incur obligations without regard to section 3679 of the Revised Statutes, as amended.

k. With respect to any license issued pursuant to section 53, 63, 81, 104a., or 104c. for the conduct of educational activities to a person found by the Commission to be a nonprofit educational institution, the Commission shall exempt such licensee from the financial protection requirement of subsection 170a. With respect to licenses issued between August 30, 1954, and August 1, 1977, for which the Commission grants such exemption:

(1) the Commission shall agree to indemnify and hold harmless the licensee and other persons indemnified, as their interests may appear, from public liability in excess of $250,000 arising from nuclear incidents. The aggregate indemnity for all persons indemnified in connection with each nuclear incident shall not exceed $500,000,000, including the reasonable cost of investigating and settling claims and defending suits for damage;

(2) such contracts of indemnification shall cover public liability arising out of or in connection with the licensed activity; and shall include damage to property of persons indemnified, except property which is located at the site of and used in connection with the activity where the nuclear incident occurs; and

(3) such contracts of indemnification, when entered into with a licensee having immunity from public liability because it is a State agency, shall provide also that the Commission shall make payments under the contract on account of activities of the licensee in the same manner and to the same extent as the Commission would be required to do if the licensee were not such a State agency.

Any licensee may waive an exemption to which it is entitled under this subsection. With respect to any production or utilization facility for which a construction permit is issued between August 30, 1954, and August 1, 1977, the requirements of this subsection shall apply to any license issued for such facility subsequent to August 1, 1977.

l. The Commission is authorized until August 1, 1977, to enter into an agreement of indemnification with any person engaged in the design, development, construction, operation, repair, and maintenance or use of the nuclear-powered ship authorized by section 716 of the Merchant Marine Act, 1936, and designated the nuclear ship Savannah. In any such agreement of indemnification the Commission may require such person to provide and maintain financial protection of such a type and in such amounts as the Commission shall determine to be appropriate to cover public liability arising from a nuclear incident in connection with such design, development, construction, operation, repair, maintenance or use and shall indemnify the person indemnified against such claims above the amount of the financial protection required, in the amount of $500,000,000 including the reasonable costs of investigating and settling claims and defending suits for damage in the aggregate for all persons indemnified in connection with each nuclear incident: *Provided*, That this amount of indemnity shall be reduced by the amount that the financial protection required shall exceed $60,000,000.

m. The Commission is authorized to enter into agreements with other indemnitors to establish coordinated procedures for the prompt handling, investigation, and settlement of claims for public liability. The Commission and other indemnitors may make payments to, or for the aid of, claimants for the purpose of providing immediate assistance following a nuclear incident. Any funds appropriated to the Commission shall be available for such payments. Such payments may be made without securing releases, shall not constitute an admission of the liability of any person indemnified or of any indemnitor, and shall operate as a satisfaction to the extent thereof of any final settlement or judgment.

n. (1) With respect to any extraordinary nuclear occurrence to which an insurance policy or contract furnished as proof of financial protection or an indemnity agreement applies and which—

(a) arises out of or results from or occurs in the course of the construction, possession, or operation of a production or utilization facility, or

(b) arises out of or results from or occurs in the course of transportation of source material, byproduct material, or special nuclear material to or from a production or utilization facility, or

(c) during the course of the contract activity arises out of or results from the possession, operation, or use by a Commission contractor or subcontractor of a device utilizing special nuclear material or byproduct material,

the Commission may incorporate provisions in indemnity agreements with licensees and contractors under this section, and may require provisions to be incorporated in insurance policies or contracts furnished as proof of financial protection, which waive (1) any issue or defense as to conduct of the claim-

ant or fault of persons indemnified, (ii) any issue or defense as to charitable or governmental immunity, and (iii) any issue or defense based on any statute of limitations if suit is instituted within three years from the date on which the claimant first knew, or reasonably could have known, of his injury or damage and the cause thereof, but in no event more than ten years after the date of the nuclear incident. The waiver of any such issue or defense shall be effective regardless of whether such issue or defense may otherwise be deemed jurisdictional or relating to an element in the cause of action. When so incorporated, such waivers shall be judicially enforcible in accordance with their terms by the claimant against the person indemnified. Such waivers shall not preclude a defense based upon a failure to take reasonable steps to mitigate damages, nor shall such waivers apply to injury or damage to a claimant or to a claimant's property which is intentionally sustained by the claimant or which results from a nuclear incident intentionally and wrongfully caused by the claimant. The waivers authorized in this subsection shall, as to indemnitors, be effective only with respect to those obligations set forth in the insurance policies or the contracts furnished as proof of financial protection and in the indemnity agreements. Such waivers shall not apply to, or prejudice the prosecution or defense of, any claim or portion of claim which is not within the protection afforded under (i) the terms of insurance policies or contracts furnished as proof of financial protection, or indemnity agreements, and (ii) the limit of liability provisions of subsection 170e.

(2) With respect to any public liability action arising out of or resulting from an extraordinary nuclear occurrence, the United States district court in the district where the extraordinary nuclear occurrence takes place, or in the case of an extraordinary nuclear occurrence taking place outside the United States, the United States District Court for the District of Columbia, shall have original jurisdiction without regard to the citizenship of any party or the amount in controversy. Upon motion of the defendant or of the Commission, any such action pending in any State court or United States district court shall be removed or transferred to the United States district court having venue under this subsection. Process of such district court shall be effective throughout the United States.

o. Whenever the United States district court in the district where a nuclear incident occurs, or the United States District Court for the District of Columbia in case of a nuclear incident occurring outside the United States, determines upon the petition of any indemnitor or other interested person that public liability from a single nuclear incident may exceed the limit of liability under subsection 170e.:

(1) Total payments made by or for all indemnitors as a result of such nuclear incident shall not exceed 15 per centum of such limit of liability without the prior approval of such court;

(2) The court shall not authorize payments in excess of 15 per centum of such limit of liability unless the court determines that such payments are or will be in accordance with a plan of distribution which has been approved by the court or such payments are not likely to prejudice the subsequent adoption and implementation by the court of a plan of distribution pursuant to subparagraph (3) of this subsection (o); and

(3) The Commission shall, and any other indemnitor or other interested person may, submit to such district court a plan for the disposition of pending claims and for the distribution of remaining funds available. Such a plan shall include an allocation of appropriate amounts for personal injury claims, property damage claims, and possible latent injury claims which may not be discovered until a later time. Such court shall have all power necessary to approve, disapprove, or modify plans proposed, or to adopt another plan; and to determine the proportionate share of funds available for each claimant. The Commission, any other indemnitor, and any person indemnified shall be entitled to such orders as may be appropriate to implement and enforce the provisions of this section, including orders limiting the liability of the persons indemnified, orders approving or modifying the plan, orders staying the payment of claims and the execution of court judgments, orders apportioning the payments to be made to claimants, and orders permitting partial payments to be made before final determination of the total claims. The orders of such court shall be effective throughout the United States.

Mr. GRAVEL. Mr. President, I know of at least one provision which is missing from the bill I am introducing today. It is missing because hearings are required to work out specifics. I wish to state the principle of the missing provision: Repeal of the Price-Anderson Act—in particular, section 170c of the present Atomic Energy Act—will obviously require the Government to offer relief measures for present license holders who prefer to terminate nuclear operations rather than accept the financial responsibility.

There may be additional provisions which are now missing from the bill I am introducing. I welcome all suggestions.

The Price-Anderson Act, which was passed explicitly "to encourage the development of the atomic energy industry," may simply be obsolete in 1971. Do we really need to stimulate the atomic energy industry, in particular, nuclear electricity? We now know, for instance, that solar energy techniques can make it possible to power civilization with sunlight instead of with nuclear fuel. A "sunshine economy" appears as feasible as a "radioactive economy," and far less dangerous.

Nevertheless, the major nuclear activity in this country today is the construction and operation of nuclear powerplants which generate electricity. A single 1,000-megawatt powerplant produces enough radioactive plutonium in a single year to give about 500 billion—500,000,000,000—people the maximum permissible "body burden" of plutonium-239. I have mentioned only plutonium, whose most common isotope remains radioactive for 24,000 years. In addition, such a powerplant produces an annual inventory of long-lived radioactive fission-products—like strontium-90 and cesium-137—about equal to the amount created in the explosion of 1,000 Hiroshima bombs. That is the radioactive legacy of one plant operating for just 1 year.

Presently, this country has in operation the equivalent of about nine 1,000-megawatt nuclear powerplants, producing fission products equivalent to about 9,000 Hiroshima bombs per year, plus enough plutonium to give about 4 trillion people their maximum permissible amount. In addition, there are about 100 nuclear powerplants in various stages of construction and planning.

The AEC expects to license about 1,000 nuclear powerplants in the next 29 years.

Since their nondisposable radioactive byproducts clearly have the power to poison the entire planet permanently and completely, the AEC is forced to presume that man will be able to confine the radioactive poison he is creating with 99.999 percent success for hundreds—no, thousands—of years to come.

The AEC has to count on virtual perfection in this giant human industrial gamble called nuclear electricity—right through powerplant design, manufacture, construction, operation, waste transport, waste handling and processing, perpetual waste storage, plus additional steps too numerous to mention.

All that stands between nuclear electricity and irrevocable radioactive poisoning of the planet earth is near-infallibility in the nuclear electricity industry.

Therefore, it is disconcerting in the extreme to realize that the nuclear electricity industry is rapidly expanding under a law—the Price-Anderson Act—which not only acknowledges that giant nuclear accidents can happen, but then proceeds to remove the very restraint which normally operates to prevent reckless activities, namely full liability for public damages.

When Price-Anderson was first passed and then renewed, utility representatives testified that they would build no nuclear plants if they had to stand fully liable for accidents.

As millions of magazine readers know, the electric utilities now vigorously deny the basic premise of the Price-Anderson Act—that giant nuclear accidents can happen. In a two-page advertisement called, Go play in the nuclear power park, which appeared in Newsweek September 21, 1970, and in Look on October 6, 1970, about 70 investor-owned power companies made the following claim:

> Before the go-ahead is ever given to build a nuclear power plant, the Atomic Energy Commission requires that the potential owner adhere to safety standards that will withstand every conceivable emergency . . ."

The utilities sound very sure indeed now. Let us briefly consider the safety claims of Portland General Electric, which recently received a construction permit for its Trojan nuclear powerplant.

With reference to the Trojan approval letter written by the AEC's Advisory Committee on Reactor Safeguards, PGE claimed in writing just a few weeks ago that—

> The best technical minds in the Nation the (ACRS) can not hypothesize any accident or operating condition where the (Trojan) plant would be unsafe except these few areas which have been suggested by this committee.

PGE was indicating that, after it made the design changes in these few areas requested by the advisory committee, a public hazard from the Trojan nuclear plant would be inconceivable, even to the best technical minds in the country.

Surely a company so confident that giant accidents are inconceivable does not need the Price-Anderson Act to protect it from public liability suits.

Explicitly, PGE has stated that even if

its proposed Trojan plan were to have an accident, at the worst it would kill no one, possibly injure six people, and require the evacuation of 67 people. This claim was based on "the continuous operation of the emergency core cooling system after the initial fission-product release" inside the building, and based on no rupture of the containment.

Asking people to bet their lives on the "emergency core cooling system" is like asking the public to test-fly a new airplane. The reason I say that is because no emergency core cooling system has ever been fully tested to see if it will really work when the chips are down. The AEC plans the first large-scale tests in 1975, a year after the Trojan plant and many, many others are due to go into operation.

Mini-scale tests of the emergency core cooling system have recently cast new doubt on the effectiveness of that vital safety system—Nucleonics Week, May 6, 1971.

Do the directors of PGE continue to stand behind their company's super-safety claims? If so, then we can certainly expect those men to demonstrate their sincerity by supporting my bill. After all, this bill merely makes their company liable for accidents they have claimed will never happen.

Likewise, I see every reason for the directors of all the investor-owned power companies which sponsored the advertisement in Newsweek and Look actively to support my bill, preferably in new coast-to-coast advertisements.

My point is very simple; they have claimed that their nuclear powerplants can withstand every conceivable emergency, and it is time for them to put their money where their mouths are. If they would not even risk their dollars on nuclear electricity, why should Americans be forced to risk their lives?

If it is no longer conceivable for nuclear powerplants to have the disastrous radioactive releases which prompted the Price-Anderson Act in the first place, then the utilities no longer need the protection of that act.

If it is possible for catastrophic nuclear accidents to happen, then the public is entitled to hear that message, too, in double-page nationwide advertisements.

The public is entitled to know how great the public injury might be from the worst possible accident in terms of extra cancers, defective babies, and contaminated property: $20 billion? $10 billion? $2 billion? $100 million? Or zero, as PGE claims? As of July 1970, the AEC was standing by its 1957 estimate—$7 billion or worse for the maximum credible accident. The utilities deny it.

Some people have warned me that my bill would kill nuclear electricity simply because no single utility has sufficient assets to cover the possible public liability from a nuclear accident. To consider such a warning, first we must determine how large the possible public injury would really be. Zero, or colossal? My bill would clearly require an inquiry into that very question—one for which the public deserves an unbiased and believable answer instead of totally contradictory claims.

The utilities have everything to gain by such an inquiry, providing their safety claims are true. However, if such an inquiry determines that possible public injury from nuclear powerplants is great enough to exceed the assets of licensed utilties, then it is surely time to re-evaluate the wisdom and morality of licensing such machines at all, especially in view of the safe alternatives.

By Mr. JAVITS (for himself, Mr. BEALL, Mr. DOMINICK, Mr. KENNEDY, Mr. PROUTY, Mr. RANDOLPH, Mr. TAFT, and Mr. SCHWEIKER):

S. 1856. A bill to assure an opportunity for occupational education (other than that resulting in a baccalaureate or advanced degree) to every American who needs and desires such education by providing financial assistance for postsecondary occupational education programs, and to strengthen the concept of occupational preparation, counseling, and placement in elementary and secondary schools, and for other purposes. Referred to the Committee on Labor and Public Welfare.

OCCUPATIONAL EDUCATION ACT OF 1971

Mr. JAVITS. Mr. President, I send to the desk for an appropriate reference, and introduce for myself and Senators BEALL, DOMINICK, KENNEDY, PROUTY, RANDOLPH, TAFT, and SCHWEIKER, the Occupational Education Act of 1971. The cosponsors of this bill are a bipartisan group of members of the Senate Subcommittee on Education. This measure is a companion bill to H.R. 7429, introduced in the House last month by Representative QUIE of Minnesota and cosponsored by a bipartisan group of members of the House Committee on Education and Labor, including such senior members as Representatives GREEN, REID, PUCINSKI, DELLENBACK, BRADEMAS, and ESCH.

This legislation has two objectives:

First. Establishment and expansion of postsecondary occupational programs which prepare for job entry rather than a baccalaureate degree; and

Second. Occupational counseling and preparation in elementary and secondary schools on an equal footing with academic preparation.

The bill authorizes $100 million for fiscal 1972, $250 million for fiscal 1973, $500 million for fiscal 1974, and such sums as may be necessary for each fiscal year thereafter. Eighty percent of the first year's funds and 85 percent of the funds for the succeeding years are allocated on a formula basis directly to the States for the purposes of the legislation, with the remainder reserved to the Commissioner of Education to provide technical assistance to the States and to establish model or demonstration programs in occupational education.

This legislation was first developed in consultation with representatives of the American Vocational Association, the American Association of Junior Colleges, the American Association of State Colleges and Universities, and the United Business Schools, Inc.—organizations preeminent in the area of postsecondary occupational education.

A significant number of our young people do not seek to pursue their education after high school in purely academic fields. They seek occupational, or career, training. Some 2 million Americans are now enrolled full time in postsecondary vocational or technical training courses. There were only 150,000 such students in this category as recently as 1964—this phenomenal growth is perhaps one of the most significant developments in American education today.

Half of all jobs opening up in the 1970's will require training beyond high school but less than a 4-year degree.

The U.S. Office of Education has estimated that as many as 25 million Americans now need some form of occupational training. Less than half this number are now receiving such training—5 million in high schools, 2 million in full-time, post-secondary vocational-technical programs, and the remainder as short-term and part-time adult students who wish to improve or update their skills. And this still falls far short of the need.

Yet, despite persistent national requirements in the occupational field, the Federal Government spends $4 in remedial manpower programs for every $1 it invests in vocational education as a source of prevention of unemployment and welfare, and invests only $1 in vocational-technical education for every $14 spent on the Nation's colleges and universities.

The United States is being competitively tested in much of the world, and this is a way in which to remedy that situation. I consider this a major bill in terms of the social and economic condition of the United States, and we shall do our utmost to get action on it here in the Senate, as they will in the other body. I think it will make a very major change in the outlook and opportunity for young Americans.

Perhaps one of the things that is disturbing young Americans today is the complete concentration on academic pursuits and professional pursuits toward the level of higher education, without the recognition that for millions upon millions of Americans some higher education in the vocations will give dignity as well as competence to these callings which are so essential to the future well-being of our country.

We must overcome the shortsightedness which encourages a young American to complete 4 years of college to become a teacher at $8,000 yearly but does not give similar encouragement to his becoming a medical technician after 2 years of college for a similar salary. Both serve our society, and both are needed.

Our community colleges, for example, are quite properly expanding their horizons to include occupational education. In my own State of New York, for instance, new curriculums at community colleges have included aircraft-operations technology, correction administration, physical and occupational therapy, and environmental health technology.

American education must not be strangled by "degrees"—there is an expanding and unfulfilled need for occupational education at less than the baccalaureate level and there is work to be done by those who receive such training, as technicians and at the subprofessional level. Occupational education must now

come into its own, and this bill attempts to achieve that advance.

So that Members of the Senate may have an opportunity to really study what we propose, I ask unanimous consent that the text of the bill may be printed in the RECORD as a part of my remarks.

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

S. 1856

A bill to assure an opportunity for occupational education (other than that resulting in a baccalaureate or advanced degree) to every American who needs and desires such education by providing financial assistance for postsecondary occupational education programs, and to strengthen the concept of occupational preparation, counseling, and placement in elementary and secondary schools, and for other purposes

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 Occupational Education Act of 1971".

FINDINGS AND STATEMENT OF PURPOSES

SEC. 2. The Congress finds and declares that—

(a) our educational system should be responsible for assuring that every young person leaving secondary school is prepared for and assisted in placement either in productive employment or in further education at the postsecondary level;

(b) the opportunity for postsecondary occupational education in programs which do not directly lead to a baccalaureate or advanced academic degree is severely limited in many parts of the Nation and is everywhere inadequate to meet existing needs, and that this situation adversely affects vital national economic and social goals;

(c) high-quality programs of postsecondary occupational education can be found in a wide variety of institutions, including public and private junior and community colleges, area vocational schools, technical institutes, private proprietary schools, college and university branches, and colleges and universities, and Federal support should encourage the utilization of all such facilities to meet the enormous needs in this field;

(d) the goals and purposes of the Congress in enacting the Vocational Education Act of 1963 and the amendments to that Act of 1968 cannot be realized until there is a widespread understanding of and support for occupational preparation in the general academic community which in turn is reflected in changed attitudes, curriculums, and practices in elementary and secondary schools; and

(e) the foregoing purposes and those of the Vocational Education Act Amendments of 1968 and related Acts cannot be realized without strong leadership and exemplary administration at the Federal level.

AUTHORIZATIONS OF APPROPRIATIONS

SEC. 3. For the purpose of carrying out title I of this Act, there are hereby authorized to be appropriated $100,000,000 for the fiscal year ending June 30, 1972, $250,000,000 for the year ending June 30, 1973, $500,000,000 for the year ending June 30, 1974, and for each fiscal year thereafter such sums as may be necessary to assure that the purposes of this Act are realized. From the sums appropriated for the fiscal year ending June 30, 1972, 80 per centum shall be available for the purposes of establishing a plan for administration under section 110, making planning grants under section 122, and for initiating programs under title I in those States which have complied with the planning requirements of section 122, and 20 per centum shall be available only for technical assistance under section 125(a). From the amount appropriated for each succeeding fiscal year 85 per centum shall be available for grants to the States for carrying out title I of this Act, and 15 per centum shall be reserved to the Commissioner of Education (hereinafter referred to as the Commissioner) for grants and contracts pursuant to section 125.

ALLOTMENTS AND REALLOTMENTS AMONG STATES

SEC. 4. (a) From the sums available in the fiscal year ending June 30, 1972, for allotment to the States under section 3 the Commissioner shall first allot such sums as they may require (but not to exceed $50,000 each) to Guam, American Samoa, and the Trust Territory of the Pacific Islands. From the remainder of such sums he shall allot to each State an amount which bears the same ratio to such remainder as the number of persons sixteen years of age or older in such State bears to the number of such persons in all States, except that the amount apportioned to any State shall not be less than $100,000.

(b) From the sums available in any fiscal year beginning after June 30, 1972, for allotment to the States under section 3 the Commissioner shall first allot such sums as they may require (but not to exceed $500,000 each) to Guam, American Samoa, and the Trust Territory of the Pacific Islands. From the remainder of such sums he shall allot to each State an amount which bears the same ratio to such remainder as the number of persons sixteen years of age or older in such State bears to the number of such persons in all the States, except that the amount apportioned to any State shall not be less than $100,000.

(c) The portion of any State's allotment under subsection (a) or (b) for a fiscal year which the Commissioner determines will not be required, for the period such allotment is available, for carrying out the purposes of this Act shall be available for reallotment from time to time, on such dates during such periods as the Commissioner may fix, to other States in proportion to the original allotments to such States under subsection (a) or (b) for such year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum which the Commissioner estimates such State needs and will be able to use for such period, and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts are not so reduced. Any amount reallotted to a State under this subsection during a year shall be deemed part of its allotment under subsection (a) or (b) for such year.

TITLE I—OCCUPATIONAL EDUCATION PROGRAMS

PART A—FEDERAL ADMINISTRATION

GENERAL RESPONSIBILITIES OF THE SECRETARY

SEC. 101. (a) The Secretary of Health, Education, and Welfare (hereinafter referred to as the Secretary) shall develop and carry out a program designed to promote and encourage occupational education, which program shall—

(1) provide for the administration by the Commissioner of Education of grants to the States authorized by this title;

(2) assure that manpower needs in subprofessional occupations in education, health, rehabilitation, and community and welfare services are adequately considered in the development of programs under this Act;

(3) promote and encourage the coordination of programs developed under this Act with those supported under the Vocational Education Act, the Manpower Development and Training Act, title I of the Economic Opportunity Act, the Public Health Service Act and related activities administered by various departments and agencies of the Federal Government; and

(4) provide for the continuous assessment of needs in occupational education and for the continuous evaluation of programs supported under the authority of this Act and of related Acts.

(b) The Secretary shall establish (or designate) a special unit within the Office of the Secretary which—

(1) shall have the sole function of assisting the Secretary in the discharge of his responsibilities under this Act; and

(2) shall be headed by a person appointed or designated by the Secretary who shall be paid at a rate not less than that for level 5 of the Executive Schedule (title V, section 5316, United States Code).

GENERAL RESPONSIBILITIES OF THE COMMISSIONER OF EDUCATION

SEC. 102. The Commissioner of Education shall, in addition to the specific responsibilities imposed by this Act develop and carry out a program of occupational education that will—

(1) coordinate all programs administered by the Commissioner which relate to or have an effect upon occupational education so as to provide the maximum practicable support for the objectives of this Act;

(2) promote and encourage the infusion into our system of elementary and secondary education of occupational preparation, counseling and guidance, and job placement or placement in postsecondary-occupational education programs as a responsibility of the schools;

(3) utilize research and demonstration programs administered by him to assist in the development of new and improved instructional methods and technology for occupational education and in the design and testing of models of schools or school systems which place occupational education on an equal footing with academic education;

(4) assure that the Education Professions Development Act and similar programs of general application will be so administered as to provide a degree of support for vocational, technical, and occupational education commensurate with national needs and more nearly representative of the relative size of the population to be served; and

(5) develop and disseminate accurate information on the status of occupational education in all parts of the Nation, at all levels of education, and in all types of institutions, together with information on occupational opportunities available to persons of all ages.

ESTABLISHMENT OF BUREAU OF OCCUPATIONAL EDUCATION

SEC. 103. (a) There is hereby established in the United States Office of Education a Bureau of Occupational Education which shall be the principal agency within the Office of Education for the administration of this Act, the Vocational Education Act of 1963, the Adult Education Act of 1966, and functions of the Office of Education relating to manpower training and development.

(b)(1) The Bureau shall be headed by a person (appointed or designated by the Commissioner) who is highly qualified in the fields of vocational-technical and occupational education, who is accorded the rank of Deputy Commissioner, and who is compensated at the rate specified for GS–18 of the General Schedule (5 U.S.C. 5332).

(2) Additional positions shall be assigned to the Bureau as follows—

(A) not less than three positions compensated at the rate specified for GS–17 of the General Schedule (5 U.S.C. 5332), one of which shall be filled by a person with broad experience in the field of junior and community college education;

(B) not less than seven positions compensated at the rate specified for GS–16 of the General Schedule (5 U.S.C. 5332), at least two of which shall be filled by persons with broad experience in the field of post-secondary-occupational education in community and junior colleges, at least one of which

shall be filled by a person with broad experience in education in private proprietary institutions, and at least one of which shall be filled by a person with professional experience in occupational guidance and counseling; and

(C) not less than three positions compensated at the rate specified for GS–15 of the General Schedule (5 U.S.C. 5332) which shall be filled by persons at least one of whom is a skilled worker in a recognized occupation, another is a subprofessional technician in one of the branches of engineering, and the other is a subprofessional worker in one of the branches of social or medical services, who shall serve as senior advisers in the implementation of this Act.

PART B—STATE ADMINISTRATION

DESIGNATION BY GOVERNOR

SEC. 110. (a) The Governor of any State desiring to participate in the programs authorized by this Act shall in accordance with State law designate or establish a State agency which will have sole responsibility for fiscal management and administration of the program, and which will provide assurances satisfactory to the Commissioner that—

(1) such State agency shall submit to the Commissioner a plan of administration which makes adequate provision for effective participation in the planning, design, administration, and evaluation of the programs authorized by this Act of persons with broad experience in the fields of—

(A) public and private junior and community college education,

(B) post-secondary vocational-technical education,

(C) occupational education in private, proprietary institutions,

(D) economic and industrial development,

(E) manpower development and training,

(F) academic education at the college and university level,

(G) secondary vocational-technical education,

(H) elementary and secondary education,

(I) elementary and secondary counseling and guidance, and

(J) industry, commerce, and labor.

(2) the State advisory council for vocational education will be charged with the same responsibilities with respect to programs authorized by this Act as it has with respect to programs authorized under the Vocational Education Act of 1963;

(3) there is an administrative device which provides reasonable promise for resolving differences between vocational educators, junior and community college educators, college and university educators, elementary and secondary educators, and other interested groups with respect to the administration of programs authorized under this Act; and

(4) there is adequate provision for individual institutions or groups of institutions to appeal and obtain a hearing from the State administrative agency with respect to policies, procedures, programs, or allocation of resources under this Act with which such institution or institutions disagree.

(b) The Commissioner shall approve any plan of administration which meets the requirements of subsection (a), and shall not finally disapprove any plan without affording the State administrative agency a reasonable opportunity for a hearing. Upon the final disapproval of any plan, the provisions for judicial review set forth in section 124(b) shall be applicable.

PART C—STATE OCCUPATIONAL EDUCATION PROGRAMS

AUTHORIZATION OF GRANTS

SEC. 121. From the sums made available for grants under this part pursuant to sections 3 and 4, the Commissioner is authorized to make grants to the States to assist them in planning and administering high-quality programs of post-secondary-occupational education which will be available to all persons in all parts of the State who desire and need such education, and to promote occupational orientation and education in the regular elementary and secondary school programs.

PLANNING GRANTS

SEC. 122. (a) Upon the application of a State under section 110, the Commissioner shall make available to the State the amount of its allocation under section 4 for the following purposes—

(1) to assist the State administrative agency established or designated by the Governor in meeting the requirements of section 110;

(2) to strengthen the State Advisory Council on Vocational Education in order that it may effectively carry out the additional functions imposed by this Act; and

(3) to enable the agency designated by the Governor under section 110 to initiate and conduct a comprehensive program of planning for the establishment and carrying out of programs authorized by this Act.

(b) (1) Planning activities initiated under clause (3) of subsection (a) shall include—

(A) an assessment of the existing capabilities and facilities for the provision of post-secondary-occupational education, together with existing needs and projected needs for such education in all parts of the State;

(B) thorough consideration of the most effective means of utilizing all existing institutions within the State capable of providing the kinds of programs funded under this Act, including (but not limited to) both private and public junior and community colleges, area vocational schools, accredited private proprietary institutions, technical institutes, manpower skill centers, branch institutions of State colleges or universities, and public and private colleges and universities;

(C) the design of high-quality instructional programs to meet the needs for post-secondary-occupational education and the development of an order of priorities for placing these programs in operation;

(D) the development of a long-range strategy for infusing occupational education (including general orientation, counseling and guidance, and placement either in a job or in post-secondary-educational programs) into elementary and secondary schools on an equal footing with traditional academic education, to the end that every child who leaves secondary school is prepared either to enter productive employment or to undertake additional education at the postsecondary level, but without being forced prematurely to make an irrevocable commitment to a particular educational or occupational choice; and

(B) the development of procedures to insure continuous planning and evaluation, including the regular collection of data which would be readily available to the State administrative agency, the State advisory council on vocational education, individual educational institutions, and other interested parties (including concerned private citizens).

(2) Planning activities carried out under this section shall involve the active participation of—

(A) the State board for vocational education;

(B) the State agency having responsibility for junior and community colleges;

(C) the State agency having responsibility for higher education institutions or programs;

(D) the State agency responsible for administering public elementary and secondary education;

(E) the State agency responsible for programs of adult basic education;

(F) representatives of all types of institutions in the State which are conducting or which have the capability and desire to conduct programs of postsecondary occupational education;

(G) representatives of private, nonprofit elementary and secondary schools;

(H) the State employment security agency, the State agency responsible for apprenticeship programs, and other agencies within the State having responsibility for administering manpower development and training programs;

(I) the State agency responsible for economic and industrial development; and

(J) representatives of business, industry, organized labor, and the general public.

(c) The Commissioner shall not approve any application for a grant under section 123 of this Act unless he is reasonably satisfied that the planning described in this section (whether or not assisted by a grant under this section) has been carried out.

PROGRAM GRANTS

SEC. 123. (a) From the allotments available to the States under section 4(b) (upon application by the State administrative agency designated under section 110), the Commissioner shall make grants to any State which has satisfied the requirements of section 124. Such grants may be used for the following purposes—

(1) the design, establishment, and conduct of programs of post-secondary-occupational education (or the expansion and improvement of existing programs) as defined by section 127 of this Act;

(2) the design, establishment, and conduct of programs to carry out the long-range strategy developed pursuant to section 122(b)(1)(D) for infusing into elementary and secondary education occupational preparation, which shall include methods of involving secondary schools in occupational placement and methods of providing followup services and career counseling and guidance for persons of all ages as a regular function of the educational system;

(3) special training and preparation of persons to equip them to teach, administer, or otherwise assist in carrying out programs authorized under this Act (such as programs to prepare journeymen in the skilled trades or occupations for teaching positions);

(4) planning and evaluation activities designed pursuant to section 122(b)(1)(E); and

(5) the leasing, renting, or remodeling of facilities required to carry out programs authorized by this Act.

(b) Programs authorized by this Act may be carried out through contractual arrangements with private organizations and institutions organized for profit where such arrangements can make a contribution to achieving the purposes of this Act by providing substantially equivalent education, training, or services more readily or more economically, or by preventing needless duplication of expensive physical plant and equipment, or by providing needed education or training of the types authorized by this Act which would not otherwise be available.

ASSURANCES FROM THE STATES; PROVISIONS FOR JUDICIAL REVIEW

SEC. 124. (a) Before making any program grant under this Act the Commissioner shall receive from the State administrative agency assurances satisfactory to him that—

(1) the planning requirements of section 122 have been met;

(2) the State advisory council on vocational education has had a reasonable opportunity to review and make recommendations concerning the design of the programs for which the grant is requested;

(3) Federal funds made available under

this Act will result in improved postsecondary occupational education programs, and in no case supplant State, local, or private funds;

(4) provision has been made for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid to the State under this Act;

(5) to the extent consistent with the number of students enrolled in nonprofit private schools in the area to be served by an elementary or secondary school program funded under this Act, provision has been made for the effective participation of such students; and

(6) provides for making such reports in such form and containing such information as the Commissioner may reasonably require to carry out his functions under this Act.

(b)(1) Whenever the Commissioner, after reasonable notice and opportunity for a hearing to the State administrative agency, finds that any of the assurances required by subsection (a) are unsatisfactory, or that in the administration of the program there is a failure to comply with such assurances or with other requirements of the Act, the Commisssioner shall notify the administrative agency that no further payments will be made to the State under this Act until he is satisfied that there has been or will be compliance with the requirements of the Act.

(2) A State administrative agency which is dissatisfied with a final action of the Commissioner under this section or under section 110 (respecting approval of a State plan for administration) may appeal to the United States court of appeals for the circuit in which the State is located, by filing a petition with such court within sixty days after such final action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner, or any officer designated by him for that purpose. The Commissioner thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part, temporarily or permanently but until the filing of the record the Commissioner may modify or set aside his action. The findings of the Commissioner as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judgment of the court affirming or setting aside, in whole or in part, any action of the Commissioner shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of proceedings under this subsection shall not, unless so specifically ordered by the court, operate as a stay of the Commissioner's action.

TECHNICAL ASSISTANCE AND MODEL PROGRAMS

SEC. 125. (a) The Commissioner shall make available (to the extent practicable) technical assistance to the States in planning, designing, and carrying out programs authorized by this Act upon the request of any Governor or State administrative agency, and the Commissioner shall take affirmative steps to acquaint all interested organizations, agencies, and institutions with the provisions of this Act and to enlist broad public understanding of its purposes.

(b) From the sums reserved to the Commissioner under section 3, he shall by grant or contract provide assistance—

(1) for the establishment and conduct of model or demonstration programs which in his judgment will promote the achievement of one or more purposes of this Act and which might otherwise not be carried out (or be carried out soon enough or in such a way as to have the desirable impact upon the purposes of the Act);

(2) as an incentive or supplemental grant to any State administrative agency which makes a proposal for advancing the purposes of this Act which he feels holds special promise for meeting occupational education needs of particular groups or classes of persons who are disadvantaged or who have special needs, when such proposal could not reasonably be expected to be carried out under the regular State program; and

(3) for particular programs or projects eligible for support under this Act which he believes to have a special potential for helping to find solutions to problems on a regional or national basis.

(c) In providing support under subsection (b) the Commissioner may as appropriate make grants to or contracts with public or private agencies, organizations, and institutions, but he shall give first preference to applications for projects or programs which are administered by or approved by State administrative agencies, and he shall in no case make a grant or contract within any State without first having afforded the State administrative agency reasonable notice and opportunity for comment and for making recommendations.

PAYMENTS

SEC. 126. Payments under this Act may be made in installments and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

DEFINITIONS

SEC. 127. For the purpose of this Act—

(1) the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and (except for the purposes of subsections (a) and (b) of section (4) Guam, American Samoa, and the Trust Territory of the Pacific Islands;

(2) the term "post-secondary-occupational education" means education, training, or retraining for persons sixteen years of age or older who have graduated from or left elementary or secondary school, conducted by an institution legally authorized to provide postsecondary education within a State, which is designed to prepare individuals for gainful employment as semiskilled or skilled workers or technicians or subprofessionals in recognized occupations (including new and emerging occupations) or to prepare individuals for enrollment in advanced technical education programs, but excluding any program to prepare individuals for employment in occupations which the Commissioner determines, and specifies by regulation, to be generally considered professional or which requires a baccalaureate or advanced degree;

(3) the term "Governor" means the Governor of a State or the chief executive officer (however described) or any jurisdiction treated as a State under this Act.

TITLE II—CONFORMING AND SUPPORTING AMENDMENTS TO OTHER ACTS

SEC. 201. (a) Section 203(a)(3) of the Elementary and Secondary Education Act of 1965 is amended by striking out "and" at the end of clause (B), striking out the semicolon at the end of clause (C) and inserting in lieu thereof ", and", and by inserting a new clause as follows:

"(D) provide assurance that equitable consideration shall be given to the needs of elementary and secondary schools for library resources, textbooks, and other printed and published materials utilized for instruction, orientation, or guidance and counseling in occupational education."

(b) Section 303(b)(3) of such Act is amended by redesignating clauses (C), (D), (E), (F), (G), (H), (I), and (J), respectively, as clauses (D), (E), (F), (G), (H), (I), (J), and (K), and by inserting a new clause as follows:

"(C) programs designed to encourage the development in elementary and secondary schools of occupational information and counseling and guidance, and instruction in occupational education on an equal footing with traditional academic education;".

(c) Section 503(4) of such Act is amended by redesignating clauses (A), (B), and (C), respectively, as clauses (B), (C), and (D), and by inserting a new clause as follows:

"(A) the development in elementary and secondary schools of programs of occupational information, counseling and guidance, and instruction in occupational education on an equal footing with traditional academic education,".

SEC. 202. (a)(1) Section 104(a)(2) of the Vocational Education Act of 1963 (relating to the duties of the National Advisory Council on Vocational Education) is amended by inserting after "under this title" each time it appears ", and under title I of the Occupational Education Act of 1971,".

(2) Section 104 of such Act is further amended by redesignating subsection (c) as subsection (d) and by inserting a new subsection as follows:

"(c) State advisory councils also shall perform with respect to the programs carried out under title I of the Occupational Education Act of 1971 functions identical with or analogous to those assigned under this title, and the Commissioner shall assure that adequate funds are made available to such Councils from funds appropriated to carry out title I of that Act (without regard to whether such funds have been allotted to States) to enable them to perform such functions."

By Mr. HART:

S. 1858. A bill to amend the National Environmental Policy Act of 1969 to provide for a National Environmental Data System. Referred to the Committee on Commerce.

NATIONAL ENVIRONMENTAL DATA SYSTEM ACT

Mr. HART. Mr. President, I introduce for appropriate reference a bill to amend the National Environmental Policy Act of 1969 to provide for a National Environmental Data System. The Committee on Commerce considered this legislation last year, but due to the press of business at the close of the session was unable to report out a bill. It is my hope that the committee will move expeditiously this year to give its approval to an institution which is without doubt sorely needed.

In reintroducing this bill, I would like again to express my admiration and appreciation for the Congressman from Michigan, Mr. DINGELL, who originally developed the data system concept in his Fisheries and Wildlife Subcommittee of the House Committee on Merchant Marine and Fisheries. Largely through his efforts, legislation similar to that introduced today passed the House in the last session. It is my understanding that this year the subcommittee again has reported the bill favorably.

What is proposed essentially is the establishment of a central system capable of housing all data relating to the environment. By allowing the regulatory agencies and the public ready access to

this information, it is hoped that we can diminish to some degree an understandable, but nonetheless persistent, cause of our environmental problems—ignorance.

Too many of our environmental crises can be traced to a lack of timely knowledge as to the seriousness of a given pollutant. In testimony before the Senate Subcommittee on the Environmental repeatedly we have heard witnesses bemoan the absence of any clearinghouse for environmental information which could, in specific instances, have provided such knowledge. In our hearings on the effects of mercury on man and the environment it was claimed by both those responsible for the mercury pollution and those directly affected by it that the existence of such a clearinghouse might have prevented much of the damage that occurred. Although for several years literature was available which suggested that inorganic mercury could be converted to the deadly poison known as methyl mercury, neither the chemical companies discharging the pollutant nor the regulatory agencies of Government were aware of it until last year. Had there been a source to which they might have turned to learn all that was known about the behavior and effects of mercury, discharges of the chemical could have been stopped much sooner.

In a similar vein, when our subcommittee examined the problems associated with the use of the herbicide 2,4,5-T and related chemicals we again found that lack of knowledge was a central problem. In the case of 2,4,5-T itself, although alarming information relating to the fetus-deforming effects of the herbicide in test animals was available as early as June of 1966, neither the Department of Agriculture nor the Food and Drug Administration knew of it until years later. Moreover, even the producers of the chemical were denied access to the information which might have led them to restrict their production voluntarily.

It is, therefore, the major purpose of this bill to insure that when information of this sort is known by anyone anywhere in the world that every effort is made to bring it to the attention of as many people, both within and outside the Government, as possible. Considerable thought will have to be given to the precise mechanism by which the accumulation and dissemination of this material is handled, but would anyone deny the desirability of increasing the free flow of such vital information? It is my hope that Congress will move quickly to accomplish that objective.

Mr. President, I ask unanimous consent that the text of the bill be printed in full in the RECORD.

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

S. 1858

A bill to amend the National Environmental Policy Act of 1969 to provide for a National Environmental Data System

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the National Policy Act of 1969 (Public Law 91-190) is amended by adding at the end thereof the following new title:

"TITLE III

"NATIONAL ENVIRONMENTAL DATA SYSTEM

"SEC. 301. This title may be cited as the 'National Environmental Data System Act'.

"SEC. 302. For the purpose of this title—

"(1) The term 'Data System' means the National Environmental Data System established by this title. The system shall include an appropriate network of new and existing information processing or computer facilities, both private and public, in various areas of the United States, which, through a system of interconnections, are in communication with a central facility for input, access, and general management. It shall also include all of the ancillary software and support services usually required for effective information system operation.

"(2) The term 'Council' means the Council on Environmental Quality established in title II of this Act.

"(3) The term 'environmental quality indicators' means quantifiable descriptors of environmental characteristics which will measure the quality of the environment.

"(4) The term 'information, knowledge, and data' shall be interpreted as including those facts which are significant, accurate, reliable, appropriate, and useful in decisionmaking in environmental affairs.

"SEC. 303. (a) There is hereby established a National Environmental Data System.

"(b) The purpose of the Data System is to serve as the central national coordinating facility for the selection, storage, analysis, retrievel, and dissemination of information, knowledge, and data relating to the environment so as to provide information needed to support environmental decisions in a timely manner and in a usable form. Such information as shall be deemed appropriate and useful for the achievement of the purpose of the system shall be made available by all Federal agencies and shall be collected and received, where available, from all Federal agencies, private institutions, universities and colleges, State and local governments, individuals, and any other source of reliable information.

"(c) Information and data shall also be sought from international sources such as foreign governments, the United Nations' and other international institutions; and the President is encouraged to enter into such agreements as may be necessary to accomplish this purpose.

"SEC. 304. (a) The information, knowledge, and data in the Data System and the analysis thereof shall be made available on request without charge—

"(1) to the Congress and all the agencies of the legislative and executive branches of the Federal Government, and their bonafide contractors and grantees; and

"(2) to all States and political subdivisions thereof, except that, in any case where it is determined that the service requested is substantial, the payment of such fees and charges may be required as may be necessary to recover all, or any part, of the cost of providing such retrieval service.

"(b) The information, knowledge, and data in the Data System and the analysis thereof shall be made available to private persons and entities—

"(1) upon payment of reasonable fees and charges as may be established as necessary to recover the cost of providing such retrieval service; and

"(2) subject to such terms and conditions as is deemed necessary to protect the interests of the United States.

"(c) In all instances the Data System shall perform its functions so as to protect secret and national security information from unauthorized dissemination and application.

"SEC. 305. (a) There is hereby created the position of National Environmental Data System Director, who shall be appointed by the President to serve at his pleasure, by and with the advice and consent of the Senate. The Director shall be a person who, as a result of his training, experience, and attainments, is exceptionally well qualified to analyze and interpret environmental data of all kinds and to appreciate its significance in the management of natural resources as required for the purpose of this Act. He shall serve full time and be compensated at the rate provided for level V of the Executive Schedule Pay Rates (5 U.S.C. 5313).

"(b) It shall be the function of the Director to—

"(1) administer and manage, under the guidance of the Council, the operations of the Data System in all of its ramifications,

"(2) institute a study to evaluate and monitor the state of the art of information technology and utilize to best advantage new and improved techniques for accomplishing the purposes of this Act,

"(3) utilize knowledge developed during such study to develop criteria and guidelines to govern the selection of data as to scope, scientific validity, quantity, and quality, to be incorporated into the National Environmental Data System network, including the development of predictive ecological models,

"(4) develop and implement a plan to establish and maintain the environmental information network anticipated to accomplish the purposes of this Act,

"(5) develop, establish, and maintain, as necessary, general standards which will permit and facilitate the compatability and integration of existing and new information systems bearing on the environment to make them consonant and cooperative with the central facility established by this Act, and

"(6) develop and publish from time to time environmental quality indicators for all regions of the United States, including its coastal and contiguous zones, and for internationally significant environments such as the atmosphere and the oceans.

"(c) In carrying out his functions under this Act, the Director shall, to the fullest extent possible, provide the Council with statistical data and other information necessary for the preparation of the annual report of the Council required under section 201 of this Act, and in the development of long-range programs for the enhancement of the environment.

"SEC. 306. (a) The Director may employ such other officers and employees as may be necessary (1) for the efficient administration, operation, and maintenance of the Data System, and (2) to carry out his functions under this title.

"(b) The Director is authorized to provide such lawful incentives as may be required to achieve the purposes of this Act. These incentives may include, but shall not be limited to, grants of money, exchanges of information, sharing of facilities, specialized advice, programs and formats, and other like incentives. The Director shall also be authorized to enter into contracts with universities, individuals, and State and local governments when needed, and to purchase information, data, and personal services as required to fulfill its purposes. He is also authorized to employ consultants as required.

"SEC. 307. (a) The head of each department, agency, or instrumentality in the executive branch of the United States Government shall make available to the Data System such information, knowledge, and data on the environment which such department, agency, or instrumentality may have as a result of its operations. Such information, knowledge, and data shall be made available for incorporation into the Data System, as the Director deems appropriate as soon as possible after it becomes known to such department, agency, or instrumentality.

"(b) In the administration of all Federal programs resulting in financial assistance to any cooperative international study or to any State, political subdivision, or other public

or private entity, and in all contracts in which the United States is a party, the head of the department, agency, or instrumentality administering such program, on entering into such contract, shall take such action as may be necessary to insure that information, knowledge, and data on the environment which either directly or indirectly results from such Federal financial assistance or contract will be made available to the Data System as soon as possible after it becomes known. In respect to federally assisted environmental programs conducted by foreign nations, it shall be the policy of the United States Government to encourage, to the fullest extent possible, the availability to the Data System of such information, knowledge, and data arising from these programs which is appropriate to the purposes of the system.

"(c) The head of each department, agency, and instrumentality in the executive branch of the United States Government shall, to the fullest extent possible, permit the Data System Director to use, on a mutually agreeable basis, including the payment of compensation, personnel, facilities, computers, data processing, and other equipment within such department, agency, or instrumentality in carrying out its functions under this title; and, to the fullest extent possible, such computers, data processing, and other equipment shall be made compatible with all others in, and available for use by, the Data System.

"SEC. 309. There is authorized to be appropriated to carry out the provisions of this title the sum not to exceed $1,000,000 for fiscal year 1972, $3,000,000 for fiscal year 1973, and $5,000,000 for each fiscal year thereafter."

By Mr. JAVITS:

S. 1859. A bill to amend the Housing and Urban Development Act of 1970 to provide a more effective approach to the problem of developing and maintaining a rational relationship between building codes and related regulatory requirements and building technology in the United States, and to facilitate urgently needed cost-saving innovations in the building industry, through the establishment of an appropriate nongovernmental instrument which can make definitive technical findings, insure that the findings are made available to all sectors of the economy, public and private, and provide an effective method for encouraging and facilitating Federal, State, and local acceptance and use of such findings. Referred to the Committee on Banking, Housing and Urban Affairs.

NATIONAL INSTITUTE ON BUILDING SCIENCES

Mr. JAVITS. Mr. President, I send to the desk and introduce for appropriate reference a bill to establish a National Institute of Building Sciences. A companion bill has been introduced today in the House by Representative MOORHEAD of Pennsylvania.

The absence of an authoritative national source to advise the housing industry and local authorities as to the latest technological developments in building materials and construction techniques and to propose nationally acceptable standards for local building codes has proven to be a great obstacle to efforts to meet the national housing goals set forth in the Housing and Urban Development Act of 1968. Moreover, the lack of a system of uniform building code standards increases the cost of construction and inhibits innovation in building techniques. The resulting fragmentation in the housing industry is clearly not in the public interest.

This bill seeks to meet the problems in the housing area by establishing a nongovernmental nonprofit corporation which would develop and publish standards affecting building materials and local building codes; would promote and coordinate tests and studies of new building products and construction techniques, would provide research and technical services with respect to such materials and techniques; and would assemble and coordinate, to the extent practicable, all present activities in this area.

The bill carries authorization for appropriations for 5 years starting at $5 million a year, and scaling down to $2 million a year at the end of the 5-year period. After that time the Institute is expected to be self-supporting.

This bill is similar to S. 2368 which I introduced in the last Congress except that Federal agencies would be required to make use of the standards, techniques, and developments which have been certified as acceptable by the Institute and the same requirements would apply to all programs and projects which are dependent upon Federal financial or other assistance.

I believe that this bill meets a very important need and should have the support of all groups who are involved in the housing and construction industry. I would hope that this legislation will receive prompt and favorable consideration in the Senate.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1859

A bill to amend the Housing and Urban Development Act of 1970 to provide a more effective approach to the problem of developing and maintaining a rational relationship between building codes and related regulatory requirements and building technology in the United States, and to facilitate urgently needed cost-saving innovations in the building industry, through the establishment of an appropriate nongovernmental instrument which can make definitive technical findings, ensure that the findings are made available to all sectors of the economy, public and private, and provide an effective method for encouraging and facilitating Federal, State, and local acceptance and use of such findings

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That the Housing and Urban Development Act of 1970 is amended by adding at the end thereof the following new title:

"TITLE X—NATIONAL INSTITUTE OF BUILDING SCIENCES

"SHORT TITLE

"SECTION 1001. This title may be cited as 'the Building Sciences Act of 1971'.

"FINDINGS AND DECLARATION OF POLICY

"SEC. 1002. (a) The Congress finds (1) that the lack of an authoritative national source to make findings and to advise both the public and private sectors of the economy with respect to the use of building science and technology in achieving nationally acceptable standards and other technical provision for use in Federal, State, and local housing and building regulations is an obstacle to efforts by and imposes severe burdens upon all those who procure, design, construct, use, operate, maintain, and retire physical facilities, and frequently results in the failure to take full advantage of new and useful developments in technology which could improve our living environment; (2) that the establishment of model building codes or of a single national building code will not completely resolve the problem because of the difficulty at all levels of government in updating their housing and building regulations to reflect new developments in technology, as well as the irregularities and inconsistencies which arise in applying such requirements to particular localities or special local conditions; (3) that the lack of uniform housing and building regulatory provisions increases the costs of construction and thereby reduces the amount of housing, and other community facilities which can be provided; and (4) that the existence of a single authoritative nationally recognized institution to provide for the evaluation of new technology for the purpose of updating housing and building regulatory provisions could facilitate introduction of such innovations and their acceptance at the Federal, State and local levels.

"(b) The Congress further finds, however, that while an authoritative source of technical findings is needed, various private organizations and institutions, private industry, labor, and Federal and other governmental agencies and entities are presently engaged in building research, technology development, testing and evaluation, standards and model code development and promulgation, and information dissemination. These existing activities should be encouraged and these capabilities effectively utilized wherever possible and appropriate to the purposes of this Act.

"(c) The Congress declares that an authoritative nongovernmental instrument needs to be created to address the problems and issues described in subsection (a), that the creation of such an instrument should be initiated by the Government, with the advice and assistance of the National Academy of Sciences—National Academy of Engineering-National Research Council (hereinafter referred to as the "Academies-Research Council") and with the greatest practicable participation of representatives of the various sectors of the building community, including labor and management, technical experts in building science and technology, and the various levels of government.

"ESTABLISHMENT OF INSTITUTE

"SEC. 1003. (a) There is authorized to be established, for the purposes described in section 1002(c), an appropriate nonprofit, nongovernmental instrument to be known as the 'National Institute of Building Sciences' (hereinafter referred to as the 'Institute'), which shall not be an agency or establishment of the United States Government. The Institute shall be subject to the provisions of this title and, to the extent consistent with this title, to a charter of the Congress if such a charter is requested and issued or to the District of Columbia Nonprofit Corporation Act if that is deemed preferable.

"(b) The Academies-Research Council shall advise and assist in (1) the establishment of the Institute and its operation during its first five years of existence; (2) the development of an organizational framework to encourage and provide for the maximum participation feasible of public and private scientific, technical, and financial organizations, institutions, and agencies now engaged in activities pertinent to the development, promulgation, and maintenance of performance criteria, standards, and other technical provisions for building codes and other regulations; and (3) the promulgation of appropriate organizational rules and procedures including those for the selection and operation of a technical staff, such rules and pro-

cedures to be based upon the primary object of promoting the public interest and insuring that the widest possible variety of interests and experience essential to the functions of the Institute are represented in the Institute's operations. Recommendations of the academies Research Council, shall be based upon consultations with and recommendations from various private organizations and institutions, labor, private industry, and governmental agencies and entities operating in the field, and the Consultative Council as provided for under section 1004(h).

"(c) Nothing in this title shall be construed as expressing the intent of the Congress that the Academies-Research Council itself be required to assume any function or operation vested in the Institute by or under this title, nor is its continuing advice and assistance precluded should the Institute and the Academies-Research Council wish to provide therefor beyond the initial five years of operation.

"ADMINISTRATION OF THE INSTITUTE

"SEC. 1004. (a) The Institute shall have a Board of Directors (hereinafter referred to as the 'Board') consisting of not less than 15 nor more than 21 members, appointed during its first five years of operation by the President of the United States by and with the advice and consent of the Senate, and thereafter as provided for by its charter. In selecting persons to serve on the initial Board, the President shall appoint members from lists of highly qualified persons recommended to him by the Academies-Research Council. Insofar as is practicable, the Board shall be reasonably representative of the various regions of the country, of the various segments of the building community including private industry and labor, of all levels of Government, of consumer interests, and of the various types of experience which are appropriate to the functions and responsibilities of the Institute.

"(b) The members of the initial Board shall serve as incorporators and shall take whatever actions are necessary to establish the Institute as provided for under section 1002(a).

"(c) The term of office of each member of the initial and succeeding Boards shall be three years; except that (1) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term; and (2) the terms of office of members first taking office shall begin on the date of incorporation and shall expire, as designated at the time of their appointment, one-third at the end of one year, one-third at the end of two years, and one-third at the end of three years. No member shall be eligible to serve in excess of three consecutive terms of three years each. Notwithstanding the preceding provisions of this subsection, a member whose term has expired may serve until his successor has qualified.

"(d) Any vacancy in the initial and succeeding Boards shall not affect its power, but shall be filled in the manner in which the original appointments were made, or, after the first five years of operation, as provided for by the organizational rules and procedures of the Institute.

"(e) The President shall designate one of the members appointed to the initial Board as Chairman; thereafter, the members of the initial and succeeding Boards shall annually elect one of their number as Chairman. The members of the Board shall also elect one or more of their number as Vice Chairman. Terms of the Chairman and Vice Chairman shall be for one year and no individual shall serve as Chairman or Vice Chairman for more than two consecutive terms.

"(f) The members of the initial or succeeding Boards shall not, by reason of such membership, be deemed to be employees of the United States Government. They shall, while attending meetings of the Board or while engaged in duties related to such meetings or in other activities of the Board pursuant to this title, be entitled to receive compensation at the rate of $100 per day 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, equal to that authorized by law (section 5703 of title 5, United States Code) for persons in the Government service employed intermittently.

"(g) The Institute shall have a President and such other executive officers and employees as may be appointed by the Board at rates of compensation fixed by the Board. No such executive officer or employee may receive any salary or other compensation from any source other than the Institute during the period of his employment by the Institute

"(h) The Institute shall establish, with the advice and assistance of the Academic-Research Council, a Consultative Council, membership in which shall be available to a representative of all appropriate private trade, professional, and labor organizations, private and public standards, code, and testing bodies, public regulatory agencies, and consumer groups, so as to ensure a direct line of communication between such groups and the Institute and a vehicle for representative hearings on matters before the Institute.

"NONPROFIT AND NONPOLITICAL NATURE OF THE INSTITUTE

"SEC. 1005. (a) The Institute shall have no power to issue any shares of stock, or to declare or pay any dividends.

"(b) No part of the income or assets of the Institute shall inure to the benefit of any Director, officer, employee, or any other individual except as salary or reasonable compensation for services.

"(c) The Institute shall not contribute to or otherwise support any political party or candidate for elective public office.

"FUNCTIONS OF THE INSTITUTE

"SEC. 1006. (a) The Institute shall exercise its functions and responsibilities in four general areas relating to building regulation, as follows:

"(1) Development, promulgation, and maintenance of nationally recognized performance criteria, standards, and other technical provisions for maintenance of life, safety, health and public welfare suitable for adoption by building regulating jurisdictions and agencies, including test methods and other evaluative techniques relating to building systems, subsystems, components, products, and materials.

"(2) Evaluation and prequalification of existing and new building technology in accordance with paragraph (1).

"(3) Conduct of needed investigations in direct support of paragraphs (1) and (2).

"(4) Assembly, storage, and dissemination of technical data and other information directly related to paragraphs (1), (2), and (3).

"(b) The Institute in exercising its functions and responsibilities described in subsection (a) shall assign and delegate, to the maximum extent possible, responsibility for conducting each of the needed activities described in subsection (a) to one or more of the private organizations, institutions, agencies, and Federal and other governmental entities with a capacity to exercise or contribute to the exercise of such responsibility, monitor the performance achieved through assignment and delegation, and, when deemed necessary, reassign and delegate such responsibility.

"(c) The Institute in exercising its functions and responsibilities under subsections (a) and (b) shall (1) give particular attention to the development of methods for encouraging all sectors of the economy to cooperate with the Institute and to accept and use its technical findings, and to accept and use the nationally recognized performance criteria, standards, and other technical provisions developed for use in Federal, State, and local building codes and other regulations which result from the program of the Institute; (2) seek to assure that its actions are coordinated with related requirements which are imposed in connection with community and environmental development generally; and (3) consult with the Department of Justice and other agencies of government to the extent necessary to ensure that the national interest is protected and promoted in the exercise of its functions and responsibilities.

"FINANCING OF THE INSTITUTE'S ACTIVITIES

"SEC. 1007. (a) The Institute is authorized to accept contracts and grants from Federal, State, and local governmental agencies and other entities, and grants and donations from private organizations, institutions, and individuals.

"(b) The Institute may, in accordance with rates and schedules established with guidance provided by the Academies-Research Council under section 1003(b), establish fees and other charges for services provided by the Institute or under its authorization.

"(c) Amounts received by the Institute under this section shall be in addition to any amounts which may be appropriated to provide its initial operating capital under section 1009.

"COOPERATION BY FEDERAL GOVERNMENT AGENCIES AND STATE AND LOCAL AGENCIES

"SEC. 1008. (a) Every department, agency, and establishment of the Federal government, in carrying out any building or construction, or any building-or construction-related program, which involves direct expenditures, and in developing technical requirements for any such building or construction, shall be required to accept the technical findings of the Institute, or any nationally recognized performance criteria, standards, and other technical provisions for building regulations brought about by the Institute, which may be applicable.

"(b) All projects and programs involving Federal assistance in the form of loans, grants, guarantees, insurance, or technical aid, or in any other form, shall, as a condition of the assistance, accept, use, and comply with any of the technical findings of the Institute, or any nationally recognized performance criteria, standards, and other technical provisions for building codes and other regulations brought about by the Institute, which may be applicable to the purposes for which the assistance is to be used.

"(c) Every department, agency, and establishment of the Federal Government having responsibility for building or construction, or for building- or construction-related programs, is authorized and encouraged to request authorization and appropriations for grants to the Institute for its general support, and is authorized to contract with and accept contracts from the Institute for specific services where deemed appropriate by the responsible Federal official involved.

"(d) The Institute shall establish and carry on a specific and continuing program of cooperation with the States and their political subdivisions designed to encourage their acceptance and its technical findings and of nationally recognized performance criteria, standards, and other technical provisions for building regulations brought about by the Institute. Such program shall include (1) efforts to encourage any changes in existing State and local law to utilize or

embody such findings and regulatory provisions; and (2) assistance to States in the development of inservice training programs for building officials, and in the establishment of fully staffed and qualified State technical agencies to advise local officials on questions of technical interpretation.

"APPROPRIATIONS FOR INITIAL CAPITAL

"SEC. 1009. There is authorized to be appropriated to the Institute over the first five fiscal years which end after the date of the enactment of this title, the sum of $5,000,000 for each of the first two such fiscal years, the sum of $3,000,000 for each of the next two such fiscal years, and the sum of $2,000,000 for the last such fiscal year (with each appropriation to be available until expended or until six years shall have passed), to provide the Institute with initial capital adequate for the exercise of its functions and responsibilities during such years (and to assist the Academies-Research Council with funds under contract which the Board may deem necessary to allow the Council to provide the necessary advice and assistance in organizing and establishing the Institute); and thereafter the Institute shall be financially self-sustaining through the means described in section 1007.

"REPORT TO CONGRESS

"SEC. 1010. The Institute shall submit an annual report for the preceding fiscal year to the President for transmittal to the Congress within 60 days of its receipt. The report shall include a comprehensive and detailed report of the Institute's operations, activities, financial condition, and accomplishments under this Act and may include such recommendations as the Institute deems appropriate. Each such report shall include a separate report from the Academies Research Council.

By Mr. WILLIAMS:

S. 1861. A bill to amend the Fair Labor Standards Act of 1938, as amended, to extend its protection to additional employees, to raise the minimum wage to $2.25 an hour, to provide for an 8-hour workday, and for other purposes. Referred to the Committee on Labor and Public Welfare.

AMENDMENT OF THE FAIR LABOR STANDARDS ACT

Mr. WILLIAMS. Mr. President, the Fair Labor Standards Act was enacted in 1938.

It is clear both from its legislative history and the purposes that are set forth in its declaration of policy that Congress intended the act to have broad coverage. Congress declared that the policy of the act was "To correct and as rapidly as possible to eliminate the conditions" which are: "detrimental to the maintenance of the minimum standards of living necessary for health, efficiency, and general well-being of workers."

The law as it now stands fails to cover many millions of needy working men and women. Those workers that it does cover are not protected adequately in today's economy. Clearly, the failure to extend coverage and increase the minimum wage to a living wage has tended to subvert the high purposes of the Fair Labor Standards Act.

The Fair Labor Standards Act has been amended by Congress only four times in its history to increase the minimum wage and only twice has Congress extended coverage.

Let me take a moment to emphasize the urgent need for an increase in the current $1.60 an hour minimum wage.

URGENT NEED FOR INCREASE IN MINIMUM WAGE

A man or woman working full-time at the current $1.60 per hour minimum will earn only $3,200 per year. This is far below the Federal Government's defined poverty level of $3,944 for a family of four. And even if our current rate of inflation should slow, this worker poverty gap will still increase in the years to come, absent action by the Congress to adequately increase the minimum wage and its coverage. And we must note the fact that for the first time in a decade the Census Bureau has announced an increase rather than a decrease in the number of Americans living in poverty.

In addition, I would like to point out the impact that inflation has had on today's minimum wage of $1.60 an hour which was established by the 1966 amendments. The increase to $1.60 an hour will be almost completely negated by the middle of this year. As measured in 1966 dollars, the current $1.60 buys less than the $1.25 bought in 1966. And it will buy even less by next year.

The bill that I offer today will help restore dignity to the working poor by increasing the minimum wage to a level that will allow working men and women to provide their families with the basic necessities of life. By extending the coverage of the minimum wage protections we can also give additional hope to over 13 million Americans who labor for even less than the current inadequate minimum wage.

MINIMUM WAGE AS A MEANS OF REDUCING WELFARE COSTS AND STIMULATING THE ECONOMY

We often hear today of the rising costs of welfare in our Nation. There is no doubt that such costs are rising greatly and that they impose a heavy burden especially on State and local governments. These costs must be reduced, while at the same time we must develop a means for eliminating the cycle of poverty which grips approximately 25 million Americans.

By providing the means for obtaining the basic necessities of life, and also a semblance of dignity, for the working poor, an increase in the minimum wage will also thereby reduce the cost of welfare to the taxpayers. It is still too early to predict accurately the specific impact of an increase in the minimum wage on welfare costs since the welfare reform legislation is still in its drafting stage. However, it is clear that my bill will provide a means for substantial reductions in the welfare rolls of our country.

Since most of the wefare reform measures now being considered by Congress will provide supplemental payments for the working poor, an increase in the minimum wage will reduce the supplemental payments to be made by the government. Current welfare costs will also be reduced by enabling heads of households to support their families, rather than leave home, thus forcing mothers, who are unable to work, and their children to be dependent on welfare.

There is also little doubt that an increase in wages will help stimulate our lagging economy since workers will be earning more and spending more on goods and services. Such an economic stimulus will also increase job opportunities for the poor and thus should also reduce welfare costs.

Yet another benefit from the increased economic activity, which will be generated by an increase in the minimum wage, will be an increase in tax revenues to help pay for the many other necessary domestic programs.

COVERAGE

Currently the Fair Labor Standards Act treats many workers as second-class citizens. For example, farmworkers who labor long and hard receive $1.30 an hour—not $1.60 an hour as do most other workers now covered by the Fair Labor Standards Act. Furthermore, many are not even covered by the act, and receive even less than $1.30 per hour for their labors.

In addition, many workers are not given the basic protection afforded by the overtime provisions of the act. My bill would eliminate many of these inequities.

In general, over 13 million workers that are not now covered by Federal minimum wage law and many of whom have no State or local minimum wage protection, will be brought under the Fair Labor Standards Act by my proposal. The workers in this category represent some of the most needy in our society.

EXTENSION OF PROTECTIONS OF EQUAL PAY ACT

In 1963 when Congress enacted the long overdue Equal Pay Act amendment to the Fair Labor Standards Act, it neglected to extend the valuable protections of that Act to those women employed as administrators, professionals or executives. In order to correct this inequity, the Senator from Michigan (Mr. HART) has offered an amendment in each of these last two Congresses—S. 3612, 91st Congress and S. 1529, 92d Congress. I am grateful to the distinguished Senator from Michigan for his amendment which I have incorporated in my bill to amend the Fair Labor Standards Act to make the Equal Pay Act provisions applicable to administrative, professional, and executive employees.

GENERAL PROVISIONS OF THE WILLIAMS MINIMUM WAGE BILL

Thus far, I have discussed in very general terms the basis for and some of the provisions of my minimum wage bill. I would like to briefly summarize some of the key provisions of my proposal.

MINIMUM WAGE

The bill would increase the minimum wage in steps. For those workers who were covered by the Fair Labor Standards Act prior to the 1966 amendments the current rate of $1.60 an hour would be increased to $2 an hour on the effective date of the amendments. This rate would increase to $2.25 an hour beginning 1 year from the effective date.

Workers who were brought under the protections of the FLSA by the 1966 amendments, including agricultural workers, and those newly covered by these amendments would receive increases in the following steps:

First, $1.70 an hour on the effective date of these amendments;

Second, $2 an hour effective a year later; and

Third, $2.25 an hour, effective 2 years later.

COVERAGE AND EXEMPTION

In addition to increasing the minimum wage, it would extend coverage to over 13 million workers who are excluded from the protections afforded by the minimum wage.

Among the categories of workers who would be newly covered are Federal, State, and local government workers, employees of small retail and service establishments, and domestics—except babysitters. Certain exemptions which are now applicable to the following groups of workers would also be repealed: retail and service establishments, seasonal amusement and recreational; motion picture; logging; farm; railroad; pipeline and air carrier workers; fish processors; and motel, restaurant, and nursing home workers; motor vehicle salesmen and partsmen; cotton gin workers; taxi drivers; catering employees; and bowling establishment workers.

My proposal would also require the payment of overtime after 8 hours of work in a day or 40 hours in a week, while at the same time bring most workers covered by the FLSA under these overtime protections. It would also eliminate maximum-hour exemptions for agricultural processing and hospital workers.

Some of the other changes this legislation would make relate to improvements in the child labor protections as such provisions apply to agricultural workers; increases in the wages paid to workers in Puerto Rico and the Virgin Islands—and effective January 1, 1975, such workers would be provided with the same minimum wage and overtime protection as mainland workers; applying Equal Pay Act provisions to professional, administrative, and executive personnel; elimination of the dollar amount limits for the purpose of enterprise coverage; repeal of the provisions which permit tips to be offset against the minimum wage; reduction of the 500 man-day coverage requirement for agriculture to 100-man days; and the elimination of clauses excluding employees of linen supply houses from full coverage.

Finally my proposal would amend the enforcement provisions of the FLSA to broaden the authority of the Secretary of Labor, when suing for unpaid minimum wages or overtime compensation, to collect liquidated damages as well.

The proposal that I am offering today is one whose time has come. We simply cannot afford from the standpoint of basic human justice, or from the standpoint of the costs to the economy, to allow any more time to pass without increasing the minimum wage and the coverage provisions of the Fair Labor Standards Act.

There is a need for action and that need is a most urgent one.

Several exemptions provided under the Fair Labor Standards Act are not repealed by this bill. However, the justification for most of these has not been considered seriously in many years. In light of the economic realities, Congress should and the Labor Committee will give careful consideration to the wisdom or necessity of continuing those exemptions.

The Senate Labor Subcommittee will begin hearings on this legislation on May 18, 1971, with the testimony of Secretary of Labor Hodgson. All those who wish to testify or submit statements should contact Gerald M. Feder, counsel to Labor Subcommittee, room G–237, New Senate Office Building, 225–3674.

I ask unanimous consent that the bill, a section-by-section analysis and a comparative chart be printed in the RECORD at this point.

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

S. 1861

A bill to amend the Fair Labor Standards Act of 1938, as amended, to extend its protection to additional employees, to raise the minimum wage to $2.25 an hour, to provide for an eight-hour workday, and for other purposes

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 "Fair Labor Standards Amendments of 1971".

DEFINITIONS AND APPLICABILITY TO PUERTO RICO AND THE VIRGIN ISLANDS

SEC. 2. (a) Section 3(d) of the Fair Labor Standards Act of 1938, as amended, is amended to read as follows:

"(d) 'Employer' includes any person acting directly or indirectly in the interest of an employer in relation to an employee, including the United States and any State or political subdivision of a State, but shall not include any labor organization (other than when acting as an employer), or anyone acting in the capacity of officer or agent of such labor organization."

(b) Section 3(e) of such Act is amended by inserting after the word "employer" the first time it appears in such section a comma and the words "including any individual employed in domestic service (other than a babysitter)".

(c) Section 3(h) of such Act is amended to read as follows:

"(h) 'Industry' means a trade, business, industry, or other activity, or branch or group thereof, in which individuals are gainfully employed.".

(d) Section 3(m) of such Act is amended by striking out the last sentence thereof.

(e) Section 3(r) of such Act is amended to read as follows:

" 'Enterprise' means the related activities performed (either through unified operation or common control) by any person or persons for a common business purpose, and includes all such activities, whether public or private or conducted for profit or not for profit, or whether performed in one or more establishments or by one or more corporate or other organizational units including departments of an establishment operated through leasing arrangements, but shall not include the related activities performed for such enterprise by an independent contractor. For purposes of this subsection the activities performed by any person or persons in connection with activities of the Government of the United States or any State or political subdivision shall be deemed to be activities performed for a business purpose."

(f) Section 3(s) of such Act is amended to read as follows:

" 'Enterprise engaged in commerce or in the production of goods for commerce' means an enterprise (whether public or private or operated for profit or not for profit and including activities of the Government of the United States or of any State or political subdivision) which has employees engaged in commerce, including employees handling, selling, or otherwise working on goods that have been moved in or produced for commerce by any person. Any establishment which has as its only regular employee the owner thereof or the parent, spouse, child, or other member of the immediate family of such owner shall not be considered to be an enterprise engaged in commerce or in the production of goods for commerce or a part of such an enterprise."

(g)(1) Section 3 of such Act is further amended by striking out paragraph (t) thereof, and by redesignating paragraphs (u), (v), and (w) as paragraphs (t), (u), and (v), respectively.

(2) Section 3(e) of such Act is further amended by striking out "3(u)" and inserting in lieu thereof "3(t)".

(h) Section 5 of such Act is amended by adding at the end thereof the following new subsection:

"(e) The provisions of this section and section 8 shall not apply with respect to the minimum wage rate of any employee employed in Puerto Rico or the Virgin Islands (1) by an establishment which is a hotel, motel, or restaurant, or (2) by any other retail or service establishment if such employee is employed primarily in connection with the preparation or offering of food or beverages for human consumption, either on the premises, or by such services as catering, banquet, box lunch, or curb or counter service, to the public, to employees, or to members or guests of members of clubs. The minimum wage rate of such an employee shall be determined in accordance with sections 6(a), 13 and 14 of this Act."

MINIMUM WAGES

SEC. 3. (a) Section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended, is amended to read as follows:

"(1)(A) not less than $2.00 an hour during the first year from the effective date of the Fair Labor Standards Amendments of 1971, and

"(B) not less than $2.25 an hour thereafter."

(b) Section 6(a) of such Act is amended by striking out the semicolon and the word "or" at the end of paragraph (4) and inserting in lieu thereof a period, and by striking out paragraph (5) thereof.

(c) Section 6(b) of such Act is amended—

(1) by striking out the parenthetical clause reading "(other than an employee to whom subsection (a)(5) applies)";

(2) by inserting after the words "Fair Labor Standards Amendments of 1966,", the words "or the Fair Labor Standards Amendments of 1971,";

(3) by striking out paragraphs (1) through (5) thereof and inserting in lieu thereof the following:

"(1) not less than $1.70 an hour during the first year from the effective date of the Fair Labor Standards Amendments of 1971;

"(2) not less than $2.00 an hour during the second year from such date;

"(3) not less than $2.25 an hour thereafter;"

(d)(1) Section 6(c) is amended by striking out paragraphs (2), (3), and (4) and inserting in lieu thereof the following:

"(2) In the case of any such employee who is covered by such a wage order and to whom the rate or rates prescribed by subsection (a) would otherwise apply, the following rates shall apply:

"(A) During the first year from the effective date of the Fair Labor Standards Amendments of 1971, the highest rate or rates in effect on or before such date, under any wage order covering such employee, increased by $0.40.

"(B) During the second year from the effective date of the Fair Labor Standards

Amendments of 1971, the highest rate or rates (including any increase prescribed by subparagraph (A)) in effect on or before such date, under any wage order covering such employee, increased by $0.25."

(e) Section 6(e) is amended to read as follows:

"(e) Notwithstanding the provisions of section 13 of this Act (except subsections (a)(1) and (f) thereof), every employer providing any contract services under a contract with the United States or any subcontract thereunder shall pay to each of his employees whose rate of pay is not governed by the Service Contract Act of 1965 (41 U.S.C. 351–357) or to whom subsection (a) of this section is not applicable, wages at rates not less than the rates provided for in such subsection."

MAXIMUM HOURS

SEC. 4. (a) Section 7 of the Fair Labor Standards Act of 1938, as amended, is amended by striking out subsections (a), (b), (c), and (d) and inserting in lieu thereof the following new subsections (a) and (b):

"(a) No employer shall employ any of his employees who in any workweek is engaged in commerce or in the production of goods for commerce, or is employed in an enterprise engaged in commerce or in the production of goods for commerce, for a workweek longer than forty hours, unless such employee receives compensation for his employment in excess of the hours above specified at a rate not less than one and one-half times the regular rate at which he is employed.

"(b) No employer shall employ any of his employees who in any workweek is engaged in commerce or in the production of goods for commerce, or is employed in an enterprise engaged in commerce or in the production of goods for commerce for a workday longer than eight hours, unless such employee receives compensation for his employment in excess of such hours above specified at a rate not less than one and one-half times the regular rate at which he is employed."

(b)(1) Subsections (e), (f), (g), (h), and (i) of section 7 of such Act, are redesignated as subsections (c), (d), (e), (f), and (g), respectively.

(2) Subsection (d) (as redesignated by the preceding paragraph) of section 7 of such Act is amended (A) by striking out "subsection (a)" the first and second time it appears in such subsection (d) and inserting in lieu thereof "subsection (a) or (b)" each such time, and (B) by inserting "or workday" immediately after the word "workweek" each time such word appears in such subsection "(d)".

(3) Subsection (e) (as redesignated by paragraph (1)) of section 7 of such Act is amended (A) by striking out "(e)" in such subsection (e) and inserting in lieu thereof "(c)", (B) by striking out "subsection (a)" the first time it appears in such subsection (e) and by inserting in lieu thereof "subsection (a) or (b)", (C) by inserting the words "or workday" immediately after the word "workweek" the first three times it appears in such subsection (e), and (D), by striking out the word "subsection" the first four times it appears in such subsection (e) and inserting in lieu thereof "subsections".

(4) Subsection (f) (as redesignated by paragraph (1)) of section 7 of such Act is amended: (1) by striking out "(e)" and inserting in lieu thereof "(c)".

(c) Subsection (j) of section 7 of such Act is hereby repealed.

EXEMPTIONS

SEC. 5. (a)(1) Section 13(a) of the Fair Labor Standards Act of 1938, as amended, is amended by inserting after "section 6" the following "(other than section 6(d) in the case of paragraph (1) of this subsection)".

(2) Section 13(a)(1) of such Act is amended by striking out everything after the words "Administrative Procedure Act".

(3) Sections 13(a)(2), 13(a)(4), and 13(a)(11) of such Act, relating to employees employed by retail and service establishments, are hereby repealed.

(4) Section 13(a)(3) of such Act, relating to employees employed by seasonal amusement or recreational establishments, is hereby repealed.

(5) Section 13(a)(6) of such Act, relating to employees employed in agriculture, is amended by striking out the words "five hundred man-days" and inserting in lieu thereof the words "one hundred man-days".

(6) Section 13(a)(9) of such Act, relating to employees employed by motion picture theater establishments, is hereby repealed.

(7) Section 13(a)(13) of such Act, relating to employees of logging and sawmill operations, is hereby repealed.

(8) Section 13(a)(14) of such Act, relating to agricultural employees, engaged in the harvesting and processing of shade-grown tobacco, is hereby repealed.

(9) Sections 13(a)(5), 13(a)(6), 13(a)(7), 13(a)(8), 13(a)(10), and 13(a)(12) are redesignated as sections 13(a)(2), 13(a)(3), 13(a)(4), 13(a)(5), 13(a)(6), and 13(a)(7), respectively.

(10) Section 13(a)(7) (as redesignated by the preceding paragraph) is amended by striking out the semicolon and the word "or" and inserting in lieu thereof a period.

(b)(1) Sections 13(b)(2) and (3) of such Act, relating to railroad, pipeline, and air carrier employees, are hereby repealed.

(2) Section 13(b)(4) of such Act, relating to fish and seafood processing employees, is hereby repealed.

(3) Section 13(b)(7) of such Act, relating to employees of street, suburban or interurban electric railways, or local trolley or motorbus carriers, is hereby repealed.

(4) Section 13(b)(8) of such Act, relating to employees employed by hotels, motels, restaurants, or nursing homes, is hereby repealed.

(5) Section 13(b)(10) of such Act, relating to employees employed as salesmen, partsmen or mechanics by motor vehicle, farm implement or aircraft dealers, is hereby repealed.

(6) Section 13(b)(12) of such Act, relating to employees employed in agriculture, is hereby repealed.

(7) Section 13(b)(15) of such Act, relating to employees engaged in ginning of cotton for market or the processing of sugar beets, sugar beet molasses, sugarcane, or maple sap into sugar or sirup, is hereby repealed.

(8) Section 13(b)(17) of such Act, relating to drivers employed in the business of operating taxicabs, is hereby repealed.

(9) Section 13(b)(18) of such Act, relating to employees of catering establishments, is hereby repealed.

(10) Section 13(b)(19) of such Act, relating to employees of bowling establishments, is hereby repealed.

(11) Sections 13(b)(5), 13(b)(6), 13(b)(9), 13(b)(11), 13(b)(13), 13(b(14), and 13(b)(16), are redesignated as sections 13(b)(2), 13(b)(3), 13(b)(4), 13(b)(5), 13(b)(6), 13(b)(7), and 13(b)(8), respectively.

(12) Section 13(b)(8) (as redesignated by the preceding paragraph) is amended by striking out the semicolon and the word "or" and inserting in lieu thereof a period.

(c) Section 13(c)(1) of such Act is amended to read as follows:

"(c)(1) except as provided in paragraph (2) the provisions of section 12 relating to child labor shall not apply to any employee employed in agriculture outside of school hours for the school district where such employee is living while he is so employed, if such employee—

"(A) is employed by his parent, or by a person standing in the place of his parent, on a farm owned or operated by such parent or person, or

"(B) is fourteen years of age or older, or

"(C) is twelve years of age or older and is employed on a farm to which he commutes daily within twenty-five miles of his permanent residence, and (i) such employment is with the written consent of his parent or person standing in place of his parent, or (ii) his parent or person standing in place of his parent is employed on the same farm."

LEARNERS, APPRENTICES, STUDENTS AND HANDICAPPED WORKERS

SEC. 6. Section 14(b) of the Fair Labor Standards Act of 1938, as amended, is amended by inserting following the words "Fair Labor Standards Amendments of 1966,", the words "and the Fair Labor Standards Amendments of 1971", and by inserting, following the words "prior to such", the word "applicable".

PENALTIES

SEC. 7. The first two sentences of section 16(c) of the Fair Labor Standards Act of 1938, as amended, are amended to read as follows:

"The Secretary is authorized to supervise the payment of the unpaid minimum wages or the unpaid overtime compensation owing to any employee or employees under section 6 or 7 of this Act, and the agreement of any employee to accept such payment shall upon payment in full constitute a waiver by such employee of any right he may have under subsection (b) of this section to such unpaid minimum wages or unpaid overtime compensation and an additional equal amount as liquidated damages. The Secretary may bring an action in any court of competent jurisdiction to recover the amount of the unpaid minimum wages or overtime compensation and an equal amount as liquidated damages."

RELATION TO OTHER LAWS

SEC. 8. Section 18(b) of the Fair Labor Standards Act of 1938, as amended, is amended (1) by striking out "6(a)(1)" and inserting in lieu thereof "6(a)", (2) by striking out "7(a)(1)" and inserting in lieu thereof "7 (a) and (b)", and (3) by striking out the parenthetical clause reading "(except that the wage rate provided for in section 6(b) shall apply to any employee who performed services during the workweek in a workplace in the Canal Zone)".

CONFORMING AMENDMENTS TO OTHER LAWS

SEC. 9. (a) Section 5341(a) of title 5 of the United States Code is amended by striking out "206(a)(1)" and inserting in lieu thereof "206(a)".

(b) Section 303(a)(2) of the Consumer Credit Protection Act (15 U.S.C. 1673(a)(2)) is amended by striking out "6(a)(1)" and inserting in lieu thereof "6(a)".

(c) Section 2(b)(1) of the Service Contract Act of 1965 (41 U.S.C. 351(b)(1)) is amended by striking out "6(a)(1)" and inserting in lieu thereof "6(a)".

(d) Section 610–1(a) of the Economic Opportunity Act of 1964 (42 U.S.C. 2951(a)) is amended by striking out "6(a)(1)" and inserting in lieu thereof "6(a)".

REPEALERS WITH RESPECT TO PUERTO RICO AND THE VIRGIN ISLANDS

SEC. 10. (a) Section 8(a) is amended by inserting in the first sentence thereof after the word "employment" a comma and the words "but in no event later than January 1, 1975".

(b) Effective January 1, 1975, sections 5, 6(a)(2), 6(c), 8, and 10 of the Fair Labor Standards Act of 1938, as amended, are repealed.

(c)(1) Section 6(a)(3) of the Fair Labor Standards Act of 1938, as amended, is amended by striking out "as amended from time to time" and inserting in lieu thereof "prior to the enactment of the Fair Labor Standards Amendments of 1971".

(2) Section 6(a)(3) of such Act is further amended by inserting after "section 5" the following: "prior to the enactment of the Fair Labor Standards Amendments of 1971".

EFFECTIVE DATE

SEC. 11. This Act shall become effective upon the expiration of sixty days after the date of its enactment.

BRIEF SECTION-BY-SECTION ANALYSIS OF PROPOSED FAIR LABOR STANDARDS AMENDMENTS OF 1971

SEC. 2. Amends section 3(d) of the Fair Labor Standards Act of 1938, as amended, to include under the definition of "employer" the United States and any State or political subdivision of a State. This will expand the coverage of the existing law, to include *all* agencies and activities of the United States, the States and their political subdivisions, not just hospitals, nursing homes, schools, and local transit as at present. This amendment would add to coverage an estimated 4.8 million workers (1.7 million Federal, 3.1 million State and local government).

Amends section 3(e) to include under the definition of "employee" any individual employed in domestic service except babysitters. This amendment would add to coverage an estimated 2.1 million workers.

Amends section 3(h) to add the words "or other activity" to the definition of the word "Industry."

Amends section 3(m) to eliminate the allowance for tips as part of wages for employees in normally tipped occupations. At present employers may include the value of tips in determining wages to be paid, up to half the statutory minimum rate.

Amends section 3(r) to include under "enterprise" the activities of the United States Government or any State or political subdivision thereof. This amendment will have the effect of retaining the current coverage for schools and hospitals, whether operated for profit or not for profit and for regulated public and private local transit whether operated for profit or not for profit. It will, however, delete language from the Act which is no longer necessary by virtue of the elimination of the sales test in section 3(s).

Amends section 3(s) to eliminate sales test as part of the definition of "enterprise," thus bringing under coverage all enterprises engaged in commerce. However, this amendment retains coverage of enterprises which are engaged in: laundering, cleaning or repair of clothing or fabrics; construction or reconstruction or both; the occupation of hospitals and schools, whether operated for profit or not for profit. Present law covers only retail and service enterprises with annual gross sales volume of $250,000 or more. This amendment would add to coverage an estimated 6.7 million workers (4.2 million in retail trade, and 2.5 million in services, excluding domestic service).

Amends section 5 and 8 by bringing under the mainland minimum wage the employees of hotels, motels, and restaurants in Puerto Rico and the Virgin Islands. At present these workers are covered by wage rates determined by specially convened industry committees.

SEC. 3. Amends section 6(a) to establish, for employees in activities covered by the Act prior to the 1966 amendments, an hourly minimum of $2.00 during the first year from the effective date of the 1971 amendments and $2.25 thereafter.

Amends section 6 to establish, for employees newly covered by the 1966 amendments (including agricultural workers) and by the 1971 amendments, an hourly minimum of $1.70 during the first year from the effective date of the 1971 amendments, $2.00 during the second year from the effective date of the 1971 amendments, and $2.25 thereafter.

Amends section 6(c) to require, in the case of any employee in Puerto Rico or the Virgin Islands covered by a wage order pursuant to the Act, an hourly increase over the highest rate under the wage order covering such employee of 40 cents during the first year and an additional 25 cents during the second year from the effective date of the 1971 amendments.

Amends section 6(e) to eliminate clauses excluding certain linen supply establishments from full coverage.

SEC. 4. Amends section 7 to require compensation for hours in excess of 8 in a day or 40 in a week at a rate not less than one and one-half times the regular rate for most employees covered by the Act. Eliminates certain provisions which provide partial overtime exemptions and makes other conforming amendments.

SEC. 5(a). Amends section 13(a) to bring executive, administrative, or professional employees under the equal pay provision (section 6(d)) of the law. Section 6(d) was added to the Fair Labor Standards Act by the Equal Pay Act of 1963, 77 Stat. 56.

SEC. 5(b). Retains minimum wage and overtime exemptions permitted by section 13(a) as follows:

13(a)(1) which describes any employee employed in a bona fide executive, administrative, or professional capacity, or in the capacity of outside salesman;

13(a)(5) employees engaged in seafood processing.

13(a)(6) employees in agriculture if employer uses 100 or fewer man days of hired labor during a peak quarter (instead of present 500 man-day test);

13(a)(7) handicapped workers;

13(a)(8) employees of small newspapers;

13(a)(10) switchboard employees of small telephone companies; and

13(a)(12) seamen on other than American vessel.

Repeals minimum wage and overtime exemptions permitted by section 13(a) as follows:

13(a)(2), (4), and (11) employees in retailing and service establishments;

13(a)(9) employees of motion picture theaters;

13(a)(13) logging employees;

13(a)(14) agriculture employees engaged in growing and harvesting shade-grown tobacco.

SEC. 5(b). Retains overtime exemptions permitted by section 13(b) as follows:

13(b)(1) employees for whom the Interstate Commerce Commission may establish qualifications and maximum hours of service;

13(b)(5) outside buyers of dairy products;

13(b)(6) seamen;

13(b)(9) employees of small radio or television stations;

13(b)(11) local drivers and drivers' helpers;

13(b)(13) employees engaged in livestock auction operations;

13(b)(14) employees of country elevators; and

13(b)(16) employees engaged in transportation of fruits and vegetables.

Repeals overtime exemptions permitted by section 13(b) as follows:

13(b)(2) and (3) employees of railroad, pipeline and air carriers;

13(b)(4) employees of fish and food processors;

13(b)(7) employees of street, suburban or interurban electric railways, or local trolley or motor bus carriers;

13(b)(8) employees of hotels, motels, restaurants, or nursing homes;

13(b)(10) employees employed as salesmen, partsmen or mechanics by motor vehicle, farm implement or aircraft dealers;

13(b)(12) certain agricultural employees;

13(b)(15) employees engaged in ginning of cotton, sugar beet, sugar cane or maple syrup processing;

13(b)(17) taxicab drivers;

13(b)(18) employees of catering establishments;

13(b)(19) employees of bowling establishments.

SEC. 5(c). Amends the provisions relating to child labor in agriculture to restrict certain employment outside of school hours.

SEC. 6. Amends section 14(b) to prevent unwarranted displacement of full-time employees by student workers in retail and service establishments that are brought within the coverage of the FLSA by these amendments.

SEC. 7. Amends section 16(c) to allow the Secretary of Labor to bring suit to recover unpaid minimum wages or overtime compensation and an equal amount of liquidated damages without requiring a written request from an employee. In addition, this amendment would allow the Secretary to bring such actions even though the suit might involve issues of law that have not been finally settled by the courts.

SEC. 8. Amends section 18(b) to delete the special exception provided for work in the Canal Zone.

SEC. 9. Provides conforming amendments to other laws.

SEC. 10. Amends the FLSA to bring all employees in Puerto Rico and the Virgin Islands under the same minimum wage and overtime protections afforded mainland workers by January 1, 1975.

SEC. 11. Provides that the Fair Labor Standards Amendments of 1971 become effective 60 days after date of enactment.

COMPARISON WITH THE FAIR LABOR STANDARDS ACT, AS AMENDED, OF 3 LEGISLATIVE PROPOSALS IN 92D CONG. TO AMEND THE ACT—S. 1861 (WILLIAMS BILL), H.R. 7130 (DENT BILL), AND H.R. 7512 (MILLS BILL)

I. MINIMUM HOURLY WAGE FOR MAINLAND EMPLOYEES

Present law	Williams bill	Dent bill	Mills bill
For nonagricultural workers, $1.60		$1.80 during calendar 1972, $2 thereafter	$2 effective Feb. 1, 1972.
Covered before 1966 amendments	$2 1st year, and $2.25 thereafter.		
Covered by 1966 and 1971 amendments	$1.70 1st year, $2 2d year, and $2.25 thereafter.		
Agricultural workers, $1.30	$1.70 1st year, $2 2d year, and $2.25 thereafter.	$1.50 effective Aug. 1, 1971; $1.60 during calendar 1972; $1.80 during calendar 1973; and $2 thereafter.	$1.50, effective Feb. 1, 1972.

COMPARISON WITH THE FAIR LABOR STANDARDS ACT, AS AMENDED, OF 3 LEGISLATIVE PROPOSALS IN 92D CONG. TO AMEND THE ACT—S. 1861 (WILLIAMS BILL), H.R. 7130 (DENT BILL), AND H.R. 7512 (MILLS BILL)—Continued

II. OVERTIME PAY REQUIREMENTS

1½ times the regular rate for hours over 40 in any workweek.	1½ times the regular rate for hours over 40 in any workweek or over 8 in any workday.	No change from present law.	No change from present law.

III. MINIMUM HOURLY WAGE FOR EMPLOYEES IN PUERTO RICO AND THE VIRGIN ISLANDS

Determined by special industry committees, but not over $1.60.	40 cents above current wage order rate during first year. 25 cents additional during 2d year. Thereafter, determined by special industry committees, but not over $2.25, until 1975 when the provisions of the FLSA regarding workers in Puerto Rico and the Virgin Islands will be repealed and such workers will be brought under the same minimum wage and overtime protections as are applicable to the mainland. Certain hotel, motel and restaurant workers are brought up to mainland minimum on the effective date of the amendments.	20 cents above current wage order rate, during calendar 1972. 20 cents additional beginning Jan. 1, 1973. Thereafter, determined by special industry committees, but not over $2. Certain hotel, motel and restaurant workers are brought up to mainland minimum on the effective date of the amendments.	25 percent above current wage-order rate, unless superseded by wage order recommended by review committee. Thereafter, determined by special industry committees, but not over $2.

IV. EQUAL PAY FOR EQUAL WORK

Covers only employees covered by and not exempt from minimum wage provisions of the law.	Equal pay provision applied to executive, administrative, or professional employees, and outside salesmen.	Equal pay provision applied to executive, administrative, or professional employees, and outside salesmen.	No change from present law.

V. EXTENSION OF COVERAGE

	A. Employees of U.S. Government and of any State or political subdivision thereof. B. Domestic service employees, except baby-sitters. C. Retail and service enterprises with annual gross sales volume below $250,000. D. Agricultural employers using 101 to 500 man-days of agricultural labor during peak quarter.	Employees of U.S. Government and of any State or political subdivision thereof.	Do.

VI. REPEAL OF PRESENT EXEMPTIONS

Present law	Williams bill	Dent bill	Mills bill
	A. Repeals both minimum wage and overtime exemptions for employees in retailing and services; employees of seasonal amusement or recreational establishments; employees of motion picture theaters; logging and sawmill employees; agricultural employees engaged in growing and harvesting shadegrown tobacco. B. Repeals overtime exemptions for agricultural processing workers; railroad, pipeline, and air carrier employees; local transit employees; employees of hotels, motels, restaurants, or nursing homes; salesmen, partsmen, or mechanics employed by motor vehicle, farm implement, or aircraft dealers; agricultural employees; employees in cotton ginning or sugarcane or sugar beet processing; taxicab drivers; employees of catering establishments; employees of bowling alleys.	Repeals overtime exemptions for agricultural processing workers; fish processing workers; local transit employees; nursing home employees (exemption narrowed to that for hospital employees); employees in sugarcane or sugar beet processing; employees of bowling alleys.	No change from present law.

VII. MISCELLANEOUS PROVISIONS

A. Value of tips may be included in determining wages, up to half the minimum rate. B. No provision for relief from import injury, or for compliance by foreign suppliers with the Fair Labor Standards Act.	A. Eliminates allowance for tips as part of minimum wage. B. Amends provisions relating to child labor in agriculture. C. Authorizes Secretary to collect liquidated damages when suing for unpaid minimum wages or overtime compensation.	A. Establishes procedures for relief for domestic institutions and employees injured by increased imports from low-wage areas. B. Requires compliance with the Fair Labor Standards Act by foreign manufacturers and suppliers on domestic public contracts.	

VIII. EFFECTIVE DATE

	60 days after date of enactment	Jan. 1, 1972, except minimum-wage increase for agricultural workers effective Aug. 1, 1971.	Feb. 1, 1972.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 373

At the request of Mr. CRANSTON, the Senator from South Dakota (Mr. MCGOVERN) and the Senator from Minnesota (Mr. MONDALE) were added as cosponsors of S. 373, the Santa Barbara Channel Moratorium and Ecological Preserve Act.

S. 936

At the request of Mr. MONTOYA, the Senators from California (Mr. CRANSTON and Mr. TUNNEY) were added as cosponsors of S. 936, a bill to amend the Social Security Act to include prescription drugs under medicare.

S. 1156

At the request of Mr. HART, the Senator from Pennsylvania (Mr. SCHWEIKER) was added as a cosponsor of S. 1156, a bill to establish a Great Lakes Basin conservation program.

S. 1664

At the request of Mr. GRIFFIN, for Mr. SCOTT, the Senator from Nebraska (Mr. HRUSKA) as added as a cosponsor of S. 1664, a bill to authorize appropriations for the Commission on Civil Rights.

SENATE JOINT RESOLUTION 94

Mr. BYRD of West Virginia. Mr. President, on behalf of the distinguished Senator from Minnesota (Mr. HUMPHREY), I ask unanimous consent that my distinguished colleague from West Virginia (Mr. RANDOLPH), be added as a cosponsor of Senate Joint Resolution 94, providing for a White House Conference on Environment and International Law.

SENATE RESOLUTION 123—SUBMISSION OF A RESOLUTION TO AUTHORIZE THE PRINTING OF "INTERNATIONAL COOPERATION IN OUTER SPACE: A SYMPOSIUM" AS A SENATE DOCUMENT

Mr. ANDERSON. Mr. President, today I am submitting a resolution to publish a report, "International Cooperation in Outer Space: A Symposium," as a Senate document. Four Presidents of the United States—Presidents Eisenhower, Kennedy, Johnson, and Nixon—have favored international space cooperation for peaceful purposes and under their guidance the Government has promoted a U.S. policy for cooperative space activities among nations since the beginning of the space age in 1957.

This policy was written into the National Aeronautics and Space Act passed by the Congress in 1958 to provide that—

> The Administration, under the foreign policy guidance of the President, may engage in a program of international cooperation in work done pursuant to this Act, and in the peaceful application of the results thereof, pursuant to agreements made by the President with the advice and consent of the Senate.

The Senate Committee on Aeronautical and Space Sciences was given jurisdiction to survey and review, and to prepare studies and reports upon, aeronautical and space activities of all agencies of the United States and in this connection the committee has continuously monitored and examined all space programs with international implications. Hardly a hearing or a meeting of the committee is held without committee members asking about or discussing the status of our international space efforts. Staff studies have been published by the committee on international aspects of the exploration and use of outer space, on space treaties and agreements, on the legal problems of space, on Soviet space programs, on NASA's international space activities, and on the work of the United Nations, its specialized agencies and the Committee on the Peaceful Uses of Outer Space.

Mr. President, the applications of space technology and exploration provide natural opportunities for nations to cooperate in peaceful projects of benefit to all mankind. To international undertakings such as space science projects, improved communications, weather prediction and navigation, we can now add the exciting prospects opening up from the space shuttle transportation system and earth resources survey satellites. At this time when we are increasingly conscious of the earth's resources and especially of the harmful influences affecting our environment, space technology is in the forefront of developing new tools with which to monitor and evaluate the earth's environment and protect its resources. For example, global measurements of the earth's surface by satellites will yield data to use in protecting agricultural crops against disease, spotting forest fires so that preventive measures can be taken, and locating sites for new commercial ventures.

Members of Congress, both in the Senate and the House, through the years have expressed great interest in international cooperation in space activities of NASA and other agencies. We know this from the demand for committee publications and from the frequent speeches concerning international space cooperation made on the floor of the House and Senate. Another indication of concern is seen in the recent establishment by the chairman of the House Committee on Science and Astronautics of a Subcommittee on International Cooperation in Science and Space to be chaired by the Honorable DON FUQUA, Representative from the Second District of Florida.

Recognizing that exploration and use of space is a task for all mankind, the United States wants to bring the people of other nations into an international program, achieving thereby a maximum of cooperation and a minimum of unnecessary duplication. Hopefully, the cost of exploration can be reduced as nations are increasingly brought together in joint ventures.

It goes without saying that an effective international space program depends upon a strong national program. Nevertheless, I wish to emphasize this point: We cannot be for international cooperation only in theory with nothing specific to cooperate about. Since each country pays its share of any cooperative space program—and that is U.S. policy—it is up to us to continue to have the same effective national space projects in the future as we have had since the beginning of the space age. The beneficial and peaceful purposes to be accomplished can help but also bring about greater understanding and good will among nations and the peoples of the world.

The PRESIDING OFFICER (Mr. CHILES). The resolution will be received and appropriately referred.

The resolution (S. Res. 123), which was referred to the Committee on Rules and Administration, reads as follows:

S. RES. 123

> *Resolved*, That the study entitled, "International Cooperation in Outer Space: A Symposium" prepared for the use of the Committee on Aeronautical and Space Sciences, United States Senate, under the direction of the staff of the Committee, shall be printed with illustrations as a Senate document. There shall be printed three thousand additional copies of such Senate document which shall be for the use of the Senate Committee on Aeronautical and Space Sciences.

SENATE RESOLUTION 124—SUBMISSION OF A RESOLUTION TO AUTHORIZE THE PRINTING OF "SOVIET SPACE PROGRAMS, 1966–70" AS A SENATE DOCUMENT

Mr. ANDERSON. Mr. President, today I am submitting a resolution requesting the printing of a study on the Soviet space program prepared by the Congressional Research Service of the Library of Congress.

Over the years, the Senate and the Committee on Aeronautical and Space Sciences, of which I am chairman, have been particularly mindful of the international implications of space research, development, and application, both for civilian and military purposes. In 1962, the committee published a study on Soviet space plans, covering the first 5 years of Soviet activity. In 1966, we published a second report of the same title covering the years 1962–65 inclusive. Last year, I asked the Library for a follow-up report for the years 1966–70, and this is now virtually complete, together with an addendum to cover further developments in 1971.

Let me say in all candor that this report, written by recognized scholars in the field, and dispassionate and objective in style, will bring this body small comfort. The study has been prepared from open and unclassified sources, but it represents probably the most thorough and detailed public report in the world in its tracing and analyzing of past Soviet space accomplishments. It also undertakes the difficult task of gaging Soviet intentions with regard to the use of space in the years ahead. It was not intended to be alarmist in nature, but the portent of the Soviet program is far reaching in its implications for the United States. With its careful documentation, I believe it would be extremely difficult to challenge its main conclusions which are developed with logic and careful qualification.

Mr. President, there is a strong public interest in authentic information on the status and the meaning of the Soviet space program but authoritative analyses are not common in the public domain. Our experience in 1962 and 1966 was that the predecessor reports were snatched up by interested individuals within a few days of the initial release, and the documents then were out of print.

Accordingly in my instructions to the Congressional Research Service, I asked that this study not only emphasize the recent past, but be self-contained in providing a summary history of the program from its beginning. The Library of Congress has a unique capability to write authoritatively on the subject of the Soviet space program. The project director on the study, Dr. Charles Sheldon, is frequently identified as the Nation's principal public spokesman on the subject because of the reputation he has built for objective and accurate appraisals of the Soviet space program. Inquiries are directed to him from all parts of the Nation and the world on this subject, although it of necessity remains a largely extracurricular activity in light of his many official responsibilities.

I think it is especially timely that the Senate make available a thorough study of the Soviet space program. On May 5, NASA's 10th anniversary of manned space flight, I spoke on the floor emphasizing the critical point we have reached, where by our legislative actions we must decide whether America will move ahead to apply the knowledge gained at such great cost by building a reusable and economical space transportation system, or

whether it will abandon this huge investment in advanced technology, and watch other nations, most immediately the Soviet Union, continue to move ahead to exploit the benefits of space.

We are just at the stage in our space program where the most obvious further returns from space can be defined and clearly foreseen. These relate to earth resources management. From both automated craft and from manned stations in orbit, it will be possible to increase the efficiency of water management, crop management, forestry management, fisheries management. It will be possible to trace sources of pollution and to give prompt warning to permit immediate correctives. Much of the world including our own country is not accurately mapped, and detailed surveys are necessary to managing economic growth of our cities. Space observation permits the location of new oil and gas fields, and beds of ore. In an age when crop, animal and human diseases can sweep the world at greater speed because of modern transportation, space observation can provide timely data faster and cheaper over the whole of the earth than can any other means to manage and offset some of these hazards. For example, a corn blight or a wheat rust, or ravages of disease in our forests can be pinpointed quickly from space.

The reusable space shuttle which is now in the planning stage at NASA represents a promising approach to reducing today's high costs of space operation. Some Members question whether the Nation should make the capital investment in the 1970's to achieve these new technologies. The world will not wait for us to make up our minds. The skill and the people and most of the facilities are available right now. We have already shut down the production lines on building the dependable but expensive and expendable rockets of the Saturn family. I would agree with some critics of the space program that were we to reopen the production lines with the idea of continuing 1962 technology indefinitely, any space program of reasonable objectives would threaten us with steadily rising costs. I think we must make the decision to build a system which will reduce the cost of getting into space. On this occasion I will not try to make the complete technical case for the space shuttle. But I will mention that the shuttle not only cuts the operating cost of lifting payloads to orbit; it makes even greater savings possible by permitting a great reduction in the cost of the payloads whether these are manned or unmanned, because of the more gentle flight environment of reaching orbit, and the opportunities it will provide to make repairs, replacements, and retrievals.

Soviet authorities have said the expendable rocket is obsolescent, and I agree with them. Increasingly, they are pointing to the complete logic of saving and reusing expensive space hardware. This is precisely what our shuttle program is all about.

We would surely mark ourselves as blind to the ability of new technology to enhance the quality of life on earth, to solve the problems of pollution, to save the ecology, if we were to turn our backs on the space program, and to write off the skills and facilities which we have developed as a Nation with such effort and success in the last decade.

I will not expect every Member of the Senate to support every space proposal, or to assign space a higher priority than all our other unmet needs on this lovely, but increasingly crowded and polluted earth. However, I do suggest that the ultimate consequences of our decisions on space are so profound that the issues should be decided only after thorough and careful study.

The report referred to in the resolution I am offering is a significant contribution to careful study and understanding of space issues. It helps to put into clear perspective the scope and commitment of the Soviets to a vigorous space program, and this is a fact of life which we cannot ignore as we move toward consideration of America's future in space.

Mr. President, I hope every Senator will support the printing and distribution of this important study.

The PRESIDING OFFICER (Mr. CHILES). The resolution will be received and appropriately referred.

The resolution (S. Res. 124) which was referred to the Committee on Rules and Administration, reads as follows:

RESOLUTION

Resolved, That the study entitled "Soviet Space Programs, 1966–70" prepared for the use of the Committee on Aeronautical and Space Sciences, United States Senate, by the Congressional Research Service with the cooperation of the Law Library, Library of Congress, shall be printed with illustrations as a Senate document. There shall be printed three thousand additional copies of such Senate document which shall be for the use of the Senate Committee on Aeronautical and Space Sciences.

ADDITIONAL COSPONSORS OF A CONCURRENT RESOLUTION

SENATE CONCURRENT RESOLUTION 24

Mr. BYRD of West Virginia. Mr. President, on behalf of the distinguished Senator from Minnesota (Mr. HUMPHREY), I ask unanimous consent that the distinguished Senator from South Dakota (Mr. MCGOVERN) be added as a cosponsor of Senate Concurrent Resolution 24, a concurrent resolution pertaining to parity prices.

The ACTING PRESIDENT pro tempore (Mr. STEVENSON). Without objection, it is so ordered.

NOTICE OF HEARING ON NOMINATION OF OTTO F. OTEPKA

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Wednesday, May 19, 1971, at 10:30 a.m., in room 2228, New Senate Office Building, on the following nomination:

Otto F. Otepka, of Maryland, to be a Member of the Subversive Activities Control Board for the term expiring August 9, 1975. (Reappointment.)

At the indicated time and place, persons interested in the hearing may make such representations as may be pertinent, provided that each witness shall have filed with the committee a written statement of his proposed testimony not later than 10:30 a.m., Tuesday, May 18, 1971.

The subcommittee consists of the Senator from Arkansas (Mr. MCCLELLAN); the Senator from Nebraska (Mr. HRUSKA); and myself as chairman.

NOTICE OF HEARINGS ON PROBLEMS RELATING TO DIVERSIFICATION INTO NONDEFENSE WORK BY DEFENSE CONTRACTORS

Mr. CRANSTON. Mr. President, I wish to announce that on May 18, 1971, the Subcommittee on Production and Stabilization of the Committee on Banking, Housing and Urban Affairs will hold hearings on the problems facing defense contractors in their efforts to diversify into nondefense work.

These are the first of a series of hearings on this subject. The first phase of these hearings will be concerned with the policies and plans of the administration to deal with these problems. We will hear only administration witnesses on these 2 days.

The hearings will begin at 10 a.m. in room 5302, New Senate Office Building, on May 18, 1971.

ADDITIONAL STATEMENTS

SENATOR RANDOLPH COSPONSORS SENATOR HUMPHREY'S RESOLUTION FOR CONFERENCE ON ENVIRONMENT AND INTERNATIONAL LAW

Mr. RANDOLPH. Mr. President, on May 11 the active and able Senator from Minnesota (Mr. HUMPHREY) introduced Senate Joint Resolution 94, which would request the calling of a special White House Conference on Environment and International Law.

I endorse this proposal and wish to be associated with Senator HUMPHREY as a cosponsor of Senate Joint Resolution 94.

In America the new awareness of environmental contamination has raised major political, technological, social, and economic questions. They are difficult to resolve, and those of us who must grapple with them are readjusting our thinking to accommodate new realities.

Our involvement is so acute that we may sometimes tend to believe that only the United States is bothered with pollution and its effects.

It is true that the size of our country and the advanced state of its technology and industrial capacity make environmental controls a paramount matter of significant dimensions.

But we are not alone in facing the crisis of the environment. It is worldwide.

In the United States we have learned that pollution is not an isolated phenomenon that can only be controlled locally. The sources of pollution are everywhere, and its consequences are even further dispersed to the point of being almost universal. We have explored the concept of regional control, and this, too, has its limitations.

It is now obvious that controls must be instituted on a nationwide basis if they are to be effective.

But in our shrinking world, pollution must be viewed in an even broader context, for whatever national pollution problems each of us may have, they have an impact on every other living person. The earth is a living organism with the mechanisms to transport deadly pollutants from one place to another with astonishing speed and efficiency.

The experience with DDT is a dramatic and disturbing example of the transport of contaminants through the global environment. This chemical marvel so very beneficial in the control of diseases such as malaria is now found to be so pervasive that it threatens many forms of biological life and the substructure of ecology on which man relies. Its long life, as well as that of its byproducts now is found in the depths of the ocean and from the Arctic to the Antarctic icecaps. The problem of DDT has become so serious that its use is being severely restricted and even prohibited.

It has been suggested that it is in the interest of global environmental preservation that DDT be banned and the more technologically advanced nations subsidize the more costly alternatives, in effect foreign environmental aid.

There are many examples of how the application of technology can have widespread impact.

In this application, government and industry are not by themselves responsible for pollution since they are in fact acting to meet social needs. In meeting these needs there is a requirement for worldwide international cooperation in the fields of pollution control and abatement, in order that industrial and economic goals will not override the considerations of a decent environment.

If we do not learn how to meet the challenges today's realities present, the eventual results are easily predicted: deteriorating health, more social instability, lower standards of living, and overall weakening of civilization.

Since our earth is a unit, many of these consequences must be rectified on a unified international basis. At the same time, we must recognize the very real national differences in problems, priorities, and abilities to respond.

Just as some nations contribute more heavily to pollution, so much some nations bear a greater share of the cost of alleviating the worldwide situation.

Despite the diversity of nations, there are a number of actions that can be effectively taken now at the international level.

Before any problem can be successfully attacked, its nature and extent must be known. There is a need for a coordinated worldwide system to monitor pollution in the total environment. We know from past experience with nuclear fallout that radioactive wastes are transported widely and rapidly through the environment. However, we do not have comparable information on chemical pollutants, and there is a demand for more extensive, continuous data on which to base an international control effort.

The Senator from Minnesota has referred to the United Nations Conference on the Human Environment, to be held 13 months from now in Stockholm, Sweden. He proposes that the White House Conference, authorized under Senate Joint Resolution 94, he held as a preliminary to that international gathering.

Among the topics requiring urgent international consideration are ocean dumping, the practice that is rapidly turning the world's seas into sewers. Early in this session of the 92d Congress, I introduced a proposal—Senate Joint Resolution 80—calling for an international conference on ocean dumping, which Senator HUMPHREY cosponsors. I consider such a conference also to be a valuable preliminary to the Stockholm meeting in 1972.

The necessity for global action to stem the spread of pollution and environmental damage is becoming more and more widely recognized. This need was acknowledged by a group of distinguished businessmen at a Conference on Goals and Strategy for Environmental Quality Improvement in the 1970's, conducted January 15–17.

I do not believe we can delay in mobilizing world talents and resources in support of the chances for a more healthy and a more wholesome life for all peoples. Further delay would be unwise.

POEM IN TRIBUTE TO J. EDGAR HOOVER

Mr. CURTIS. Mr. President, so many, many millions of Americans are grateful for the protection that the Federal Bureau of Investigation has given to our country down through the years. These people respect, admire, and appreciate J. Edgar Hoover, the Director.

Mattie Richards Tyler, a Washington poet, has said what so many people believe. The last line of her poem describes Mr. Hoover as one who served his country all the way. This is so true.

Mr. President, I ask unanimous consent that Miss Tyler's poem be printed in the RECORD.

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

TO JOHN EDGAR HOOVER, DIRECTOR OF FEDERAL BUREAU OF INVESTIGATION, MAY 10, 1924 TO MAY 10, 1971

(By Mattie Richards Tyler)

He, who was born to greatness, has achieved
A world wherein to plant his dream.
His craft has sailed ahead, full steam,
Borne by fate's tide on life's wide stream.
He has not paused to harbor fear, nor grieved
Because of distant goals not yet achieved.

He, who was born with stars above his way,
Still marches on with torch of light
Into a world of crime and might—
Risking his life to win the fight!
History will crown his name, some future day,
As one who served his country all the way.

INTERGOVERNMENTAL REVENUE ACT

Mr. MUSKIE. Mr. President, during the past several days, many of Senators have inquired about provisions in the Intergovernmental Revenue Act of 1971, which I introduced last week. In response to those inquiries, I have prepared answers to 10 questions I am repeatedly asked about my legislation and about revenue sharing. I ask unanimous consent that the document I have prepared, entitled "Questions and Answers on the Intergovernmental Revenue Act of 1971," be printed in the RECORD.

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

QUESTIONS AND ANSWERS ON THE INTERGOVERNMENTAL REVENUE ACT OF 1971

1. What is the Intergovernmental Revenue Act of 1971?

A. The International Revenue Act of 1971 is a general revenue sharing proposal introduced by Senator Muskie in the 92nd Congress. It would provide approximately $6 billion in financial assistance to State and local governments during the first full year after its enactment.

The Intergovernmental Revenue Act of 1971 is based on the recommendations of the Advisory Commission on Intergovernmental Relations, a quasi-governmental organization whose purpose is to study and recommend ways to improve the relationships among Federal, State and local governmental units. A similar bill was introduced in the last Congress by Senator Muskie and former Senator Goodell and received seven days of hearings before the Senate Subcommittee on Intergovernmental Relations.

The original Muskie-Goodell bill, introduced June 25, 1969, called for $5.4 billion in revenue sharing and tax credits. After that bill was introduced, the administration submitted its first revenue sharing bill which called for $500 million of shared revenues in its first year. The $5 billion general revenue sharing bill proposed by the Administration this year, 18 months after it submitted its first revenue sharing bill, comes closer to the funding level of the original Muskie-Goodell proposal.

2. What is the difference between general and special revenue sharing?

A. General revenue sharing would provide financial assistance to State and local governments with no strings attached. These funds could be used for any purpose as the State or local governmental units see fit.

The concept of general revenue sharing was developed in 1964 by Walter Heller, former chairman of the Council of Economic Advisors. Heller intended general revenue sharing to be the vehicle through which the Federal Government, with greater resources, could assist State and local governments in meeting their fiscal crises.

Special revenue sharing is very different. As designed by the Administration, special revenue sharing would replace many categorical grant programs. Special revenue sharing calls for the Federal Government to provide block grants to State and local governments in broad subject areas in place of funds that have heretofore been distributed to achieve specific purposes under categorical grant programs.

3. Since the Federal Government already provides $30 billion in assistance to State and local governments through categorical grant programs, why do we need revenue sharing?

A. We need revenue sharing because it would solve a different problem than is solved by categorical grant programs. Revenue sharing will provide financial assistance for State and local governments to use as they see fit to solve the problems which they consider most critical. Its purpose is to relieve the financial crises faced by many State and local governments. The "no strings attached" assistance under revenue sharing is much different from the assistance provided by categorical grant programs which State and local governments must use to deal with specific problems which are national in scope.

Revenue sharing is needed because the distribution of income and wealth varies so widely from State to State and locality to locality throughout the country. There are vast differences in the tax paying ability of the various States and communities across the nation. As a result, all governmental units cannot provide all the necessary services and facilities their people need. Revenue sharing would supply the assistance to permit local governmental units to better serve their citizens. It is this specific problem within the federal system that revenue sharing is intended to solve.

The need for revenue sharing has become even greater in recent years as State and local governments have found it more and more difficult to raise enough revenue to pay for the services they must provide. Today, some cities and States are having to cut back on all types of services, including police and fire protection, because they cannot afford to pay for them. Revenue sharing is needed to provide financial assistance to these governments so they can, in turn, provide necessary services for their citizens.

4. If we enact revenue sharing, do we still need categorical grant programs?

A. Yes. Even if we enact revenue sharing we still need categorical grant programs. These programs are directed at critical problems, national in scope, which must be attacked by the Federal Government because the States and localities alone cannot deal with them or have not dealt with them effectively in the past.

Many States and communities have not responded affirmatively to demands for equal opportunity for all our citizens. Many have responded with less vigor than others to the educational needs of their people, and to the poor families who must rely on public assistance.

The failure of one community to provide adequate education for its citizens can affect life in other communities as its citizens who received inadequate educations move to other localities. Thus, the quality of education in all communities becomes a national concern, and national programs are needed to assure there are minimum standards of education that are met by all communities. The same is true of welfare, economic opportunity and many other categorical programs. Categorical grants attack specific problems, and that is why grant programs must be continued. In fact, our national domestic problems are so great today that we must not talk about gutting categorical grant programs. We must consider ways to expand them.

5. Is the only difference between the Intergovernmental Revenue Act of 1971 and the Administration revenue sharing bill that the Intergovernmental Revenue Act of 1971 provides $1 billion more in Federal assistance?

A. No. There are several distinct differences between the Intergovernmental Revenue Act of 1971 and the Administration package.

First, the Intergovernmental Revenue Act of 1971 allocates assistance to local governmental units on the basis of need as well as tax effort and population. The Administration bill does not include need as a criteria for distribution assistance to local governments.

Second, the Intergovernmental Revenue Act of 1971 is only a general revenue sharing bill. It has nothing to do with special revenue sharing. The Administration has sent seven revenue sharing messages to Congress this year—one on general revenue sharing and six on special revenue sharing.

Third, the Intergovernmental Revenue Act of 1971 has greater safeguards than does the Administration bill to assure that general revenue sharing funds will not be used for discriminatory purposes.

Fourth, the Intergovernmental Revenue Act of 1971 contains specific provisions to encourage State governments to reform their own systems of taxation. The Administration bill contains no such provisions.

Fifth, the Intergovernmental Revenue Act of 1971 provides for Congressional review of its operation by automatically terminating the appropriation under it after five years. That means the Congress will have to decide whether or not to keep the program after it has operated for five years. Under the Administration bill, the appropriation would run indefinitely without the requirement of close Congressional review.

6. How does the Intergovernmental Revenue Act of 1971 take need into account in apportioning assistance to local governmental units?

A. Need is one of three criteria that the Intergovernmental Revenue Act of 1971 takes into account in apportioning assistance to local governmental units. The other two criteria are population and the effort a local governmental unit has made to raise taxes on its own.

In an attempt to see that the large cities and counties which have the most severe problems receive assistance in accordance with their problems, the Intergovernmental Revenue Act of 1971 provides weighted shares to local jurisdictions of more than 25,000 population.

In determining those shares, the bill takes need specifically into account. It determines need by evaluating such data as the number of families earning less than $3,000 a year—the poverty level—and the number of families receiving public assistance in a particular jurisdiction.

In practice, the incorporation of the need factor means that the large local governmental units which are poor will receive a greater share per capita than the large governmental units which are better off. Under the Intergovernmental Revenue Act of 1971, for example, the city of Baltimore in Maryland receives nearly six times as much assistance per capita as does Montgomery County, an affluent Maryland suburb of Washington. Under the Administration bill, which does not take need into account, Baltimore receives less than one-third more per capita than does Montgomery County.

7. Since the Intergovernmental Revenue Act of 1971 provides weighted shares for cities and counties over 25,000 population, don't local governmental units of under 25,000 population get the short shrift?

A. No. The Intergovernmental Revenue Act of 1971 actually provides greater flexibility in the pass-through of assistance to local governmental units of less than 25,000 population.

First, it gives the State government and local governments the option of entering into an agreement as to what the pass-through formula for all communities in the State, including those under 25,000, should be.

If no such agreement can be reached, the bill requires the States, in accordance with State law, to make a "fair and equitable distribution" to governmental units of less than 25,000 population based on such factors as need, population, tax burden and revenue raising effort. To assure that State governments do not keep a disproportionate amount of shared revenues for themselves, the bill stipulates that in no case may a State keep more than 60 percent of its entitlement for itself. It also prohibits a State from keeping a higher percentage of its entitlement than the ratio of the taxes it collects to the taxes collected by it and all local governments within it.

8. How does the Intergovernmental Revenue Act of 1971 guarantee that its funds will not be used in a discriminatory manner?

A. The bill creates a mechanism by which any individual citizen who believes that funds under the Intergovernmental Revenue Act of 1971 are being used in a discriminatory manner by a State or local government can sue that governmental unit directly. In this way, it provides an additional protection that those funds will not be used in a discriminatory manner.

9. How do you explain the fact that nine States receive less assistance under the Intergovernmental Revenue Act of 1971 than under the Administration general revenue sharing bill?

A. There are two reasons that nine States receive less under the Intergovernmental Revenue Act of 1971 than under the Administration bill. First, these States either have no State income tax or a very small income tax, and, as a result, they do not benefit significantly or at all from the provision in the bill which provides a 10 percent rebate to the States that have an income tax of their own.

Second, these States are, by-and-large, States which raise a high percentage of their revenue by means other than taxation. Under the Intergovernmental Revenue Act of 1971 those States only receive credit in their "tax effort" for the money they actually raise by taxation. The Administration's bill would make allocations on the basis of all revenues raised by these States, which includes some nontax revenues.

10. Is not revenue sharing alone, without reform of State and local systems of taxation, merely treating the symptoms rather than the causes of financial crises of State and local governments?

A. Yes. That is why the Intergovernmental Revenue Act of 1971, unlike the Administration bill, contains specific provisions to encourage reform of State tax systems.

The bill, for example, provides that States which collect income taxes of their own receive a rebate of 10 percent of the amount of income tax they collect. That provision should provide encouragement both for States which now do not have an individual income tax to enact them and for States which have inadequate State income taxes to make them better. In that way it will be an incentive to the States to raise more revenue on their own. The benefits of the rebate provision would also be passed through to local governmental units.

In addition, the bill offers, as a convenience to the States, to have the Federal Government collect State income taxes for those States who would like it to. That, too, should make it easier for States to utilize the State income tax since they won't even have to bother with collecting it.

The Administration bill has no such provisions to encourage State and local governments to improve their own tax systems.

HEALTH RESEARCH PAYS ITS WAY

Mr. BENTSEN. Mr. President, the efforts of President Nixon to channel $100 million into cancer research is a welcome move, but it is not without certain unfortunate byproducts. One of these, as pointed out by Sylvia Porter in an article in the May 11 edition of the Washington Star, consists of a series of cutbacks in other areas of health research, not regarded by the administration as having priority of cancer research.

Mr. President, I am a cosponsor of S. 34, the bill which would channel more funds into cancer research and improve the administration of those funds. But, as I said in a recent speech to the Texas Medical Association, I do not want to see our efforts in cancer research used as a tradeoff against our other critical needs in health research.

Mrs. Porter indicates that the tradeoff is already in effect. She quotes the distinguished Houston heart surgeon, Dr.

Michael DeBakey, as saying that the cutbacks in other health research areas are so deep that he foresees an "impending collapse of medical research and training."

I hope, Mr. President, that these actions will be reversed and that other areas of fundamental biomedical research will be adequately funded. We will have gained very little by allocating increased funds to cancer if we neglect critical research in heart disease, venereal disease, and other health fields, so vital to the Nation's well-being.

I ask unanimous consent that the text of Mrs. Porter's article be printed in the RECORD.

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

HEALTH RESEARCH PAYS ITS WAY

(By Sylvia Porter)

The combined income of the 554,000 wage-earners whose lives were prolonged in 1967 as a result of medical research was $13.8 billion, out of which they paid $1.7 billion in income and excise taxes. For that same year, the federal appropriation for all the National Institutes of Health was below this tax total, only $1.4 billion.

Did you realize it? That over the past decades, the federal government has gained far more in taxes from persons whose lives have been prolonged by better health knowledge than it has appropriated for all the research leading to the better knowledge?

An expenditure of less than $200 per person on arthritis research would extend by five years the income-producing lives of 13 million patients, amounting to a total national saving of $1.5 billion.

Were you aware of it? That a recent cost-effectiveness analysis shows that for every $1 invested in improved diagnosis and control of arthritis, $38 would accrue to our national income—and the list could be extended indefinitely to include elimination or suppression of heart disease, digestive disease, venereal disease, etc.?

From a strictly economic viewpoint, there is no doubt that all of us benefit from health research which shifts people from handicapped tax burdens to productive taxpayers.

"Our citizens should be informed of these statistics," says Dr. Michael E. DeBakey, Houston surgeon and leader in the field of cardiovascular research. And surely you will be dismayed as DeBakey is by the following priorities:

We spend per person per year $400 for defense, $122 for the Vietnam war, $40 for highways, $30 for space exploration, $7 for all medical research.

We have spent during the past decade twice as much on chewing gum as on medical research.

We are accepting an annual bill of more than $6 billion for heart disease—$30 per person—yet we allocate less than $1 per person for research into the disease, number one cause of death in the United States.

What makes this report urgent is that the congressional appropriations committees are now in the process of acting on President Nixon's inspiring request for a special $100 million crash program in cancer research. For generous as that request seemed when the President made it in January, objective analysis since then discloses that the crash program is to be financed via heavy slashes in the budgets for other research—cutbacks so deep that DeBakey foresees an "impending collapse of medical research and training."

And should you argue that the financing could come from private sources, the blunt fact is that less than 3 percent of the total expenditures for medical research come from the top three private sources: the American Heart Assn., the American Cancer Society, the Life Insurance Medical Research Fund.

The responsibility for the impending catastrophe is not solely the White House's. The medical community must share the blame for not putting its finances in order so it can honestly cost-account its activities; for not finding ways to measure the success and quality of its medical research; for not making the administration and our lawmakers aware of the needs, opportunities and results of research.

And above all, as DeBakey says, our physicians and medical researchers must align themselves with us—potential victims, potential beneficiaries, taxpayers and voters.

It was in the labs that vaccines and drugs were developed for the control of polio, diphtheria, pneumonia, TB, mumps, measles, rubella. It was in the labs that the antidepressive drugs were discovered that have removed thousands of mentally and emotionally ill patients from mental health institutions.

Writing for myself and I'm sure for you, I would willingly finance the research which might save my life some day. Writing for both of us, I urge Congress to weigh those health research budget figures with utmost concern, for at stake in them may be their lives too.

RECOGNITION OF "DR. MARY" TOWNSEND-GLASSEN

Mr. PEARSON. Mr. President, I invite the attention of Senators to an article published in National Business Woman magazine for May 1971. It recounts some of the highlights of the life and service to the community of a most beloved and highly revered doctor of the Phillipsburg, Kans., area. She is "Dr. Mary" Townsend-Glassen who has given 36 years of her professional life in her home area. Her greatest honor came toward the end of 1970, when "Dr. Mary Day" was proclaimed by the Governor of Kansas, and President Nixon wired his congratulations. I ask unanimous consent that the article be printed in the RECORD.

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

SUCCESS STORIES

To hold an assured place in the minds and hearts not only of neighbors and fellow citizens but of a large number of individuals throughout the state and the nation surely qualifies a woman professional as a resounding success.

This is the status that Mary Townsend-Glassen, M.D., of Phillipsburg, Kansas, enjoys as she rounds out a full and busy life devoted to practicing the healing art and science of medicine among the people she knows best—residents of the community where she was born, grew to young womanhood, and is spending her mature years.

Dr. Mary, as she is known by both friend and patient, stands as an important symbol of the type of physician that, until recent years, threatened to become a vanishing breed—the family or community doctor. In an age of specialization, she disdained a specialty to return to general practice in her home community—and to live to see her kind of medicine have a renascence in the emergence of community medicine departments in many medical schools of the nation.

A recent biography of Dr. Mary's life, entitled *How to Sleep on a Windy Night*, could just as readily have been titled *All My Babies*.

For when any large gathering of the very young and the not-so-young get together in Phillipsburg, chances are that from two-thirds to three-fourths of them were delivered by Dr. Mary. In all, her total of deliveries in 36 years of practice stands at around 4,000, at least a quarter of which were delivered in their homes.

In reality, the book's title reflects a larger concern for the quality of life possible for "Dr. Mary's babies" following their birth.

Her abiding, immensely helpful interest in a host of community and institutional health services grew out of a personal family tragedy. Her only son, George Allan, whose life, almost from the beginning had been marred by devastating, serious illness, suffered irreparable brain damage in a fall on ice. At once, his performance in the eighth grade began to reflect the blighting injury: his marks were like those of a moderately to severely retarded child.

Dr. Mary's lengthy, often futile search for good care of her son opened her eyes to the dearth of services and facilities for the mentally retarded and the mentally ill. Not content merely with self-enlightenment, she proceeded to spend much of her energies in the years ahead opening the eyes and hearts of others.

As the head of a Kansas state commission on mental illness, she was credited with pioneering efforts in behalf of enlightened mental health care. She personally raised $50,000 for Phillips County's first community hospital and, also, personally engineered its establishment.

During World War II, she served as the county's very firm health officer, causing a priest to label her "the lady Pope of Phillipsburg."

Following her medical education at Washington University School of Medicine in St. Louis, Dr. Mary returned to her hometown where she and her husband, Clarence Glassen, brought up her two children from a prior marriage.

Not only did Dr. Mary survive the Kansas dust storms when she began her practice, writing off $40,000 in bills for her patients. She has since survived a stroke and three heart attacks to continue the work she loves.

She has been county chairman of the Kansas Society for Crippled Children; was president for two years of the Kansas Council for Children and Youth, and a delegate to the Mid-century White House Conference on Children and Youth; past vice president of the Kansas Society for Exceptional Children; organizer of the city YWCA, and charter president of the Phillipsburg BPW Club. The Kansas BPW Federation named her Woman of the Year for 1966–67.

The greatest honor of her life came as 1970 drew to a close. On December 4th, the eyes of the whole state were upon her. It was "Dr. Mary Day" throughout Kansas by proclamation of the Governor. President Nixon wired his congratulations, as did many great and near-great personages. Phillipsburg held a fitting, all-day ceremony in her honor.

If you have fully discharged your responsibilities to your neighbors, you can sleep even on a windy night, according to one legend. There will be many restful nights ahead for Dr. Mary; all of the proceeds from her biography are to be given to the town library and to the county association for retarded children.

THE CONSOLIDATION OF AIRLINE SCHEDULES ON MAJOR ROUTES

Mr. HOLLINGS. Mr. President, the consolidation of airline schedules on major routes can dramatically reduce the overcrowding now afflicting our national air centers. I endorse the proposal by New York Assemblyman Andrew Stein

that the Civil Aeronautics Board encourage the Nation's domestic air carriers to carry more passengers per plane and make fewer flights, thus unclogging our major airways. This is enforceable and should be implemented.

If adopted nationally, such a program would result in less jet engine exhaust pollution, less noise around airports and increased safety to air travelers. Fewer flights carrying more passengers would lift some of the burden placed on our overworked air traffic controllers. It would mean handling the same number of customers, perhaps at lower fares because of a reduction in operating expenses for the airline industry.

The crush of air traffic now found at the Nation's metropolitan jetports can indeed be reduced short of construction of new and costly airfields. And I am convinced that this plan would not mean any loss in service to the general public, especially at smaller, secondary air centers. It would simply mean a decline in the number of flights between major cities, a figure already too high on these heavily traveled routes.

Such a program can save the Federal and State taxpayer the cost of new jet airports. It can save our air traffic controllers the physical and mental strain of continuously increasing congestion. It can reduce the noise and air pollution for families who live near jetports. This is the direction in which we should move if we are to halt the rising fiscal and environmental costs of too many planes flying half empty into serious overcrowded airports.

Mr. President, I ask unanimous consent that a summary of the plan and a statement concerning this matter, prepared by Senator VANCE HARTKE, be printed in the RECORD.

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

SUMMARY OF PLAN TO REDUCE AIR TRAFFIC CONGESTION AT METROPOLITAN AIRPORTS

The eight-point plan is designed to reduce air traffic congestion and jet engine noise at the nation's existing airports without resort to the construction of new, and costly, jetports.

The following set of recommendations demonstrate that in many metropolitan areas afflicted with air congestion, a new jetport is not the answer. Compelling alternatives to new air fields are available. If these measures are taken, aircraft congestion and engine noise can be dramatically reduced and the country can still avoid the serious environmental and fiscal penalties that will come with new regional airports.

In short, the plan calls for a reduction in the number of planes landing and taking off from the nation's major air centers, such as Chicago O'Hare, New York JFK, Washington National, etc. without cutting into passenger volume. The plan does mean fewer available flights for the air traveller. But we must recognize that flying whenever we want is a luxury, and one very costly to the environment and a public required to build more and larger airports to handle more flights.

The price tag placed on new airports is now about $1 billion. The British government announced in early May its new jetport serving greater London will cost $1.2 billion. Estimates for the proposed fourth New York jetport exceed $1 billion. And a major airport is now said to need 15–20 square miles of countryside, enough land to house a new town of 30,000.

Implementation of all, or even some, of the following steps negates the need for new jetports in most major cities today. The plan would reduce congestion, aircraft noise, and save a financially-pressed public the burden of billion-dollar adventures in construction throughout the country.

The proposals:

1. Enactment of a Civil Aeronautics Board regulation that domestic air carriers operate with 70 per cent of seats occupied on most major routes. Under current conditions, four airline companies operate 69 flights daily between Chicago and New York. Implementing this policy of more occupied seats on fewer flights on the Chicago-New York route alone would mean 8260 fewer flights per year, or 23 per day. Last year, the American airline industry reported only 48 per cent of its seats occupied.

2. Application of landing fees for U.S. commercial airliners according to size of aircraft and number of passengers aboard, with those planes carrying few passengers paying more than those carrying many. Such a fee structure, adjusted to account for varying passenger volumes on certain routes, would encourage airline companies to introduce larger planes and fill more seats, thus reducing the number of aircraft movements.

3. Diversion of general aviation flights (private and corporate aircraft) away from major airports during peak hours by substantially increasing landing fees for the smaller planes during the busier hours. Flights by these small aircraft, carrying an average of 2.7 passengers, now represent 18 per cent of all flights at New York's three major jetports.

4. Improvement of facilities for general aviation at the country's secondary airports to encourage their use by more small aircraft.

5. Improvement of air traffic control procedures in major metropolitan areas to accommodate, when necessary, more flights during peak hours. Further computerization of the control systems at the nation's major air terminals can increase peak-hour capacity with no sacrifice in passenger safety.

6. Acceleration of the U.S. Department of Transportation research program into the viability of a network of V/STOLcraft (vertical and short take-off and landing) linking together the central areas of major cities.

7. More adjustment of airline fares to penalize passengers flying during rush hours and reward those who choose to fly during off-hours. This policy, already in effect on a limited basis on some routes, helps spread passenger volume over a wider period of time and alleviates the crush of traffic, both on the ground and in the air, during the severely congested hours of 3 PM to 8 PM.

8. Installation of noise reduction devices on all new commercial airline engines to bring noise levels down to 98 EPNdB (effective perceived noise in decibels) by 1977. This could be accomplished by enactment of anti-aircraft noise legislation at the state level or by FAA directive.

STATEMENT BY SENATOR VANCE HARTKE

Mr. President, the recent decline in profits throughout the airline industry points up sharply the need to gain better use from the Nation's commercial aircraft and airports. I believe that this goal can be achieved through the use of higher load factors on fewer planes along major routes. The plan set forth by New York State legislator, Andrew Stein, is designed to effect the necessary changes and reduce congestion at the country's metropolitan airports.

Unnecessary and suicidal competition on certain major routes has strangled some air carriers. We can restore the industry to a sound fiscal position by eliminating the excess of flights now choking our major airports. And we can do both of these without cutting into passenger volume.

Stein's plan, if implemented with approval from the CAB, would allow American air carriers to jointly reduce the number of flights between major markets. Very simply, it would mean fewer flights, with more passengers on each flight. Such a policy could substantially reduce airline operating costs, permitting reductions in fares or, at the very least, maintenance at the current levels. The industry could accommodate the same number of passengers while reducing operating costs.

As a member of the Senate Aviation Subcommittee, I look favorably on Stein's petition on the CAB that the airline companies be permitted to negotiate among themselves a reduction in competition on some seriously overcrowded routes.

By approving such action, the Civil Aeronautics Board would be following its current regulatory policy or guaranteeing the public full service while guarding against collapse of one of the Nation's most valuable industries.

Mr. Stein has developed an imaginative solution to the growing problem of air congestion. The entire mass transit system in this country is rapidly changing. If we can take steps now to hold the line against air congestion without construction of costly new jetports, we might find the air transportation picture totally changed in the next several decades. Improved rail service will help handle the short-haul traffic. We will have in service very shortly V/STOLcraft (vertical and short take-off and landing aircraft) and these too will alter the air transit picture. And before the end of this century, we may have a viable space shuttle to take care of a portion of the international market. All of these developments indicate we may not need more airports if we can find an alternate solution to air congestion. The Stein Plan should be fully explored before any large investment of Federal and state resources is made in new jetports.

ARMS CONTROL FOR AMERICAN SECURITY

Mr. MUSKIE. Mr. President, as I said in a statement before the Senate on May 6, I believe that it is essential that both the Soviet Union and the United States be aware of the arms control implications of their defense program decisions. We must establish a pattern of mutual self-restraint with other nations when developing new strategic defense systems. Arms control does not mean unilateral disarmament—on the contrary, it can mean greater security for all nations.

The testimony before the Senate Armed Services Committee on May 3 by Dr. Herbert Scoville provides a thoughtful and provocative analysis relating to this problem. I commend it to the attention of Senators and ask unanimous consent that it be printed in the RECORD.

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

TESTIMONY BEFORE THE SENATE ARMED SERVICES COMMITTEE, ON THE FISCAL YEAR 1972 DEFENSE PROGRAM AND BUDGET, HERBERT SCOVILLE, FEDERATION OF AMERICAN SCIENTISTS (FAS), CHAIRMAN, FAS STRATEGIC WEAPONS COMMITTEE, MAY 3, 1971

Mr. Chairman: I appreciate very much the privilege of being able to come before this Committee this morning to express my views on behalf of the Federation of American Scientists on the proposed FY 1972 Defense Program and Budget. Rather than an at-

tempt to go through all individual items on the budget and analyze these in detail, I believe it would be more useful if I could concentrate my attention on the strategic forces programs and comment on how these appear to relate to the threats which have been posed. In this period of limited availability of funds and resources, we cannot afford the luxury of prematurely spending large sums to build weapons which provide protection against threats that may not emerge—weapons that will only serve to fuel the arms race and escalate the requirements for additional funds in the future.

The basic aim of our strategic forces is to provide, as Secretary Laird has said in his first two criteria for nuclear sufficiency, a realistic deterrent against nuclear attack by maintaining a second strike capability and eliminating all incentive for the Soviet Union to strike the United States first even in a crisis. Strategic nuclear war would be so disastrous that its initiation must be made unthinkable. All other objectives for strategic forces are insignificant in comparison to the requirement to avoid the outbreak of nuclear war.

At the present time, our deterrent is based on three independent weapons systems. The Polaris submarines with their ballistic missiles (SLBM's) are the cornerstone of the deterrent structure since they, and only they, are invulnerable to a first strike for the foreseeable future. They are capable of overwhelming any ABM system which the Soviets could have for a number of years. This sea based deterrent is supported by a force of more than a thousand land based ICBM's in hardened silos which at the present time are also invulnerable but which, if the arms race is allowed to continue and the Soviets to develop new weapons systems, could appear to become increasingly vulnerable in the next five to ten years. Finally, we have the large B–52 bomber force which our military authorities believe easily capable of overwhelming any Soviet air defenses but which is vulnerable to a surprise attack if the aircraft are caught on the ground. The Minuteman and the bombers, although separately potentially vulnerable, do have a complementary function in that no plausible scenario has ever been put forward in which they could be simultaneously destroyed in a surprise attack.

The United States faces three kinds of threats to the survival of these strategic deterrent forces: the threat of a Soviet ABM neutralizing our retaliatory capability; the threat of Soviet missiles destroying our land based missiles; and the threat of Soviet submarine launched missile surprise attack against our bombers. I will show that—over the last few years—the estimates of these threats have rarely been exceeded and in fact have often been delayed, and that the United States has already over-reacted to these same threats. I conclude that there is no need for further reaction to these threats even taking into account the recent evidence which Secretary Laird has pointed to with alarm. I conclude, in fact, that we can and should defer some programs. Premature or excessive reaction can in the long run produce less security by stimulating otherwise avoidable Soviet weapons programs and by precluding desirable SALT agreements.

I. THE THREAT TO THE SEA BASED DETERRENT

Let us now look at the estimated threats to the deterrent forces and the programs proposed to deal with them. First, the submarine deterrent. A danger to this can arise from two general developments: ABM's and anti-submarine warfare (ASW).

ABM THREAT

The ABM threat to the Polaris deterrent is an old one. In the mid 1960's the United States began to respond to the threat of a very large nationwide Soviet ABM, anticipated for the late 60's, by developing the Poseidon multiple warheaded missile. In 1968, however, the Soviets stopped the further deployment of their Moscow ABM system, the only one they had. Nevertheless, the United States went ahead with Poseidon and the first such submarine has just gone to sea. If we were responding to the threat correctly in 1968, we have at least three years to spare now. And we were certainly acting conservatively then. Thus we have deployed a counter to a Soviet ABM already—and done so many years before it would be required.

Last week, Secretary Laird announced that the Soviets have resumed ABM deployment in the Moscow area with new types of interceptors. However, such new deployment would have to be greatly enlarged and extended to many other areas before it could possibly require the Poseidon MIRV system. This would certainly take five or more years. Nor have we considered, in our threat-estimates of Soviet ABM, the fact that the Soviets are reputed to have accepted the U.S. proposal to halt ABM construction everywhere except around Capital cities—a proposal under negotiation, either separately or as part of a package. If we succeed in limiting ABM's at SALT, then we would never have needed the Poseidon system, and about $4 billion would have been saved. This is clearly an example where we have not timed our strategic weapons programs to match the threat, but have gone forward at great expense with a deployment because technology was available. And our rush to deploy MIRV may have made it non-negotiable.

ASW THREAT

In the last two years nothing has changed to increase the ASW threat to our Polaris submarines. Secretary Laird, on March 15, 1971 in his statement to this Committee said:

". . . although our continuing investigations have resulted in no immediate concern about the survivability of our Polaris-Poseidon submarines at sea, we are continuing our active program for SSBN defense. Of course, no system can be guaranteed to remain invulnerable *indefinitely* and we are aware that the Soviets are working on new ASW techniques." [1]

He was more explicit in early 1969 when he said:

"According to our best current estimates, we believe that our Polaris and Poseidon submarines at sea can be considered virtually invulnerable today. With a highly concentrated effort, the Soviet Navy today might be able to localize and destroy at sea one or two POLARIS submarines. But the massive and expensive undertaking that would be required to extend such a capability using any currently known ASW techniques would take time and would certainly be evident". [2]

Although the Soviets are known to be continuing ASW research, there is no reason to think the intelligence estimate that this statement embodies has changed. Polaris submarines can operate over millions of square miles of open ocean on all sides of the Soviet Union. The Soviets cannot rely on killing Polaris submarines with ballistic missiles since the subs could, at normal cruising speeds, move out of the lethal area around the aiming point during the time of flight of the missile. While it might be feasible for the Russians to locate and track a single submarine and destroy it in a coordinated attack on the U.S. continent, it seems almost inconceivable, with foreseeable technology, to kill simultaneously the approximately 30 submarines which might be found on station at one time. For the Soviets to deploy attack submarines or surface craft so that they could destroy all these U.S. submarines at a specific instant would seem virtually impossible. A wide variety of countermeasures against such tactics would be available to U.S. forces.

The U.S. has over many years spent tens of billions of dollars on ASW and does not even approach such a capability. Indeed, there is every reason to think that the Soviet ASW problem is even greater than our own. The Soviets are significantly behind the U.S. and have for geographic reasons alone a much more difficult task. The Russians do not control the land masses adjacent to many ocean areas, thus complicating tremendously the deployment of a detection and tracking system. Even if, by some technological breakthrough, it were possible to make the oceans transparent so that submarines could be continuously located—and this is most unlikely—it would be necessary to have some mechanism for destroying all the submarines at a given moment. After all, the atmosphere is transparent to radars, but no one has suggested in twenty years that bombers on airborne alert are vulnerable or how to build an ABM system which would provide protection to populations.

All these factors combine to lead to the inescapable conclusion that our Polaris submarines will not be threatened in the coming decade and probably not in the next as well. The Soviets might develop a partially effective ASW defense in the restricted waters in the neighborhood of the U.S.S.R. but not in the open oceans. The U.S. would have ample warning to take counter-action if it saw such a capability developing.

In sum, there is clearly no present threat to our submarine deterrent either from ABM's or ASW; and we do not even know the nature of a threat if it ever were to develop. However, since the sea based component is the cornerstone of our deterrent, we support continued research to be prepared to deal with any such eventuality in the distant future. The ULMS program proposed by Secretary Laird is such an example. (The Federation of American Scientists has recently prepared a position paper on ULMS and I shall append it to this statement.) While we urge that research and development on advanced missile submarine systems should be continued on a broad front, we do not believe that the designs of such a system should be frozen in the near future, or construction of submarines begun. To do so might only result in expensive outlays for a system optimized against the wrong threat. We are disturbed by reports that attention is being concentrated on very large submarines and urge that the trade-off studies look at alternative approaches. While it is not possible to comment in detail on the $110 million included for this project in the proposed budget, it would appear that this is high for the type of trade-off studies and design work which would be required in the near future.

II. THE THREAT TO LAND BASED ICBM'S

The threat to our land based missiles has not exceeded and is, in fact, behind past estimates. In submitting his Defense Program in 1969 and in initially justifying the Safeguard ABM program, Secretary Laird referred to the growing threat from the Soviet CC–9 missile force which would be equipped with MIRV's. It was estimated that in 1974 the Soviets might have 420 SS–9's, each equipped with three MIRV's. This extrapolation was based on the continuing deployment of 50 to 60 SS–9's per year and the completion of their MIRV test program which was feared to have started in August, 1968. In June, 1969, President Nixon stated in this connection that "footprints (of the Soviet MRV's) indicate they just happen to fall in somewhat the precise area in which . . . our Minuteman silos are located".

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[1] Fiscal Year 1972–76, Defense Program and the 1972 Defense Budget, March 15, 1971, pg. 68.

[2] Hearings Before the Senate Armed Services Committee on Military Procurement for Fiscal 1971, Part I, pg. 32.

On the basis of this estimated threat, it was decided to go ahead with Safeguard deployment at two Minuteman sites.

RATE OF SS–9 DEPLOYMENT

What has actually happened since that time? The rate of SS–9 deployment has actually been cut back. Beginning in August, 1969, no new construction of these sites was observed until May, 1970—nine months later—when about 20 new starts were publicly reported. This past winter, however, the Defense Department announced that construction on some of these new silos may have been suspended and that the program had leveled off below 300. On the other hand, this spring it has been reported that the Soviets are beginning construction on several tens of new large silos. Even if one adds this new construction to the few additional SS–9's that may have been started since August 1969, it would appear that the Soviets have only initiated construction on about 50 new large launchers in the past 21 months, a considerable reduction from previous years and far below the rate predicted by Secretary Laird in 1969. At this rate of construction, it would not be until 1975–76 that the U.S.S.R. would have the 420 operational missiles to match Secretary Laird's threat. While this new program could again accelerate over the rate of the last two years, it would be almost impossible for the 420 to be achieved earlier than 1974, the originally predicted date.

Are there any specific security implications about the new large missile construction which would warrant increased alarm and advancing U.S. strategic deployments? It is obviously regrettable that the Soviets have chosen to resume deployment of large missile launchers after almost a year and a half of apparent restraint in this area; however, it is not clear why such new deployment presents any increased threat over that which has been used for planning purposes for many years. One explanation of this new program is that the Russians are building harder silos for their SS–9's to provide protection from a counterforce strike by the U.S. MIRVed missiles currently being deployed. Such hardening would, of course, not contribute to a first strike capability and, if anything, would be an indication that a first-strike was not a critical Soviet policy objective. It would, however, explain why no new missile has yet been tested for these silos.

Alternatively, Senator Jackson had the equally reasonable suggestion that this new construction is to house a new Soviet missile which will be used to deliver a future MIRV capability. In evaluating the significance of this possibility it is important to remember that in all previous estimates of the Russian threats it has been assumed the SS–9 was capable of delivering any type of MIRV system the Soviets chose to develop. It has the payload capacity to carry six, ten, or even more MIRV's, and the only question was the accuracy which could be achieved. The only reason for using 3 MIRV's in the 1969 calculations was that the Soviet tests involved three re-entry vehicles and thus a three MIRV capability could be operational earlier than a more numerous MIRV threat. If this assumption on the SS–9 capability was correct, then the new construction should have no effect one way or another on the timing of the MIRV threat. It is just another form of the previously estimated SS–9 threat.

If it was wrong, and the Soviets are developing a new missile system for their MIRV's, then the former estimated dates were much too early. If they have to go through the development cycle for a completely new missile in order to have a true MIRV capability, then an initial operational capability would not occur at the earliest before two to three years from now. More importantly, if they are going to have to construct new silos for their MIRVed missiles and not use the existing 280 SS–9 silos, then the time at which they would have a force which could threaten Minuteman is several more years away. Even at the rapid rate of 50 MIRVed missiles per year they could not have as many new missiles operational as they now have SS–9's, until 1977. Thus the new silos could mean a delay of three or more years in the threat. At worst, the new missiles are a slowed continuation of the previously estimated large missile threat.

Furthermore, the Soviet MIRV test program is also behind that estimated in 1969. It is no longer thought that the MRV system of 1968 had a MIRV capability, and it was only in late fall of 1970 that the Defense Department announced what they thought may have been a true MIRV test. Since this test only involved three re-entry vehicles on the SS–9, this development would not provide any threat to Minuteman until the Russians had at least 420 and, realistically, many more large missiles. There is, of course, no technical reason why the Soviets could not start at any time to develop a MIRV system which deployed six or even more independent warheads, but such a system could not begin to become operational until about two years after the first tests.

In his 1971 Statement to this Committee (page 46), Secretary Laird says "It is estimated that the accuracy of the SS–9 could be substantially improved by 1975–76. With this improved accuracy the projected Soviet SS–9 missile force would pose a serious threat to the future survivability of undefended Minuteman silos". Thus, even Secretary Laird puts off the threat to Minuteman to the 1975–76 period from the 1974 proposed when Safeguard was first justified. Certainly, this does not justify an acceleration or expansion of the Safeguard system from the original two sites as has been proposed by Secretary Laird.

In view of the fact that Safeguard is poorly designed to defend Minuteman and that the new Hardsite System is under development, it would be better to withhold all funds for Safeguard and concentrate on designing a better system. Safeguard is another example of a hastily conceived and expensive program, planned without realistic evaluation of the threat to our overall deterrent. If an agreement severely limiting ABM is achieved at SALT, then it is also quite likely that no Minuteman ABM will be needed, so further deployment at this time of an unnecessary and inadequate system would appear unwise.

MINUTEMAN MIRVING

Finally, the Budget calls for $839 million for continued procurement of Minuteman III and Minuteman force modernization. For the same reasons referred to under the Poseidon program, it is premature, and also an extravagance, to be placing MIRV's on Minuteman now. Secretary Laird justified both these deployments as follows:

"Should part of our missile force be unexpectedly and severely degraded by Soviet preemptive actions, the increased number of warheads provided by the remaining MIRV missiles will insure that we have enough warheads to attack essential soft urban industrial targets in the Soviet Union. At the same time, the MIRV program gives U.S. increased confidence in our ability to penetrate Soviet ABM defenses, even if part of our missile forces are destroyed".[3]

As previously mentioned, Secretary Laird himself places the initial threat to Minuteman in the 1975–76 period, and the Soviets even with the resumption of ABM deployment around Moscow could not have a defense requiring MIRV's for penetration even by that time. If some unforeseen danger to the entire deterrent arose earlier, it would always be possible to deploy our already developed MIRV's before the threat became a reality. Thus, the funds for Minuteman improvements, as well as for the Poseidon conversion are certainly premature. In fact, in the case of the Minuteman, it is questionable whether such improvements would ever be justified, regardless of how the threat develops. Expenditure of $5 billion to put three warheads on each missile on the ground that 95% of them may be destroyed hardly seems a good investment.

Furthermore, by such unnecessary deployments, we are making it impossible to achieve a MIRV limitation at SALT and are fueling an arms race which, because of the larger Russian missile payload capacity, could, in the long run, be a much greater threat to the U.S. than the U.S. MIRV is to the Soviet Union.

This is an example of a reckless gamble with U.S. Security.

III. THE THREAT TO U.S. BOMBERS

During the past few years, there have been no changes in the estimated threat which would justify new strategic bomber deployment. The U.S. is still maintaining a large but slowly decreasing force of B–52 bombers as the third component of the strategic deterrent. To reduce their vulnerability on the ground, a portion of these are kept on less than 15 minutes alert. In 1969, fears for even this alert force were expressed because of the increasing Soviet SLBM force. While the most logical explanation of the Russian buildup was simply to improve their deterrent with a parallel system to our Polaris (no one has claimed the Polaris is a first strike force), it is true that such missiles, if fired on a depressed trajectory, could significantly reduce alert time. There have been no reports that the Soviets have ever actually tested Sub-launched Ballistic Missiles (SLBM's) in this way. However, countermeasures, such as deployment of B–52's to satellite bases in the interior would alleviate this danger if the threat became imminent, and these are being taken.

This danger was apparent in 1969 and has not materially changed from that estimated at that time. Although the Soviets are continuing to build up their Y class submarine force, the number of these submarines is largely irrelevant to the bomber threat. With the limited number of present SAC bomber bases and the vulnerability of aircraft on the ground, ten submarines could carry more than enough missiles to largely destroy all bombers on the ground. We have long estimated the Russians would have more than ten such vessels. The only new development is the report of Secretary Laird this year that "a longer range SLBM is under development." Recent testimony before this Committee indicated that the submarine for this missile was unknown. This missile when deployed could make it easier to bring interior bases under attack, but certainly it has never been thought that any base would be out of range. The interior bases do, however, provide a potential for longer warning time.

The FAS has previously testified before Congress on the need for the B–1 (March 23, 1971, before the House Armed Services Committee), so I shall not repeat these views here. However, suffice it to say the B–1 is not the answer to the SLBM threat. Because of its great cost it will always be deployed in small numbers, and in the time period when it could be available, it would almost certainly be vulnerable on the ground to SLBM attack. Its shorter endurance, i.e. ability to remain airborne, than the B–52 will also make it a less reliable deterrent because of its greater reliance on vulnerable tankers and the necessity for it to return to base if prematurely launched.

There has been no new developments in Soviet air defense since 1969 which would warrant early replacement of the B–52's. In

[3] Op. cit., Defense Program and the 1972 Defense Budget, p. 66.

fact, recent estimates have extended the life of this aircraft. Therefore, we see no need to press forward with the B–1 program which may never be necessary in its present form and may be the wrong way to proceed if a threat does develop.

IV. AIR DEFENSE AGAINST BOMBERS

Here also the requirement for U.S. air defense has declined. In the past two years, the Soviet intercontinental bomber force has decreased slightly from its already low level. More importantly, there have been no reports of any new truly intercontinental bomber being under development in the U.S.S.R., only a new model of a medium range aircraft. Therefore, there would appear to be no new *threat* requirement calling for the deployment of Airborne Warning and Control Systems (AWACS), and Over the Horizon Radar (OTH) against aircraft beginning in 1972. The Federation of American Scientists testified on this subject on March 11 to the Special Subcommittee on Bomber Defense of this Committee and I shall not summarize its statement of that date. But it should be noted that, as we pointed out then, even if the Soviet bomber threat increased, there would be no point in building a bomber defense of population without a missile defense of population—one which the President has noted we have "no way" of constructing.

V. MISSILE GAP

Finally, one has heard considerable reference to the developing "missile gap" and the possibility that unless the U.S. deploys more weapons, we will be subject to diplomatic nuclear blackmail. But neither side can blackmail the other so long as each can retaliate decisively against the other. We have long ago learned how fallacious it can be to measure this strength in terms of numbers or size of missiles, warheads or bombers. And we recognize that each side will always be ahead in some categories.

We do not accept that there is a gap in favor of the Soviets. True, the Russians are continuing to deploy additional missiles, but the U.S. program also has tremendous momentum. Secretary Laird himself points out in this year's Statement to this Committee that between December 30, 1970 and mid 1971, the U.S. offensive strategic nuclear weapons will increase in number from 4,000 to 4,600 while the Soviets' during the same period will only increase from 1,800 to 2,000.[4] This is an addition of 600 warheads for the U.S. as compared to 200 for the U.S.S.R. with the U.S. already in the lead. Furthermore, this rapid U.S. increase is only the beginning of a vast program in which, during the next five years, U.S. missiles warheads proposes to increase to more than 7,000 as we place MIRV's on our Minuteman III and Poseidon missiles. The momentum of these programs has been so great that to date we have not been able to curtail them despite the fact that the threat against which they are being deployed has been delayed many years.

This cannot be discounted by saying that the number of warheads is not as important as megatonnage since this program of replacing higher yield single warheads with MIRV's has been endorsed by almost all Defense authorities because of the increased security they provide. Each of these MIRV warheads still has a yield at least several times that of the explosions which destroyed Hiroshima and Nagasaki. In the early sixties, virtually all U.S. authorities reached the conclusion that our security would be enhanced by substituting multiple small bombs for a very large single weapon in our B–52 loads, hardened Minuteman missiles in lieu of the larger Titans, and MIRV's with lower yields in place of single large warheads. Senator Jackson in recent hearings of this Committee confirmed that he had also endorsed this concept. The Nixon administration with its programs has adopted this approach. Megatonnage has long been outdated as a critical measure of relative strength.

Further, it is anything but clear how the Soviets could use a superiority in numbers of ICBM's to exert political pressure unless we talk ourselves into such a position. Statements that the Russians might threaten to take Alaska are not only laughable but irresponsible. As long as we maintain a strong deterrent, threats of nuclear war have no substance. As sane men we must learn to live in a world of mutual deterrence. Secretary Laird's third sufficiency criterion: "Preventing the Soviet Union from gaining the ability to cause considerably greater urban/industrial destruction than the U.S. could inflict on the Soviets in a nuclear war" is, in a world where both sides can kill tens of millions of each other's populations, only an excuse for an unlimited arms race, unlimited military budgets, and increased risk of nuclear catastrophe. This objective cannot be reached for all war scenarios because, for example, the population destroyed by a strategic attack will vary depending on whether the attack is a first or second strike. The procurement of the types and numbers of weapons needed to produce equivalent destruction in a U.S. second strike to that produced in any Soviet first strike would escalate the arms race astronomically.

VI. PROGRAM AND BUDGET RECOMMENDATION

Based on the foregoing considerations, it is our opinion that the proposed Strategic Forces Program should be modified in the following ways:

1. R & D on ULM's should be continued with only that funding necessary to continue, on a broad front, trade-off and design studies which do not commit funds to any future hardware programs.

2. The further deployment of MIRV's for Minuteman and Poseidon and Minuteman modernization should be held in abeyance with a saving of about $1.6 billion in FY '72.

3. The development of the B–1 should be restricted to design studies and these should be conducted on a variety of bomber systems without commitment to build test aircraft; the funds should be appropriately curtailed from the $370 million requested.

4. The Safeguard ABM deployment should be halted and ABM funds limited to those required for Prototype Development of Hard-Site Defense and research on advanced systems. This would save about $1.2 billion in FY '72 funds.

5. The further research on advanced MIRV guidance systems for improved accuracy should be halted by reducing the $87 million proposed for ABRES.

6. The AWACS program should be terminated.

VII. SUMMARY

An analysis of the anticipated Soviet threat based on statements by DOD officials provides no basis for increasing U.S. strategic weapons programs at this time. In essentially all cases the threat to the U.S. deterrent is less than was estimated in 1969, and the U.S. already has programs in being, or available for rapid deployment if required, which can ensure the maintenance of a secure deterrent for the foreseeable future. The Soviet ABM threat to our deterrent is far behind estimates when the U.S. set present schedules for Poseidon and Minuteman III deployments. Similary the Soviet large ICBM–MIRV threat to Minuteman is lagging behind that predicted when Safeguard was first justified. By reducing proposed FY '72 programs, significant savings in funds can be effected while providing opportunities for improved future U.S. security through arms control. We should not again fall into the trap of perennial compulsive reaction to timeworn exaggerated threats.

[4] Op. cit., Defense Program dn the 1972 Defense Budget, Table 2.

S. 1794, TO PROVIDE A VIABLE ALTERNATIVE TO THE NATION'S RELIANCE ON PESTICIDES

Mr. NELSON. Mr. President, on May 6, 1971, I introduced S. 1794, a bill to authorize the appropriation of $4 million to establish pilot field projects for research on a variety of crops to control agricultural and forest pests by integrated biological-cultural methods.

This legislation provides the framework for a desperately-needed alternative to this Nation's rigid reliance on the massive and indiscriminate use of chemicals to control agricultural and forest pests.

The evidence is abundant that with the single strategy of chemical control we not only have saturated the environment with deadly poisons that endanger a wide spectrum of living organisms, including man himself, but that we have begun to disrupt seriously the economic stability of the farming community with disaster approaching if we continue on our present course.

The environmental damage and human health hazards posed by persistent pesticides contamination is quite clear.

The peregrine falcon is extinct as a breeding species east of the Rocky Mountains and is so suppressed west of the Rockies that it borders on extinction. The bald eagle, osprey, brown pelican and numerous other species of carnivorous birds have shown substantial reproductive failure as a result of contamination by chlorinated hydrocarbons. The increasing concentration of persistent pesticides in the environment threatens the survival of fresh water and ocean fisheries.

The hazards of genetic toxicity due to pesticide residues clearly is implied by findings in experimental animals. Even the human species carries an average of 10 parts per million of the residues, substantially more than the level allowed for most foods in interstate commerce. The harmful effects of pesticides on farmworkers has become a major concern—and a legitimate one—of farmworker leader Caesar Chavez.

The evidence is accumulating rapidly that chemical pesticides have failed in controlling agricultural and forest pests. This is dramatically evident in Texas, where producers of cotton and various other crops have become so alarmed over the invasion of pests—despite massive chemical treatments—that emergency meetings are being convened to discuss the problem and to seek solutions. They have seen their profit margins reduced to a point where the break-even threshhold is perilously close.

In California, many cotton farmers have seen their cost of chemical control double in 20 years.

In northeastern Mexico, some farmers have abandoned their cotton fields because production no longer was profitable in the face of massive tobacco dubworm infestations.

In regions where citrus, soybean, alfalfa, stone-fruit, and forest crops are

produced, pests are increasing in number and pesticides decreasing in effectiveness.

The fact of the matter is that the single strategy of chemical pest control has been an agricultural, economic, and environmental failure. And the deficits can only accrue by perpetuating that failure.

The use of broad-spectrum chemicals was doomed from the start because it ignored the phenomenon of genetic diversity—that remarkable ability of insects to continually evolve and develop resistant strains capable of withstanding even heavy dosages of toxic chemicals.

Moreover, the saturation of fields with chemicals have destroyed non-target beneficial organisms that, in a balanced environment, are predators and parasites of pest species. With their predators and parasites out of the way, the pest insects are winning the chemical war by developing resistance.

There is a compelling and urgent need to reconsider our approach to chemical pest control by recognizing very basic ecological principles. That is, each integral part of the natural system survives in balance with—not at the expense of—the other parts. Chemical control sought to eradicate pests from vast segments of the natural system. But it succeeded only in creating a more favorable environment for the pests by suppressing and destroying their natural enemies.

Entomologists, ecologists and biologists, along with a good many others, have been warning us for some time of the folly of single-strategy chemical pest control. But we were so mesmerized by the apparent magic and efficacy of the chemical approach that we refused to listen.

The Ecological Society of America said in Bio-Science last year that:

> Much of the basic information already known to science is not finding its way into the decision-making process.

This is tragically true in the case of pest control. There are practical, viable alternatives to pesticides, and much of the knowledge of these alternatives already is basic to scientists.

This legislation seeks to put that knowledge to work. It establishes pilot programs for the purposes of testing and demonstrating methods of integrated pest control that will protect the environment, protect human health, maintain and actually improve the economic stability of the agricultural industry, provide relief for those elements in the economy that have suffered needlessly because of pesticides, and to enhance the quantity and quality of our agricultural production.

Integrated biological-cultural control of pests, the method that will be demonstrated in the pilot programs, is carried out with nature primarily by utilizing beneficial insects that are predators and parasites of harmful insects, but in proper balance so that the latter are maintained in populations below the economically-disruptive level.

This method of integrated pest control has been successfully demonstrated on several occasions and currently is being successfully practiced on some crops. Those farmers who have had experience with this method state that their fields produce high, top-quality yields, along with increased profits because of the reduced cost of pesticides.

The failure of pesticides is borne out by the history of chemical warfare against insects in this country. When DDT emerged as one of World War II's most celebrated heroes and thousands of tons of the "cure-all" chemical was sprayed the world over, many claimed victory over pestilance and disease. Early results were spectacular, indeed. But the resistance of insects soon became a substantial factor and different pesticides had to be developed.

Today, more than 300 pesticides are mixed in over 10,000 formulations. And they are destined to become obsolete—or economically unfeasible—as insects continue to develop resistance.

Insects that once were minor pests have been elevated to major pest status through chemical destruction of their natural enemies and through their own success in resisting the same chemicals. This has been dramatically demonstrated in the case of the tobacco budworm in Southwest cotton, an insect which has become a serious pest because its natural enemies—such as the lacewing fly and numerous kinds of spiders—have been suppressed while it has developed resistance to all chemicals that have been used against it.

Despite wholesale applications of chemicals, there are more insect pests today than ever before, and over 200 of these pests are resistant to chemical control to some degree.

As Dr. Robert van den Bosch, a distinguished entomologist at the University of California at Berkeley, has said: "The insects are beating us."

Unfortunately, the chemical industry has exploited the phenomonen of insect resistance by developing more and more chemical formulations and arming its salesmen with the necessary ingredients to sell those chemicals—not to control pests on a scientifically-sound basis. The industry is perpetuating the failure, and perpetuating itself as a costly burden on society.

The Senator from Louisiana (Mr. ELLENDER) was correct when he said in 1969:

> Those groups advocating more stringent environmental controls are genuine in their alarms. But we must be certain that their concern is balanced with the efforts of our farmers and producers in the attempt to protect and expand our food supply.

I agree. We must assure a continuing, adequate supply of food and fiber. But in the case of pest control we are utilizing techniques that are suppressing our agricultural capabilties, not enhancing them. Our experience with pesticides serves to support the argument that a healthy environment not only is requisite to assure an adequate food supply but also to assure a stable economy.

We need only to review the literature for shocking examples of how reliance on chemicals for pest control has imperiled our agricultural capabilities, burdened our agricultural economy and endangered our environment to such an extent that change is urgently needed.

Let us look at the record.

Dr. Ray F. Smith, an entomologist at the University of California at Berkeley whose expertise is widely recognized, has pointed out the problem of lygus bugs in cotton. Dr. Smith says that when a farmer treats with pesticides for lygus bug control in early season he not only kills the lygus bugs but he also eliminates the beneficial natural enemies of such other pests as the bollworm, cabbage looper, spider mite and beet army worm. Outbreaks of the latter pests require additional chemical treatments, and over the years several have developed strong resistance to pesticides.

In the presence of heavy pesticide treatments, Dr. Smith explains, the parasites and predators have no chance to recover. The cotton farmer thus becomes "hooked" onto a costly pesticides treadmill. Dr. Smith has reported that the costs of chemical control in cotton have now risen to the level where, together with other economic factors, it is no longer profitable for some growers in the San Joaquin Valley to grow cotton—or even to continue farming.

Dr. P. L. Adkisson, head of the department of entomology in the College of Agriculture at Texas A. & M. University, in a letter to my office, told of a critical insect problem in grain sorghum. Dr. Adkisson said the estimated cost of insecticides used on this crop in Texas High Plains has increased from $100,000 in 1967 to $14 million in 1970 on essentially the same acreage.

Target of the assault is a new biological strain of the greenbug which as adapted to the grain sorghum crop, about 3.5 million acres of which is grown in Texas and millions of acres in other States where the greenbug also is a problem.

In the High Plains, Dr. Adkisson reported, cotton has been growing in the same area as grain sorghum. His studies indicate the grain sorghum fields were a reservoir of a number of predator and parasite species that attached cotton pests. But the chemical treatment on the sorghum destroyed the predators and parasites and serious outbreaks of pests now are occurring in the cotton. In addition, aerial drift of pesticides from the sorghum fields to the cotton fields has severely diminished the populations of natural enemies of the cotton pests.

Dr. Adkisson said the cotton crop in the High Plains once was essentially free of pest populations. Now, however, he said the cotton is coming under intensive pesticidal treatment.

Dr. Adkisson also reports that in northeastern Mexico the tobacco budworm in cotton has become so resistant to chemicals that a substantial number of farmers have abandoned their fields. Cotton production in the Matamoros-Reynosa area of the Lower Rio Grande Valley declined from 710,715 acres in 1960 to approximately 1,200 acres in 1970, primarily because of tobacco budworm infestation.

Many nearby cotton fields in Texas last year recorded the lowest yield in 25 years. Some have treated their fields with pesticides up to 18 times in a single season, causing profit margins to shrink nearer the point of zero return.

Citrus crops in Florida, Texas, Arizona, and California have begun to reveal the disruptive effects of chemical pest control. Dr. Paul DeBach, an entomologist at the University of California at Riverside who has devoted many years to establishing biological control on a worldwide basis, has reported that chemicals applied on citrus crops have caused massive upsets in the natural ecosystem and have created a serious new pest problem—most notably the brown soft scale in Texas and the citrus red mite in California.

Alfalfa, one of the world's most valuable forage crops, is produced on 29 million acres in the United States. This makes it the fourth largest crop, in acreage, in the country. Its importance, biologically, is that it is prime habitat for beneficial insects that, in a balanced ecosystem, are extremely valuable natural enemies of pests not only on alfalfa but on many other nearby crops.

Dr. Edward J. Armbrust, an entomologist with the Illinois Natural History Survey, has estimated that 4 million pounds of pesticides are applied on alfalfa annually. He adds:

> Presently recommended pesticides have disadvantages such as potential air, soil and water contamination, potential residues which may contaminate milk, meat and other food and potentially upsetting natural control factors.

Dr. Armbrust states that pest resistance to chemicals already has become a factor on alfalfa crops, with indications that widespread pea aphid pest outbreaks in Western States in 1969, increased populations of the meadow spittlebug pest in eastern and midwestern regions in recent years, and a developing leaf miner pest problem in New York may be a indirect result from intensive spraying. Moreover, Dr. Armbrust states that alfalfa pesticide treatment has been reduced by experimental field integrated biological-cultural control programs, including the breeding of plants that are partially resistant to native pests.

Total acreage devoted to soybean production in the United States has increased from 27,857,000 in 1962 to an estimated 46,483,000 for 1971. Much of the production of this valuable, protein-rich crop has moved from the Midwest, where it was relatively free of insect pests, to several Southern States where pests are a factor. North Carolina, South Carolina, Mississippi, Arkansas, Louisiana, Florida, and Georgia have, as a region, increased soybean production by 127 percent in just 9 years.

Dr. L. D. Newsom, head of the department of entomology at Louisiana State University at Baton Rouge, has reported that:

> Control of soybean pests is on the threshold of developing along the same disastrous path that evolved for control of cotton insects.

Dr. Newsom has observed that soybean crops in the gulf coast and South Atlantic States are treated more heavily with pesticides than crops in other areas—and that the sprayed crops average 16 percent less in production as a result. Dr. Newsom warns that a serious economic disruption to soybean producers is not far away, and he adds that biological-cultural control of the crop is required to avert the disruption.

The total acreage planted to fruits and nuts in the United States reached 2,822,600 acres in 1966, with the value of the crop placed at $551,094,000. That same year, 80 percent of the acreage was sprayed with 15,806,000 pounds of insecticides, at a cost of $112.9 million.

Dr. L. E. Caltagirone, associate entomologist at the University of California at Berkeley, said the insecticides applied on stone-fruits and nuts sought to control such key pests as the codling moth—responsible for wormy apples, pears, apricots, and other fruits—the twig borer and oriental fruit moth—which attack peaches, apricots, and prunes—the plum curculio—a pest in the eastern United States which attacks apples and peaches—and the apple maggot—a pest of apples in eastern United States.

In a letter to my office, Dr. Caltagirone said:

> In general, (stone-fruit) pests have been dealt with as if they were isolated problems; the complexities and dynamism of orchard ecosystems were totally ignored. This myopic approach resulted in more difficult problems which in turn were approached again in the same fashion: more toxicants to control the new problems. So the growers found themselves caught in a pesticide treadmill.

Dr. Caltagirone stated that the problem with reliance on chemicals to control fruit and nut pests is that it has caused resurgence of the target pest, development of resistance to toxicants, and rise to pest status of species that previously had no economic importance. An example, he said, is the tetranychid mites. As a group these pests were of minor importance some 30 years ago. Now they are one of the most difficult problems that plague the fruit industry in this country and throughout the temperate and subtropical regions of the world.

Mites, Dr. Caltagirone said, rose to major pest status because of indiscriminate use of insecticides against key pests.

There has been some experience with integrated biological-cultural control on fruit and nut crops. Dr. Caltagirone said that an integrated control program could reduce the amount of insecticides on those crops by about 40 percent, resulting in a direct savings to producers of $33 million.

The pine bark beetle, the mountain pine beetle, the spruce budworm and other pests have infested forests that are needed to fulfill a skyrocketing demand for timber and a burgeoning demand for recreational areas. Dr. W. E. Waters of the U.S. Forest Service has pointed out that gains in growth rate, wood quality and other desirable characteristics have been wiped out by a single pest.

Tree improvement research is a long-term effort, and Dr. Waters has warned:

> We cannot afford to take the risk of ignoring or second-rating pest resistance to chemicals.

There already are instances of forest pest-resistance buildup. And if there is total reliance on the single approach of chemicals to control these pests, the resistance factor could impede seriously our forest conservation efforts.

The economic problem with single-strategy chemical pest control is not limited to agricultural and forest crops.

Among the numerous examples are the seizure of Coho salmon from Lake Michigan processors and, more recently, the removal from the market of Lake Michigan fish chubs. The reason for the seizures is the high degree of DDT residues in the fish. If we continue to contaminate the country's fisheries with chemicals and the Food and Drug Administration is forced to remove more and more fish from the market because of residue buildup, then we are going to have to bear the burden of thousands of persons without jobs and the disintergration of a multimillion-dollar industry.

Millions of dollars have been paid by the Federal Government to cranberry growers and dairymen whose products were removed from the market because of pesticide contamination. Honeybee operators have been driven out of business when entire apiaries were severely damaged, if not destroyed, by pesticides. The problem with honeybee damage has become so acute that a special pesticide indemnification program was authorized by Congress in the Agricultural Act of 1970.

Furthermore, because the use of chemicals is under the direction of an industry whose special interest is to sell pesticides we have left the farmer to rely on the advice of chemical salesmen—not qualified scientists—for what chemicals to apply, how much and when. Dr. Smith has said that each year numerous farmers suffer serious financial losses because of misguided or unguided chemical usage.

The industry's salesmen, who need not comply with standards of competency established outside the industry, serve as prescribers of potent chemicals with the quality of their work measured in sales performance.

By that measure alone, the salesmen have done a commendable job. In 1945, 33 million pounds of DDT were dusted throughout the world, and by 1951 that figure had more than tripled to 106 million pounds. Insect resistance became a factor, and the industry responded with more and more chemical formulations.

Today more than 1 billion pounds of pesticides, herbicides, fungicides, rodenticides and fumigants are produced annually in the United States. This already is 5 pounds for very American man, woman and child. But projections are that by 1985 this figure of 1 billion pounds will increase sixfold.

The entire system of chemical use lacks controls to such a degree that even a packinghouse inspector can establish criteria for application.

Dr. DeBach has pointed out that an overzealous inspector may consider the California red scale to be a pest of citrus if merely a single scale is present per fruit. He said that such a low infestation is harmless to the tree, to fruit production and to quality. Yet, he adds, its imposition as an arbitrary goal may force growers to excessive use of sprays.

The integrated biological-cultural approach to pest control has worked, and is working. Mr. Everett Dietrick, for example, operates an insectary at Riverside, Calif., and has been providing an insect management service to farmers

in the Coachella Valley for 11 years. Letters to my office from farmers served by Mr. Dietrick attest that their crops are of high quality and quantity, and their profit margins considerably better than those in the same area who continue to use sprays on the same type of crops.

In Japan, ladybugs and other natural enemies of insect pests are being mass-bred in an attempt to seek an alternative to chemicals to control agricultural pests in that country. Claremont, Calif., recently purchased 180,000 ladybugs to control an infestation of aphid pests in the city's trees.

The Agricultural Research Service in the U.S. Department of Agriculture has developed a number of programs in biological controls, only to be thwarted from full utilization of the science by lack of funds. A number of farmers and entomologists throughout the country are turning to biological controls, but the effort suffers from inadequate funding and lack of effective leadership.

This legislation is a beginning in providing both the funds and the leadership for this effort. The legislation calls for $2 million to fund the first year of what must be at least a 5-year pilot field-research program in integrated biological-cultural pest control, to be conducted by the Agricultural Research Service. In addition, it would authorize an appropriation of $2 million to the National Science Foundation to expand its fundamental research in integrated biological-cultural pest control principles to assure long-term success.

The Agricultural Research Service and the National Science Foundation suggest that pilot programs on biological-cultural pest control should be conducted immediately on cotton—where 40 to 50 percent of all pesticides are used—citrus, soybean, alfalfa, stone-fruit, and forest crops.

It should be pointed out that pesticides still will be used in an integrated program, but their application will be carried out under carefully controlled supervision by qualified experts. Overall the reliance on pesticides can be reduced substantially.

The expenditure of $4 million as a first-year effort is trifling when we consider the massive benefits that can be derived from the program, in the very near future and for generations to come. Indeed, $4 million is only 15 percent of the estimated amount spent by chemical companies on promotion of chemicals in California alone in a single year.

Along with the introduction of this legislation, it is worth while calling attention to the freeze imposed by the administration on a modest amount of money that was to be used for research of nonchemical pest control. The need for such research is urgent, and it is imperative that the administration release the $1 million for nonchemical pest control that was appropriated by the Congress last year.

It is difficult to reconcile the administration's rhetoric on the need for environmental improvement and its imposition of a freeze on appropriated funds that would serve to promote a quality environment. Such action indicates that the administration's budget managers are insensitive to a critical environmental problem.

It is also essential that the Congress enact legislation to provide rational controls over the manufacture and use of pesticides along the lines provided in S. 660—the National Pesticide Control and Protection Act—that I introduced on February 9 of this year. Such controls are necessary to assure proper use of pesticides that would continue to be used in an integrated program.

Mr. President, I ask unanimous consent that the bill I introduced on May 6 be printed in full in the RECORD together with the excellent article, "The Insects Are Beating Us," by Dr. van den Bosch.

Also, Mr. President, I ask unanimous consent that on the next printing of S. 1794 the following cosponsors be added with the eight Senators who already are cosponsors: Senators RANDOLPH, SPARKMAN, ERVIN, DOMINICK, TUNNEY, HUMPHREY, STEVENSON, MONDALE, PROXMIRE, PELL, and HANSEN.

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

S. 1794

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of Agriculture is authorized and directed to carry out, through the Agricultural Research Service of the Department of Agriculture, pilot field-research programs for the purpose of (1) developing and testing the control of agricultural and forest pests by the employment of integrated biological-cultural methods, (2) determining the economic and environmental consequences of predicting and modifying agricultural and forest pest populations through utilization of multidisciplinary and integrated biological-cultural methods, and (3) developing methods of collecting, handling, and interpreting data obtained from such field research.

(b) The Secretary of Agriculture is authorized to reimburse farmers and ranchers for any losses sustained by them as a result of any research authorized under this Act being conducted on their lands, crops, or livestock.

(c) There are hereby authorized to be appropriated to the Secretary of Agriculture to carry out the provisions of this section during the fiscal year ending June 30, 1972, the sum of $2,000,000, and such sum as may be necessary for each of the five succeeding fiscal years.

SEC. 2. There are hereby authorized to be appropriated to the National Science Foundation for the fiscal year ending June 30, 1972, the sum of $2,000,000, and such sum as may be necessary for each of the five succeeding fiscal years for the purpose of expanding its fundamental research on integrated biological-cultural principles and techniques to control agricultural and forest pests.

THE INSECTS ARE BEATING US

(By Dr. Robert van den Bosch, professor of entomology at the University of California at Berkeley and chairman of the division of biological control at the University's Gill Tract in Albany. This article, published in the April, 1970, edition of California Monthly, is adapted from a version appearing in The Pesticide Workbook, published by the Scientists' Institute for Public Information for the national Environmental Teach-in)

If there is a group of animals that has met the competitive challenge of man and held its own, it is the Insecta. Abundance, diversity, and adaptability are the key characteristics which have helped insects to stand up to their cleverer competitor. And quite ironically, man, the thinking animal, has actually played into his enemy's strength by relying overwhelmingly on a single combat technique—chemical control.

The considerable failure of the chemical control technique is ignored by some who point only to increased crop yields and decreased incidence of insect-borne disease as evidence of success. But these plusses must be balanced by sobering realities. Today more insect species are pests than ever before, over 200 of these pests have developed resistance to chemicals, costs of pest control have increased strikingly, and pesticides have polluted the biosphere.

In balance, then, it is quite evident that the chemical control technique has been considerably less than a full-blown success.

Most modern insecticides are ecologically crude. This largely stems from their having been synthesized at the behest of managers and sales executives of chemical companies. These are people with little or no knowledge of ecological principles. They know how to synthesize and merchandise insecticides, but have no real appreciation of the materials' ecological impact. Thus, toxicological, efficacy, marketing, and safety considerations have been the fundamental criteria applied to the development of insecticides. But there has been very little ecological input. As a result, when applied the materials often have had devastating ecological impact, and they have created staggering environmental problems.

The well-documented case of DDT is cause enough for concern, but it hardly reflects the full magnitude of the insecticide problem. In fact, there is reason to believe that the organochlorines (DDT and relatives) have passed their zenith, since legal restrictions on their use and public pressures against them are forcing their replacement by more ephemeral materials. But in a number of ways the replacement materials pose even greater problems than those created by the organochlorines. Many of the DDT substitutes are organophosphates which are extremely toxic to mammals and a broad spectrum of lower animals, including insects. A disturbing pattern of use has come to characterize these materials. They are being used repetitively and their use frequently aggravates pest problems. There are three basic reasons for this: 1) the materials are characteristically short-lived, and must often be used repeatedly against given pest infestations, 2) their severe impact on insect natural enemies, and the resultant elimination of these forms of life from treated areas, frequently permits rapid resurgence of the target pests and outbreaks of previously innocuous species, 3) the wide scale and repetitious use of the materials has hastened evolution of insect pest populations resistant to them.

These three factors and the essentially unilateral way in which the materials are frequently used have contributed to an expanding worldwide pesticide treadmill. This in turn is reflected in a proliferation of pest problems, increased hazards to humans and lower animals and finally in spiraling pest control costs. This might be likened to drug addiction in man.

The chemical pest control situation is bordering on the chaotic, and it has been largely brought about by the very materials that were developed to give efficient control.

Quite obviously there is a need for pesticides with different characteristics—that is, ecological selectivity. But this will not come about until ecologists and ecological criteria are included in insecticide development.

It is quite apparent that the inherent ecological shortcomings of the modern insecticides have increasingly contributed to environmental disruption and to pollution. This in itself is serious, but the problem goes

far beyond the simple ecological crudeness of the materials, for ecology is also largely ignored in their experimental development, registration, and exploitation.

Spokesmen for the insecticide industry have repeatedly stated that for economic reasons the industry is not interested in ecologically selective materials. Literally all of the companies are seeking another DDT or parathion—a product with wide potential use so that it can capture the broadest possible market and thereby recoup development costs and insure a profit. To them, the ideal material is one which can be registered and labeled for use against a very broad spectrum of pests on a variety of crops. But it is precisely this type of toxicity spectrum which dooms a material to be ecologically disruptive.

In this country, experimental screening of newly developed insecticides by chemical company entomologists and many federal and state researchers is largely concerned with the determination of their killing efficiencies and the acquisition of information on toxic residues. There is some additional testing for plant injury, effects on product flavor, impact on honeybees, certain wildlife, and so forth. But essentially nothing is determined of the impact of the materials on insect communities, because such data are not pertinent to federal registration and the ultimate labeling of the materials.

These criteria are grossly inadequate. For one thing, performance tests usually only indicate that a material will kill substantial percentages of given insects. They do not show that such kills may not be economically justifiable, or that the very use of a material may engender problems of greater severity than those against which it is directed.

In effect, then, federal registration requires no testing of the impact of the materials on the insect communities to which they are applied, or their potential to trigger pest resurgences and secondary pest outbreaks. Consequently, there is no statement on an insecticide label to indicate that, because of ecological impact, the material can lead to aggravated pest problems. The user in reading an insecticide label has no way of knowing that the material he is about to apply, in addition to killing a certain percentage of a given pest population may, in fact, aggravate that very problem and engender others. Each year numerous insecticide users suffer serious economic losses because of this, and there is no way for them to redress these losses through lawsuit. This is so because the defendant chemical companies can (and do) maintain that an infestation occurring subsequent to the use of a pesticide may simply be a natural event, an "act of God." They also argue that poor farming practice or lack of grower alertness to developing pest problems cause the contested crop losses.

Many persons closely associated with pest control have recurrently observed insecticide-induced pest outbreaks. They know that these outbreaks are not "acts of God," and it is highly disturbing to them that the grower is essentially powerless to gain redress for the resulting losses. It is even more disturbing that the federally-approved insecticide label gives no warning that such pest backlashes might occur. In fact, because there is no printed warning, the labeling process actually exposes the user to economic loss and the environment to ecological insult and injury, while simultaneously protecting the manufacturer and seller from accountability.

All of this points up the essential need for a change to more thorough ecological research on new insecticides and to the utilization of broader criteria in the registration and labeling of the materials.

Under prevailing circumstances, pest control advisement and pesticide use are substantially matters of merchandising. The insecticide manufacturers and formulators, the agro-service companies and the custom pesticide applicators, through intensive advertising and the aggressive activities of their sales personnel, dominate pest control.

The salesman is the key to the system, for he serves as diagnostician, therapist, and pill dispenser. And it is particularly disturbing that he need not demonstrate technical competence to perform in this multiple capacity. In other words, the man who analyzes pest problems, recommends the chemical to be used and effects their sales is neither required by law to demonstrate by examination his professional qualifications—as do medical doctors, dentists, lawyers, veterinarians, barbers, beauticians, and realtors—nor is he licensed. Yet he deals with incredibly complex ecological problems and utilizes some of the most deadly and environmentally disruptive chemicals devised by science.

The chemical industry has made some effort to upgrade the quality of its fieldmen, but this is really a token gesture, because the men remain salesmen, and merchandising is their basic charge. In fact, the very system forces aggressive salesmanship first, because of the great number of companies—over 100 in California alone—competing for the market and second, because of the variety of incentives—commissions, bonuses, profit sharing, promises of permanent employment—the companies utilize to encourage their field men to make sales. This intense sales game has inevitably led to questionable practices by certain companies and their salesmen. This disturbing situation is one of the major causes of pesticide overuse and associated environmental pollution.

But merchandising and salesmanship are not the only factors which motivate the excessive and improper use of insecticides. Severe federal limits on insect parts in produce (fly wings, legs in canned asparagus), consumer demands for good-looking, undamaged food, and the food processors' own produce quality standards often literally force growers to attempt the near eradication of pests from their crops. In striving for this ecologically and genetically impossible goal—pest eradication with chemicals—the growers have been pressured into intensive use of chemical pesticides.

This is most ironic, for the attempt to assure pure, high quality food creates a real danger of widespread produce contamination and increased environmental pollution. Furthermore, because of the associated problems of pest proliferation and pest resistance to pesticides, grower costs and therefore consumer costs are spiraling upwards.

There is another practice which has repeatedly contributed to the pollutive use of pesticides. This is the so-called area control program, wherein large areas are repeatedly blanketed with insecticides. One would have thought that ecological problems such as heavy bird losses in the largely ineffectual campaign to curb Dutch elm disease would have taught us a lesson. But the economic and ecological chaos now occurring in California's Imperial Valley in the wake of a massive effort to chemically control the pink bollworm indicates that the lesson has not been learned.

It should be emphasized that insecticides of some sort are critical to highly effective pest control, and their importance will increase as the booming human population creates a greater demand for food, fiber for clothing, and protection from disease-bearing and nuisance insects. But there is also evidence of an urgent need for major changes in insecticide development, registration, and use. We cannot continue to use ecologically crude insecticides in an inefficient, disruptive and pollutive manner. New policies on insecticide development and use must be devised and implemented, if we are to avoid ecological disaster. The following paragraphs contain suggestions for some of the more urgently needed changes.

There is a critical need for more sophisticated pesticides (ecologically selective ones) which can be fitted into pest management systems. Selectivity must involve more than safety to man, domestic animals, and wildlife. Such materials should also have limited toxicity ranges within the Arthropoda (insects and insect-like organisms so as to preserve insect predators and parasites, pollinators (including honeybees), decomposers, and aquatic insects which serve as fish food, as well as aesthetically pleasing species.

Such materials will, for technological and economic reasons, be more costly than existing broad-spectrum insecticides. But by their very ecologically selective nature they will be used less intensively, effect better control of target pests, cause substantially fewer secondary pest problems, and be less conducive to the development of resistance in pest species. They therefore should be less costly to the user over the long run, and infinitely less hazardous to man and the general environment.

The developmental costs for the ecologically sophisticated materials will unquestionably be greater than those for the existing broad-spectrum insecticides (approximately $4 million per material today). Furthermore, the market potential for a given selective insecticide will be considerably smaller than that for a broad-spectrum material.

The chemical companies, as they have in the past, will surely balk at shouldering the full developmental costs of selective pesticides, and if certain adjustments are not made, will refuse to synthesize them. Because of this, the federal government which insists on the safety features of pesticides, may have to underwrite the developmental costs of the ecologically sophisticated materials. Such support could largely be used for studies on the materials' health hazards and their impact on the environment. The funds need not be paid directly to the chemical companies, but used instead to support critical developmental research by federal agencies, the state experiment stations and private research agencies.

Until such time as selective pesticides become generally available, broader ecological criteria must be applied to the registration of the wide-spectrum insecticides. This applies to the registration of new materials and the re-labeling of existing ones. It is only right that the insecticide user have available to him, via the insecticide label, information which describes the ecological shortcomings of the material he contemplates using.

The professional qualifications of pest control advisers must be upgraded. In other words, a pest control technocracy is needed to implement the increasingly complex integrated control programs which are already being developed and which will certainly proliferate in the future. Basic professional qualifications for pest control advisers (including salesmen, so long as they act as advisers) should be established and determined by examination. These persons should be licensed and subject to a code of conduct just as are those in the other professions. The company-affiliated salesman, with his built-in conflict of interest and sales motivation, must be phased out of pest control advisement. Eventually, direct contact between the salesman and the lay user of insecticides must be eliminated. Instead, just as in human medicine, the salesman should deal only with the pest control adviser (agro-technologist). It is further envisaged that the user himself should be required to consult with a licensed pest control adviser on decisions involving use of insecticides. Currently, some of the worst insecticide abuses

are committed by the user who applies the materials himself after obtaining them from a salesman or distributor.

The question will be asked: can the growers afford independent pest control advisers? Of course they can. Growers are currently expending millions of dollars on salesmen frequently peddling bad advice. The chemical industry advertises the activities of its fieldmen as free technical service. But this is a myth, and the grower ultimately pays for such "service." A fraction of the dollar expenditure on salesmen will buy scientific pest control through the independent advisers.

Serious consideration should be given to the development of a system of pest damage insurance as an alternative to pesticide use. This can possibly be developed out of the existing federal crop loss insurance program. For example, in California it is conceivable that a satisfactory alternative may not be found for DDT in restricted situations such as that which exists in cotton on the west side of the San Joaquin Valley. The cotton involved approximates one third of the valley's acreage. Annual losses to insects on this cotton, were it to be left untreated, would perhaps amount to 15 to 20 per cent of the long-term average yield under DDT utilization. But, in some years and some fields there would be no losses at all. A system of crop insurance against these sporadic and relatively mild losses would seem to offer a reasonable and workable alternative to the continued use of DDT. The same holds true for many other commercial crops.

Consideration might be given to shifting the production of specific crops away from areas of chronically severe pest infestation to those where these problems do not exist. The shift to a pest-free area would eliminate the need for insecticides. In effect, this is already being done in the production of virus-free seed potatoes. In this case, the potatoes are grown in areas remote from major virus sources (the viruses are transmitted by insects), which guarantee a disease-free potato crop and obviates the need for pesticides.

It can even be envisaged that a crop as extensive as cotton might be shifted from the southeast, where it is chronically ravaged by the boll weevil (thereby accounting for this country's major use of hard organochlorine insecticides) to the arid southwest where the boll weevil either does not occur, as in desert areas of California, or is of only minor significance.

The integrated control concept—the ecological approach to pest control—must be fostered among pest control researchers, and research on pest management systems expended as rapidly as possible. There is a critical need for information on pest damage levels, natural control, ecology, seasonal activity, and on the the nature of agro-ecosystems. Such studies will provide critical information permitting better timing and placement of insecticidal treatments and lead to the development of alternative control measures. Currently, studies of this sort are being supported by federal and state agencies and some of the commodity groups, but need more support.

It follows from the above that there is a need for greatly expanded efforts to develop or exploit specific control techniques that are alternatives to chemical control. This includes biological, genetical and cultural methods as well as the use of hormones, attractants, and repellents. Increased research in these areas should be undertaken as quickly as possible.

More sophisticated controls and control programs will create a demand for more highly qualified people in pest control. Consequently, there is an urgent need to develop a training program for ecologically-oriented pest control advisers. Economic entomologists versed in the principles of integrated control are extremely rare today and badly needed. Furthermore, many of the nation's university research and agricultural extension personnel are hopelessly obsolete and simply cannot or will not accept the need for change in pest control research and advisement. In fact, they actually encumber the development of advanced pest control systems. These people are a liability and should be phased out of positions of influence as quickly and mercifully as possible.

The training of the new breed of researchers and advisers will entail curriculum planning, staffing of faculties and the development of internship programs. This implies a need for federal and private grants to support on-going costs of the programs and to provide fellowships for the students of pest management. The fellowships, in part, might well be in the form of research assistantships established from funds allocated to subsidize the development of ecologically selective pesticides. Funds might also be derived from taxes levied on pesticide sales, and even on the pesticide users themselves.

Agencies such as the National Institute of Health, the National Science Foundation, the Agricultural Research Service, the U.S. Fish and Game Department and Forest Service might also support the fellowship program as well as the development of curricula and facilities for the training of pest control technologists. Conservation organizations might participate, too. Finally, the commodity groups—the cotton, corn, deciduous fruit, citrus, soybean, vegetable, and livestock and poultry industries, and of course the food processing industry—might also support this program.

Some of the suggestions just offered may be impossible to implement. Some will surely evoke violent reaction from certain quarters. There will be the inevitable allegations (already heard) that they are unworkable theoretical schemes.

But as matters now stand, we are at the brink of economic and ecological disaster in pest control. The insects are beating us in the competition game, and have forced us into an environmentally damaging strategy.

We cannot stand on the status quo. It is a one-way street to ecological disaster. So we must turn to new ideas, no matter how revolutionary. They offer us the best chance of escape; perhaps the only one. Ideas are literally all we've got; and we need them quickly and in abundance.

HUNGER IN AMERICA

Mr. HART. Mr. President, I joined the distinguished Senator from South Dakota (Mr. McGOVERN) and the distinguished Senator from Illinois (Mr. PERCY) to introduce S. 1773, a bill to amend the Food Stamp Act.

Certainly I am pleased to be associated with still another attempt to design a food stamp program which meets the need.

But just as certain, I am discouraged that a combination of factors makes it necessary to make still another attempt to do what should have been accomplished years ago.

This Chamber and the White House have been the setting for some impressive oratory on the subject of hunger.

Congress has vowed to end hunger in America and 2 years ago the Senate set up a special committee to suggest how that goal could best be achieved.

The President has vowed to end hunger in America, and 18 months ago he convened a White House Conference on Food, Nutrition, and Health to recommend how that goal could best be achieved.

And yet today, after the rhetoric, after the special committee and White House conference, after approving a bill last year which was hailed by some as expanding the program, there are still at least 10 million persons who are eligible for the program but not receiving any type of Federal food assistance—10 million persons who are potentially hungry or malnourished.

And yet today, after all the talk, and after the good words uttered about the bill Congress passed last year, we find that as a result of new food stamp regulations issued by the Department of Agriculture, the program will reach fewer—let me repeat—fewer—persons than it did last year.

To document that fact I ask unanimous consent that articles by Nick Kotz, published in the Washington Post of March 30, and by Richard Madden, published in the New York Times of April 30, be printed at the conclusion of my remarks.

Perhaps this instance—one of many—of the gap between rhetoric and reality is one reason why some people have taken to the streets of Washington in recent days, one reason why many more who have not joined in these activities share their lack of confidence in the ability or in the will of their Government to meet its commitments; even a commitment so basic as to feed the hungry.

So it is that I had mixed emotions about cosponsoring still another bill to do what we said we would do 2 years ago. I mention my mixed emotions not to indicate a lack of interest in this bill, but rather to emphasize as strongly as I can the obligation to act swiftly and favorably on this proposal.

It will humanize the work requirement in the current law by not allowing the starvation of children in a situation where a recalcitrant parent or brother or sister refuses to work.

The bill will make the food stamp allotment realistic. It will provide enough stamps for a family to purchase a nutritionally adequate diet.

Perhaps, more important, it will provide the authorizations for funds necessary to expand the program to all those who at present need, and are without, Federal food assistance.

Mr. President, we can end hunger. The danger is that we will not. If we do not devote the energy and talent and resources necessary to end hunger in America, what then will we have energy and commitment to do?

Let us act now so that we will not have to make still another plea next year.

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

[From the Washington Post, Mar. 30, 1971]

RULES ON FOOD STAMPS ADMITTEDLY TO CUT ROLLS

(By Nick Kotz)

The Agriculture Department has proposed new food stamp regulations that it admits would eliminate benefits for 350,000 recipients and reduce benefits for another 1,750,000.

The figures were disputed, however, by an attorney who specializes in food stamp law.

He told a senate committee yesterday that as many as 4 million of 10½ million recipients would lose part or all their benefits.

Sen. George McGovern (D-S.D.), chairman of the Senate Select Committee on Nutrition, said the proposed regulations are "incredible and outrageous," and clearly subvert the will of Congress which was to increase participation and benefits in the program.

McGovern will introduce a Senate resolution asking a delay of the May 17 implementation date for the regulations.

The Senate resolution would not have the force of law, but is designed politically to force a reconsideration of the rules.

The regulations are intended to implement the 1970 Food Stamp Reform Act, hailed last January by President Nixon as expanding food benefits to meet problems of hunger and malnutrition in America. Chief features were free food stamps for the very poor and national eligibility standards designed to replace a patch work quilt of state standards, thereby making many more persons eligible in some states.

However, Assistant Agriculture Secretary Richard Lyng acknowledged in a statement yesterday that the proposed regulations, while making many persons newly eligible, would also eliminate eligibility or reduce benefits for about 2.1 million persons. Lyng said the net result would be no change in total participation.

In effect, the regulations would make many more persons eligible in those states, mostly in the South, which have stringent eligibility requirements, but would cut or eliminate benefits to many in industrial northern and western states.

The restrictive features seem designed to bring the program in conformance with the administration's more conservative welfare reform bill.

A food stamp participant pays up to 30 per cent of his income for stamps, and receives stamps of greater value redeemable for food at groceries. For example, a family of four with $200 monthly income would pay $60 monthly to receive $108 worth of stamps.

A family of four with less than $360 monthly income would be eligible. With less than $30 monthly family income, the stamps would be free.

Ronald F. Pollack, a respected constitutional lawyer and staff attorney for the Columbia University Center on Social Welfare, Policy and Law, analyzed the proposed regulations for the Senate committee. Among his points:

Most welfare families in New York, New Jersey and Connecticut would have benefits reduced to a few dollars, making participation of doubtful benefit. Arthur Schiff, director of the New York City food stamp program, said the regulations would increase the cost of stamps for 292,227 welfare families or cases and reduce the stamp bonus benefits for 239,016.

Almost all California recipients of welfare aid for the elderly, blind and totally disabled would be entirely eliminated from participation in the food stamp program.

About 820,000 poor persons would be eliminated from eligibility because they share housing with a non-family member. This provision of the law was aimed at banning "hippies" who live in communes, but Pollack said it would mostly hurt the indigent and their poor friends or neighbors who provide them housing.

Hundreds of thousands of welfare recipients, in such diverse states as California, Colorado, Iowa, Louisiana, Massachusetts, Minnesota, Nevada, South Carolina and Texas will lose food stamp eligibility. Previously, all welfare recipients were eligible, but now welfare families are permitted only $1,500 in maximum resources, exclusive of homes and autos. Hardest hit would be industrial workers now laid off who still have some money in their savings accounts.

An administrative nightmare will be created, contends Pollack, as welfare recipients have to qualify all over again for food stamp participation.

Several million poor will be eliminated or have reduced benefits because of new definitions of what constitutes income in determining eligibility. No longer exempted as income, as in HEW's welfare programs, are scholarships, educational loans, veterans' educational benefits and work-incentive payments in welfare retraining programs.

Pollack also criticized the law's new work requirement as especially harsh because it does not permit a person to refuse an offered job even when he can conclusively demonstrate that the work will gravely endanger his health and safety. If a person refuses a job at a salary of at least $1.30 an hour, his entire family can be cut off benefits.

[From the New York Times, Apr. 30, 1971]

CITY FIGHTS SHIFT IN FOOD STAMP PLAN

(By Richard L. Madden)

WASHINGTON.—Proposed Federal regulations designed to establish national eligibility standards for food stamps would seriously impair the relatively new food-stamp program in New York City, the Senate Select Committee on Nutrition and Human Needs was told today.

Arthur Schiff, director of the food stamp program in New York City, said that the combined effect of the proposed new Federal regulations and the 10 per cent reduction in welfare benefits voted recently by the New York State Legislature "will be to decimate, and that is not too strong a word, the food-stamp program in New York City."

Ronald F. Pollack, director of the Food Research and Action Center, a federally financed antipoverty organization in New York City designed to increase participation by the poor in Federal food programs, also testified that, under the proposed Federal rule changes, "New York State, New Jersey and Connecticut welfare families will drop out like flies from the food-stamp program, thereby possibly forcing these states to totally discontinue participation in the program."

The Agriculture Department proposed April 15 that uniform eligibility standards be established for food stamp programs in all states, under revised food stamp legislation passed last year by Congress.

Up to now, welfare recipients, for example, had been automatically eligible to participate in the food stamp program, which allows poor people to buy stamps at a fixed cost and redeem the coupons for food at a higher value than the cost of the stamps at grocery stores.

Under the proposed regulations, the income of a family as well as its other assets would be taken into account in determining its eligibility for food stamps.

MEMORANDUM CITED

The Agriculture Department asked for comments on its proposed regulations by May 17 and said the new rules could go into effect by the end of September.

After listening to part of the testimony today, Senator George S. McGovern, Democrat of South Dakota and chairman of the committee, said the panel would consider offering a Congressional resolution delaying the new guidelines.

Mr. Pollack cited an Administration memorandum stating that of 10.5 million food stamp recipients, an estimated 340,000 would be ineligible under the new rules, while 1.7 million others would receive reduced benefits. He estimated that up to two million additional people could be excluded from the food stamp program in part because of the proposed methods of determining a family's income.

As for New York City, which has been participating in the program since last September, Mr. Schiff said that the new regulations would increase the cost of food stamps for 292,227 welfare recipients and in addition reduce available stamp bonuses for 239,016 of those cases. About 850,000 New Yorkers participate in the program.

Mr. Schiff and Mr. Pollack contended that the effect of the rule changes would be to reduce the Federal food stamp funds available to New York and other urban states while increasing the eligibility of people in rural states.

GENOCIDE TREATY DOES NOT IMPINGE ON CITIZEN'S RIGHTS

Mr. PROXMIRE. Mr. President, one frequent objection to the Genocide Convention is that it clears the way for U.S. citizens to be tried in foreign courts without the rights guaranteed by the Constitution. This is not the case.

At the present time, if a foreign power holds an American citizen, there is nothing this Nation can do to prevent that power from trying him on any charge it wishes to bring, from shoplifting to espionage, even to genocide. The Convention in no way changes this situation.

What about extradition? Would the United States, if we ratified the Genocide Convention, be required to extradite an American citizen to another nation to stand trial without the constitutional safeguards for an alleged crime of genocide committed within the borders of that nation? The answers is no.

The Genocide Convention is not self-executing. Congress would have to enact the implementing legislation, and the Convention expressly provides that this legislation be in accord with our own Constitution. The problem of extradition would be dealt with through the negotiation of treaties with other nations which would have to be ratified by the Senate. Without an extradition treaty dealing with genocide, we would not be required to extradite a person accused of it. We have never negotiated an extradition treaty with a nation that does not provide either our form of due legal process or what we consider to be the equivalent of it. There is some doubt as to whether we could under the Constitution, as this would be an action of the government that would infringe on the rights of the individual.

We now have extradition treaties with more than 80 nations, none of which gives away the rights of Americans. None of these treaties includes genocide. These treaties would have to be renegotiated before extradition for genocide became possible. The same protection of constitutional rights that we now have would still be there. The only difference between the renegotiated treaties and the ones we have now would be the addition of one more crime to the list of extraditable offenses. We are trying to do this now with air piracy.

The testimony before the Senate Foreign Relations Committee, last spring, of Mrs. Rita Hauser, U.S. Representative to the Human Rights Commission, and Mr. George Aldrich, Deputy Legal Adviser to the State Department, both of whom accompanied U.N. Ambassador Charles Yost, and of William Rehnquist, Assistant Attorney General, Office of Legal Counsel, Department of Justice, accom-

panied by Jack Goldklang, dealt with the subject of extradition under the Genocide Convention. These experts in the field believe that the Convention would not endanger the rights of Americans.

Mr. President, I ask unanimous consent that the relevant portions of this testimony be printed in the RECORD.

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

EXCERPTS OF TESTIMONY BEFORE THE SENATE FOREIGN RELATIONS COMMITTEE

PRESENT LIABILITY OF AMERICAN CITIZENS FOR CRIMES ABROAD

Senator CHURCH. In regard to the argument that if we become a party to the convention, U.S. citizens can be tried abroad without the constitutional guarantees of trial by jury and other safeguards, is this not the case now if our citizens commit crimes abroad?

Mr. REHNQUIST. Yes. My understanding of the state of international law in that regard is that if a U.S. citizen commits a crime under Bulgarian law in Bulgaria there is nothing in the world the United States can do to prevent him from being tried by the Bulgarian courts.

Senator CHURCH. The only modification that should be made to your statement has to do with the question of extradition.

Where this country has presently in effect an extradition treaty with another country, is it not now possible for that other country to secure the extradition of an American citizen on a charge of crime committed within the jurisdiction of the requesting country? And the American citizen, pursuant to the terms of the treaty, can now be delivered over to the other country for trial?

Mr. REHNQUIST. That certainly is my understanding, if the crime is one named in the treaty and the other requirements of extradition are complied with.

Senator CHURCH. This convention would not be breaking new ground where extradition is concerned except insofar as it defines a new crime, isn't that correct?

Mr. REHNQUIST. Yes, I think one might also say that the ruling out of the political crime as a defense to extradition is perhaps something of a new departure.

THE OBLIGATION TO EXTRADITE

Senator CHURCH. What is the present policy of the United States with respect to extradition to countries where our form of due process is not observed.

Mr. REHNQUIST. My knowledge on that subject, Mr. Chairman, comes from the State Department people who have already testified before you. I will certainly repeat my understanding. That is that extradition treaties are not negotiated with those countries which do not have either our form of due process or something we regard as the equivalent of it.

Senator CHURCH. Suppose the United States enters into this treaty and another country, also a party to the treaty, charges a U.S. citizen with having committed genocide within its borders. Meanwhile, the citizen charged has returned to the United States. The United States chooses to try this citizen in its own courts and finds him innocent. Let's assume two situations. Suppose, first of all, that the citizen in question is charged with genocide, tried by an American court, and found innocent. The other country, however, is dissatisfied with the outcome of the proceedings and requests extradition of this citizen to try him in its own courts for genocide.

Would there be an obligation under the treaty in those circumstances to deliver the citizen over to the other country for trial?

Mr. REHNQUIST. Mr. Chairman, it would of course depend first on the language of the treaty. I assume from your hypothetical that the treaty would indicate delivery to be made even though the man had already been tried once in this country. I think, frequently, treaties themselves contain exceptions.

Senator CHURCH. I am concerned about the language of this treaty.

Mr. REHNQUIST. Well, my understanding of this treaty is that it does not itself contain an exception but this would be found, I believe, in the extradition treaty rather than this treaty. This treaty simply establishes the duty to make the substantive offense a crime, and one would look in the extradition treaties for provisions affecting double jeopardy. I might add that even though the extradition treaty did not preclude rendition under these circumstances, I think there would be a rather serious question that could be raised on habeas corpus under the double jeopardy provision of our Constitution, as long as the United States was taking action which would, in effect, result in a second trial of this man for the same offense.

DOUBLE JEOPARDY CLAUSE AND GENOCIDE

Senator CHURCH. Can you tell us, or can your expert witness tell us, what the present extradition treaties provide in the matter of double jeopardy?

Mr. REHNQUIST. I will turn to Mr. Goldklang.

Mr. GOLDKLANG. Well, they do not all provide the exact same thing but most of them have language which is in substance identical to the double jeopardy clause in our own Constitution. Although there may be some disagreement as to whether when these treaties were negotiated they meant exactly the same thing as the constitutional provision. I think it is quite possible if the matter were tested out before an American court on a question of extradition they would be held to be the same.

Senator CHURCH. Let us suppose a second hypothetical case. Another country, a party to the treaty, charges a U.S. citizen who in the interval has returned to the United States for the crime of genocide. That citizen is tried in an American court for a different crime, let us say murder, and he is acquitted.

Now, the other country brings an extradition proceeding and requests that this person be returned to it for trial on the charge of genocide. Are we obliged by this treaty to turn that citizen over to the foreign country so requested?

Mr. REHNQUIST. Let me address myself to the constitutional proposition, if I may, and then I will request Mr. Goldklang for his views on the treaty construction.

I think under the recent decision of the Supreme Court in *Ashe* v. *Swensen*, which was a case decided about 3 weeks ago, that a doctrine of collateral estoppel has been developed for purposes of interpreting the double jeopardy provision so if there are common elements to the crime, and it is apparent that the acquittal was based on an adverse finding by the jury as to one of these common elements, that the double jeopardy provision could probably be invoked in this situation.

Mr. GOLDKLANG. If we start with the premise that the language of the treaty is nearly identical to that in the double jeopardy clause I rather imagine if it were tested out in our courts they would reach a similar construction. I discussed this with the people in the State Department and some of them say that there might not be that exact understanding now as to how the treaties operate. Some of our treaties specifically say you can't be tried twice for the "same act," and in that case it would be a bit clearer.

Senator CHURCH. The reach of this treaty, then, will depend on how the particular extradition treaties are drafted.

Mr. REHNQUIST. Yes.

EXTRADITION TREATIES

Mrs. HAUSER. Article VII of the convention provides that parties pledge to grant extradition of persons charged with genocide "in accordance with their laws and treaties in force" and that there shall be no defense to extradition on the grounds that the crime was a "political" one. U.S. law provides for extradition only where there is an extradition treaty in force.

The convention does not purport to be an extradition treaty. It would require only that the United States provide for extradition for genocide in new extradition treaties which we might negotiate or in revisions of existing extradition treaties.

Thus, no person could be extradited from the United States for trial in a foreign country on a genocide charge unless we have an extradition treaty with that country making genocide an extraditable offense. There are at present no such treaties in existence with any country.

We would not negotiate such treaties until the Congress has passed legislation making genocide a crime in the United States, because it is our policy, shared with most countries, not to make an offense extraditable unless it is a crime in both the state requesting extradition and the state receiving the request.

Another factor in any decision to negotiate an extradition treaty is whether the judicial process of the other country affords persons who may be extradited a fair trial. In addition, since extradition treaties often remain in force for a long time, during which judicial systems can change, basic procedural protections have to be built into the treaty at the beginning.

SAFEGUARD PROPOSED ON EXTRADITION CLAUSES

While the Senate would have an opportunity to review these aspects of each extradition treaty actually concluded when asked for advice and consent to ratification, it may be helpful for me to outline now the basic safeguards we have in mind. First, any extradition treaty will require the state requesting extradition to produce sufficient evidence to persuade both a U.S. court and the executive that the person sought would be held for trial under U.S. law if the offense had been committed here.

Second, any extradition treaty will assure the person sought the right to the remedies and recourses provided by the law of the requested state. In the United States, for example, habeas corpus would be available. Next, any extradition treaty will preclude extradition when the person sought is undergoing or has undergone trial in the United States for the same act.

Article VI of the convention provides that persons charged with genocide shall be tried in the state where the act was committed, but this provision contemplates the obligation of the state and does not exclude trial by other states having jurisdiction.

IMPLEMENTING LEGISLATION TO RESERVE THE RIGHT TO TRY AMERICAN NATIONALS

The negotiating record of the Genocide Convention makes clear, in particular, that trial for acts committed in a foreign country could be held in the state of which the defendent is a national. We believe that the statute implementing the convention should cover not only acts committed in the territory of the United States, but, in addition, acts committed anywhere by American nationals.

Such a statute would not only carry out the obligation of the United States under article VI but also provide one means of trying and punishing Americans for acts committed abroad. As I mentioned earlier, the "double jeopardy" program of extradition treaties would prevent extradition of Americans actually in the process of trial or who have been tried. There is a situation not covered by this standard provision, however, that we propose to deal with by a special provision in the case of genocide. That is the case where a request for extradition of an American is made before criminal pro-

ceedings have been initiated in the United States.

In that limited case, we would reserve discretion to initiate proceedings ourselves, rather than extradite. In other words, if a prima facie case of genocide were made out against an American national, and as a practical matter he could be tried in the United States, we could elect to try him in our courts and refuse extradition.

We believe this special protection is justified because the convention precludes the refusal of extradition on the ground that the offense is political.

I have thought it desirable to go into this question of extradition at some length to allay any apprehensions that ratification of the Genocide Convention might force at some time in the future the United States to extradite Americans for trial abroad on trumped up charges of genocide.

The facts are that a convincing case must be presented for extradition on any charge, and that, in the unlikely event that such a case is presented involving an American national and the crime of genocide, the United States would be free to initiate criminal proceedings itself and refuse extradition. I believe that we could not ask for more.

Mr. Chairman, that concludes my statement.

NEED TO RENEGOTIATE PRESENT EXTRADITION TREATIES

Senator CHURCH. If I understand your testimony on the extradition aspects of this convention, it would require renegotiation of all the extradition treaties to which the United States is presently a party. Is that correct?

Mr. ALDRICH. To cover genocide in all of those treaties it would have to be specifically added as an extraditable offense; yes, sir.

Senator CHURCH. So all of our present extradition treaties will have to be reopened if this convention is ratified?

Mr. ALDRICH. Yes, Mr. Chairman; except that I think we would not construe this obligation as one that would require us immediately to go out and negotiate an amendment to each extradition treaty, but as we were able to do so, reasonably quickly and in the process of negotiating other amendments, we would add genocide.

I might mention that we are presently engaged in a rather substantial exercise of renegotiating extradition treaties or negotiating amendments to extradition treaties to cover the airplane hijacking problem and insofar as we are doing that, once the necessary legislation were passed to make genocide a crime in the United States, then we would add genocide as well as the hijacking in those negotiations.

NO OBLIGATION TO NEGOTIATE EXTRADITION TREATIES WITH ALL OTHER PARTIES

Senator CHURCH. Would this convention, if ratified, impose an obligation on the United States to enter into extradition treaties with all of the signatories to this convention?

Mr. ALDRICH. No, Mr. Chairman, it would not. The convention clearly states that extradition shall be in accordance with the laws and treaties in force. The conclusion of extradition treaties is a discretionary matter between the States concerned, and we would only conclude extradition treaties on the basis that we would have concluded them in the past, that is, when it was in the national interest to do so.

Senator CHURCH. You see no further obligation imposed on the United States once it becomes a party to this convention since one of the purposes of the treaty is to secure extradition of individuals accused of genocide. I should think it would follow, then, that if we ratified the convention, we assume some added obligation to enter into appropriate extradition treaties in order to give force and effect to the convention?

Mr. ALDRICH. Well, Mr. Chairman, I think if it had been desired to do that, this convention could have incorporated the necessary extradition provisions as a multilateral convention on extradition but it did not do so. It specifically refers to the laws and treaties in force.

It is my understanding that it was clearly understood at that time that this implied that there would not always be the possibility of extradition.

Senator CHURCH. Does any other member of the panel wish to reply to that question?

Mrs. HAUSER. If I may, Senator Church, I think that is perfectly clear from the language of article VII itself which pledges the contracting states to grant extradition in accordance with the laws and treaties in force. When I reread the history of the drafting of the convention, it appeared that that language, "laws and treaties in force," was made at the suggestion of the United States and was clearly intended, in accordance with this legislative history, that extradition would be encompassed under the existing extradition treaties as amended.

They would cover genocide; there was no intent on the part of any of the member states, at least as seen in the debates on this convention, to impose a positive obligation on any member state to enter into a new extradition treaty.

Senator CHURCH. You agree, then, with Mr. Aldrich?

Mrs. HAUSER. Yes, I do.

Senator CHURCH. And if this convention were ratified, the United States would still remain as free as it is today to pick and choose those countries—whether or not they are signatories to the convention—with which we would be willing to enter into extradition treaties?

Mrs. HAUSER. Yes, sir.

Senator CHURCH. And the obligation to extradite would be limited to those countries with which we had such treaties?

Mrs. HAUSER. Yes, sir, if you like, the only substantive change that article VII makes in extradition law is that no country, when looking at its extradition treaty, can say that we refuse extradition because the crime in question was a political offense. As I am sure you know, political offenses are generally excluded from the ambit of extradition treaties.

And legislative history shows that many of the parties were concerned that should genocide occur, within the context of some war or other political battle, that the guilty state would say we cannot extradite an individual because this was a political offense. That is the real thrust of article VII.

ERVIN HEARINGS ON PRIVACY (1)—TESTIMONY OF CHRISTOPHER H. PYLE

Mr. ERVIN. Mr. President, in February and March of this year the Subcommittee on Constitutional Rights conducted hearings on Federal data banks, computers, and the Bill of Rights. We began with a thorough investigation of the charges which had been made concerning military surveillance of domestic political activity. Then we looked at the data-collection activities of several other Government departments.

The subcommittee also examined the confidentiality and security of information kept in Government files. Witnesses described the existing state of computer security and discussed with the subcommittee problems arising out of the use of computers to store personal data. Authorities on the individual's right to privacy analyzed the pertinent legal decisions and recommended steps that could be taken to protect Americans from the abuses of a dossier society. The subcommittee heard much testimony detailing the need for legislation in this area and received suggestions on the type of individual protection that would be both desirable and feasible.

There has been a great deal of public interest in these hearings and I think that it is important for the people of this country to have access to the views of our witnesses. They should not have to rely on the summaries to be found in news reports. Unfortunately, the subcommittee does not have a sufficient supply of the prepared statements to fill the many requests that have come in for different witnesses' testimony and the hearing record will not be available in print for some time. Moreover, hearing records only receive limited circulation. Therefore, I believe that it would be worth while to place some of the more important and frequently requested prepared statements in the CONGRESSIONAL RECORD.

Today I should like to place in the RECORD a summarized version of the statement of Mr. Christopher H. Pyle, a former captain in Army intelligence, whose testimony establishes a framework for understanding the Army's civil disturbance program. Mr. Pyle first disclosed the Army surveillance program in an article in the *Washington Monthly* for January 1970.

In the days to come I shall place in the RECORD statements by other former Army agents detailing their activities in military intelligence. I shall also include the testimony of representatives of the Defense and Justice Departments describing their positions on the facts and the law involved with surveillance activities and the more general problems of Government information collection. Following this I shall submit other prepared statements concerning the present state of the law and of privacy with respect to the Federal Government's information gathering activities.

I ask unanimous consent that the testimony of Mr. Pyle be printed in the RECORD at this point.

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

STATEMENT OF CHRISTOPHER H. PYLE

Mr. Chairman and Members of the Subcommittee, I wish to thank you for this opportunity to discuss what I believe to be the alarming growth of political data banks and the surveillance of lawful political activities within the United States.

In response to your request to testify I have prepared two statements. Both are very lengthy. With your permission I would prefer to go through them with you and simply to emphasize what I consider to be their essential points.

Before I begin my statement I think it would be helpful if I told you a little about myself and how I came to learn of the Army's surveillance of civilian politics.

In 1961 I was commissioned upon graduation from Bowdoin College as an officer in the Army Reserves. My call to active duty, however, was postponed while I obtained an LL.B. from Columbia Law School and Masters Degree in Public Law and Government, also from Columbia.

On August 1, 1966, I entered on active duty. Following training at Fort Benning and Fort

Holabird as an intelligence officer and counterintelligence agent, I was assigned to the Army Intelligence School as an instructor in Investigative Legal Principles. I began teaching there in March 1967 and remained on the Intelligence School faculty until my release from active duty on July 31, 1968.

At the Intelligence School my main responsibility was to teach a 30-hour course in Investigative Legal Principles to officers and enlisted men who were being trained as special agents in Army counterintelligence. These were the agents who later went to work in the CONUS intelligence program.

One of my secondary duties was to teach a one-hour class entitled "CONUS Intelligence and Spot Reports." At this time, this class was the only training which Army agents received before being assigned to the units which collected information on civilian politics as part of the civil disturbance early warning system.

The instruction I gave to my classes in CONUS intelligence was largely based upon the laws authorizing the military to assist civilian authorities to control riots. The presentation concentrated on the needs of commanders of riot control units for information on the physical layout of cities within which their troops might be deployed. Nothing in the instruction I gave touched on the collection of personality or organizational data pertaining to lawful civilian political activity. At that time I did not know that this type of activity was going on.

One day in late February or early March of 1968 a lieutenant came up to me after class and said, "Captain Pyle, you don't know too much about this, do you?" I replied, "No, not really. What can you tell me"? He said, "Well, before coming to this class I was a special duty officer at the CONUS Intelligence Section at the Intelligence Command. If you would like, I could arrange a briefing there for you."

I said I would like that very much. Two weeks later he took me and another legal instructor to the Intelligence Command Headquarters for the briefing.

At the Intelligence Command we were introduced to Mr. Andrew Havre, a civilian, and to a Major McLay, who together ran the CONUS Intelligence Section. Mr. Havre conducted most of the briefing which lasted for about an hour and 15 minutes.

He showed us a battery of teletype machines over which many of the CONUS intelligence reports were received and passed on to higher headquarters. We also saw file cabinets in which spot reports on individuals and incidents were being kept.

In addition, Mr. Havre showed us a deck of cards on which names of persons and incidents were being entered. These were computer cards. On the top of the deck was a card which bore the name of Arlo Tatum, Executive Director of the Central Committee for Conscientious Objectors. The only notation on the card stated that Mr. Tatum had once delivered a speech on the legal rights on conscientious objectors at the University of Oklahoma. The source of the information on the card was the campus newspaper.

Mr. Havre also showed us an eight and a half by ten-inch paperback mug book which he referred to as the "blacklist." I asked him what the mug book was for. He replied, "To keep track of people who might cause trouble for the Army."

Before we left the briefing Mr. Havre gave me two copies of an intelligence summary for the week of March 11–18, 1968. When I left the Army in July I took one copy of this intelligence report with me and left the other in the school files. I have that report with me now. It is an unclassified document which I submit for the Subcommittee's attention.

As we left the Intelligence Command that day, the instructor who accompanied me asked Mr. Havre if any of the information he had given us was classified. Mr. Havre said it was not. That information later became the basis for my first article in the *Washington Monthly*.

At this point I should make it clear that this briefing formed the basis of most of my direct personal knowledge of the program. I did see some CONUS intelligence activity during briefings at the 109th Military Intelligence Group's headquarters office at Fort Meade, and at its region and field offices in Baltimore, Maryland. But basically my information—the information that I published in my first Washington Monthly article—came from the briefing at the Intelligence Command headquarters in late March, 1968. So, much of what I have to say should be regarded as hearsay based upon investigations which I have done subsequent to January, 1970.

What I heard and saw in the course of the briefing, however, was more than enough on which to form an opinion. Even as Mr. Havre escorted us from the building I was aware that the Army had assembled the essential apparatus of a police state.

There was nothing sinister about the intentions of the men we met in the course of the briefing. They all appeared to be well-intentioned people trying to carry out their assignments to the best of their ability. Nonetheless, they were running the machinery of a police state.

The briefing shocked and surprised me. I understood what the lieutenant had meant when he said "Captain Pyle, you don't know too much about this, do you?"

About a month later, I received a telephone call from the speech writer for General William H. Blakefield, the commanding general of the Intelligence Command. The speech writer called to ask if I had done any research on the legal basis of the CONUS intelligence program. Before I answered his question, however, I asked him if Jack Marden, the general's JAG officer, had prepared a memorandum on the legal basis of the program when it was stepped up following the Newark riots in July 1967. He said no. No memorandum outlining the legal basis of the program had ever been prepared. I then responded to his question by telling him that I had investigated the Army's authority for the program. I had studied the laws authorizing the use of troops to quell riots, insurrections, and rebellions and had read Rankin and Dallmayr's *Freedom and Emergency Powers in the Cold War*, then as now the leading book on martial law and military assistance to civilian authorities. I advised him that I believed that the Army clearly had the authority to go out into cities to collect the tactical intelligence on approach routes, potential bivouac sites, and similar information essential to the efficient deployment of troops. But I also told him that I did not believe that the Army had been authorized to go beyond the collection of this tactical intelligence to collect information on the political activities of law-abiding citizens.

Furthermore, I told him that I thought that the monitoring of civilians might very well be held unconstitutional if challenged in court because of the chilling effect which knowledge of military surveillance could have upon the willingness of citizens to participate in politics.

I also added that the program seemed to violate the spirit, if not the letter, of the Delimitations Agreement of 1949. The Delimitations Agreement, signed by the Army, Navy, Air Force and FBI was a sort of peace treaty which sought to end a long period of jurisdictional conflict. By that agreement the Army acknowledged that the FBI had exclusive jurisdiction to investigate civilians who might be considered a threat to the national security. The Delimitations Agreement was published as Army Regulation 381–115.

I concluded my remarks by observing that if the existence of the program ever became widely known the Army could be severely embarrassed.

The general's speech writer thanked me for my views, and said that he would convey them to the general. But I never heard from him, or from his office, again. Shortly thereafter, I was released from active duty. After a year of course work as a Ph.D. candidate at Columbia University, I sat down and wrote my first article.

I spent over two months writing the article, because I knew that I had seen only one corner of a much larger picture. I also wanted to make sure that nothing I said would later be misconstrued either as an attack upon the Army or as an incendiary statement about the program. Much of the article was an analysis of the Army's need for, and authority to conduct the program. I also discussed what I thought could be its impact if it was allowed to continue unchecked.

At the end of the article I suggested some steps that might be taken by the Executive Branch, by Congress, and by the courts to limit the excesses of the program without restricting the Army's ability to carry out its legitimate functions. The article was published in the January 1970 issue of the *Washington Monthly*. You know much of the history since then, so I won't go into that in detail.

After the article was published in the *Washington Monthly* and in a number of newspapers, I began to receive telephone calls and letters from former intelligence agents. I had taught about 800 officers and enlisted men at the Intelligence School and many of them later came to question the CONUS intelligence program. Some found it distasteful. Some considered it unnecessary. A few who remembered their instruction in Investigative Legal Principles and the case of *Lamont* v. *Postmaster General* suspected that the program was unconstitutional.

These former agents offered to help me as best they could. Many, however, found it necessary to request anonymity. I don't think that there were many who feared reprisals from the Army. Most tended to agree with me that the people who work in Army intelligence are generally very decent people. They do not have sinister motives and would not conduct reprisals. However, many of the agents did fear that public identification of them as critics of the Army and its surveillance of political fringe groups might cost them jobs or friends through misunderstandings of their motives.

From the beginning I knew that writing an article was not enough. People are always saying that there ought to be a law. But they never tell us what the law should be or how we should go about getting it passed. In addition, as a student of political science at Columbia I had some ideas about how I thought a program as extensive as this one might be turned around. Essentially, I conceived the task as an exercise in persuasion. Those opposed to military surveillance of civilians would have to persuade those who wanted to do it that they shouldn't, either because it is unconstitutional, illegal, immoral, unnecessary, or politically too dangerous. I was also curious to see what influence a private citizen with virtually no resources could have on a governmental program he opposed.

So I decided to devote about half of my time to the effort. The first step was to get the article published. The second was to persuade the American Civil Liberties Union to initiate a lawsuit. Later, as former agents provided me with more information, and as I was able to corroborate that information through other agents, I began to function as a clearing house for information which I passed on to members of Congress and the press. From the beginning I made it clear

that I sought no personal publicity and no financial gain. I also made it clear that I spoke for no organization, and had no personal axe to grind with the Army.

Over the spring, thanks to the vigorous and persistent efforts of members of Congress, and particularly this Subcommittee, the Army gradually changed its thinking and its practices. The change began first, I believe, with the Army's General Counsel, Robert E. Jordan III. From what I have been able to learn Mr. Jordan had doubts about this program as early as the fall of 1968.

But it was also apparent from the responses the Army was making to newspaper disclosures and Congressional criticism that the civilians who were supposed to be in charge of the Army did not really know the full scope and nature of the program. Mr. Jordan has since admitted as much to newspaper reporters. Suspecting that they had not been told the full story by the Assistant Chief of Staff for Intelligence, Mr. Jordan and Under Secretary of the Army Thaddeus Beal went to Fort Holabird in the middle of February 1970 to find out for themselves. As a result of that investigation, I am told, they learned of not one but two data banks—one of incident reports and another which was a biographic index to dossiers on both military personnel and civilians. Many of the civilians described in this data bank were unassociated with the military in any way. In addition, extensive hard-copy paper files on civilian political activity were also discovered at Fort Holabird.

As the spring wore on, former agents disclosed the existence of other computers. They also told of other files. Every military intelligence group headquarters, all of their subordinate region offices, virtually all of their field offices, and some of their residence offices—close to 300 in all—kept extensive paper files on civilian organizations and individuals.

I also learned that the Continental Army Command was running a separate collection operation.

At this point the evidence was getting so complex that I had to stop and compile a glossary of CONUS intelligence terms to give to newsmen and others so that they could understand the terms and organization involved.

These charts to your left were prepared for the American Civil Liberties Union. They should give you a better idea of the way the program ran.

The first chart shows the territorial jurisdictions of the two collection agencies—the Army Intelligence Command and the Continental Army Command. The Army Intelligence Command in effect is a large white-collar bureaucracy. Its main job is to conduct investigations of persons being considered for security clearances. Monitoring civilian politics was a secondary assignment. To carry out its missions, the Intelligence Command employed between 1,000 and 1,200 plainclothes agents.

The Continental Army Command is the big holding company for almost all stateside Army troop units. For CONUS intelligence agents it drew upon the military intelligence detachments assigned to stateside troop divisions. I learned from Mr. Oliver Peirce who had served with the Fifth Military Intelligence Detachment at Fort Carson, Colorado, that the CONARC units sometimes competed with the military intelligence groups of the Intelligence Command. Not only did the Army units compete with each other, they also competed with local police intelligence squads, the FBI, the Secret Service, and other agencies which collected similar information. When they were not competing with each other, these agencies often swapped information about individuals and organizations.

The second chart tries to explain the distribution of information. The information comes in—at the bottom—from a variety of sources, including liaison with civilian law enforcement agencies, press reports, and the direct observations of Army agents. I would like to emphasize here that liaison with civilian law enforcement agencies, particularly the FBI, was the main source of information. Army intelligence units collected relatively little information by their direct observation or by covert operations. Nonetheless, it is remarkable how many covert operations were conducted by the Army.

The second chart also shows how the information moved up through the two collection agencies. Eventually it got to the Counterintelligence Analysis Division. This unit is now a Detachment; prior to being called a Division it was called a Branch. One of the former analysts from that unit whom I met in January 1970 was Mr. Ralph Stein who also is here to testify this afternoon. Mr. Stein and others told me of the role which the Counterintelligence Analysis Division played in the analysis of information and in the levying of collection requirements on the two collection networks beneath it.

They also explain how the information was distributed to the Pentagon, to riot control units, to every stateside Army command, to the Army Materiel Command, to the Air Defense Command, to Army Headquarters in Europe, Alaska, Hawaii, and Panama, and to all sorts of places which one just wouldn't imagine would need regular reports about minor civil disturbances in the United States.

I asked Mr. Havre about this during the briefing. He told me that the reason his office sent reports to Europe was to satisfy the curiosity of the people in Europe. They wanted to hear what was going on in the States, so the Intelligence Command reports became in effect a news service for them.

Now, as the top of the Distribution Chart indicates, one of the receivers of CONUS intelligence information would be the Secretary of the Army and his office. So far as I know, however, the Secretary of the Army got very little information. Reports did rise up to the level of the Under Secretary and were part of his morning briefings.

The Under Secretary during most of the period was Mr. David E. McGiffert. Like the Army General Counsel, Mr. McGiffert also began to suspect that Army intelligence was exceeding its authority along about the fall of 1968. The first thing that surprised him, according to his interviews with newsmen, was a request from the Justice Department for the Army's video tapes of Abbie Hoffman. The 113th MI Group had assigned a team called "Midwest Audio-Visual News" (or something like that) to masquerade as a television news team during the demonstrations in Chicago that accompanied the Democratic National Convention of 1968.

Midwest News had the distinction of being the only television news team at the time of the Convention to gain an exclusive interview with Mr. Hoffman. The two agents who were on that team at that time became famous within the Intelligence Command. Their services were in great demand throughout the country. Later they came to Washington for the Counterinaugural, and to Catonsville, Maryland, for a draft protest.

A couple of weeks after the Hoffman interview, the Justice Department asked the Under Secretary for the films for use in the Chicago Conspiracy Trial. According to Mr. McGiffert this was the first he had heard about this kind of activity. Until then, he had always assumed that the Army collected its civil disturbance information through liaison with civilian agencies. Mr. McGiffert's disclaimer sounded incredible to me when I first heard it. But since then I have talked with intelligence analysts who have informed me that the reports were "sanitized" in the office of the Assistant Chief of Staff for Intelligence so that when they appeared in the Under Secretary's briefing they would not indicate how or by whom the information had been collected.

According to Mr. Peirce, the same practice of sanitizing files and reports had been used by the Continental Army Command's Fifth MI Detachment in Colorado Springs. The agents who conducted undercover operations in the city of Colorado Springs were instructed to write their agent reports in the third person to make it appear as if the information had come from "walk-in informants"—people who walk into the office and volunteer information.

How much sanitizing went on throughout the system, I don't know. But on at least two different levels, one low down in the structure, and one at the highest echelon, there was a conscious effort to conceal the fact that Army intelligence was collecting information on the politics of civilians by covert means.

The third chart describes the storage system used within the Intelligence Command and the Continental Army Command to store this great mass of information. At the lowest level Army intelligence units kept paper files of all kinds. These included dossiers, card files, photographs, and clippings on individuals, and organizations.

I have a card file from the 113th Military Intelligence Group located in Minneapolis which covers just a couple of months during the spring of 1968. It is an unclassified file which was discarded about a year later. An agent took it with him when he left the service.

As I leaf through the file I find such entries as:

"James Griffin. St. Paul Department of Human Rights. 3 January '68. Teach-in draws crowd with speeches, seminar."

"Scott Halazon. University of Colorado graduate student. 26 April '68. Strike organizers hope 5,000 will skip class. 24 April '68. Faculty, students to strike Friday."

"Jane Hanger, YMCA employee. 1 May '68. Teach-in to examine white racism in U.S."

"E. Johnson. (UM Student Mobilization Committee). 9 May '68. Speaker SMC meeting."

And the file goes on. It contains cards on several professors and a number of students. There is even an entry for the National Association for the Advancement of Colored People. It reads: "18 April 1968. Davis: University needs NAACP organ. 1 May '68. Teach-in to examine white racism in US."

From the same former agent I also received a stack of photographs which his unit had discarded around June 1969. The reason these photographs were discarded, he said, was that the Inspector General was expected to inspect the unit and his superiors were afraid that he might question their expenditure of $80.00 to put these pictures in these folders. Also, because many were taken at long-range, only a few persons can be identified.

But among the eight-by-ten inch glossy photographs is a smaller blow-up. It shows the face of an unshaven man wearing a beret. On the back of the print are the words: "Request identification. This is another picture of the bereted individual in another blow-up. #3." It is signed "Dermody."

Specialist 5 Dermody was a coordinator who worked in the CONUS intelligence section at the headquarters of the 113th MI Group at Fort Sheridan, Illinois. Evidently this picture had been forwarded to Fort Sheridan, had been seen by Specialist Dermody, and had been sent back to Minneapolis for identification of the person wearing the beret.

Other pictures in the collection were given to agents of the 113th MI Group by the campus police at the University of Minnesota. A couple are stamped on the back: "University of Minnesota Department of Police. Negative number, Complaint number, date, time . . ." and so forth. On the back of this picture—one of the faces is marked out with a square—are the names of three

persons who were at the meeting. Also included in the picture are two persons who appear to be members of the university administration or faculty. Somebody told me that the occasion was the Inauguration of President Moos, but I am not sure of that.

I believe that the scope of the CONUS intelligence program is now fairly well known. There are undoubtedly some activities we should know about, but basically, I think we know enough to define the nature and scope of the program.

However, one of the biggest problems we have had this year has been to determine the extent to which the Army has succeeded in cutting back the activity.

Army Intelligence is a big bureaucracy. Like any bureaucracy, it is often reluctant to obey orders to end programs in which it has invested a great deal of time and energy.

Mr. Richard Halloran of *The New York Times* expressed the problem well in a recent article. Bureaucracies, he said, "seem to follow the laws of physics. A bureaucracy at rest stays at rest. A bureaucracy in motion stays in motion." By 1970, Army Intelligence was in high gear. Throughout 1969, according to the Army's own estimates, the CONUS intelligence teletype was transmitting about 1200 incident reports a month. This activity did not decrease at the time of the moratoriums in the fall of 1969. It expanded. Despite the efforts of Mr. McGiffert and Mr. Jordan to cut the program back, it continued at full speed until January 1970.

So the problem during the past year has been to find some way to document either the cutback or the failure to cut back. Although my information is limited, I am confident that since February 1970 there has been a substantial effort to cut this program back. The effort has been most intense during the last three months following disclosures that the Army was watching elected officials. The Army General Counsel, the Assistant Chief of Staff for Intelligence and their staffs have worked especially hard. But despite their efforts—despite the inspections they have made in the field—they have not been successful in some locations.

For example, during the summer of 1970 a lieutenant at Region V of the 113th Military Intelligence Group in Minneapolis received a large number of files from field offices and residence offices on personalities and organizations. These files were supposed to be destroyed, but he believed in the program and decided to conceal many of the personality reports. So he hid them in the bottom of a security container.

The NBC–TV broadcast on December 1, 1970, made mention of the activities of Army intelligence in Minneapolis. It was followed on December 15 by John O'Brien's disclosures of the surveillance of elected officials in Chicago. On December 18, 1970, the lieutenant in Minneapolis decided that the time had come to destroy all of these files. So he got an assistant to help him and together the two men carried about 50 pounds of files to an incinerator and burned them. So far as I know, Region V in the 113th no longer has any improper files. But it took this officer over six months to realize that the record keeping had to stop.

The same lieutenant, during November 1970, also went to two residence offices within his region and instructed the residence office commanders that personality files could be hidden inside of organization files. Personalities on whom they were not permitted to keep records, he said, might be described as members of organizations on which they could keep records.

Also, within Region V of the 113th there were some people, including an agent assigned to the residence office in Madison, Wisconsin, who didn't believe that the CONUS intelligence program had been shut down, even though the letter issued by Colonel Lynch on June 9, 1970, clearly stated that this collection activity was not to occur except by liaison and pursuant to orders from the Pentagon.

I have here a handbill which dates from November, 1970. It reads, "We stand between Angela Davis' execution and freedom. Help plan offensive around Angela Davis case and local repression. Meeting, Thursday, 7:30, 5206 Social Science Building. WSA Committee to Free Angela Davis."

Attached to the handbill is a memo, DD Form 95, which says, "To: Current Intelligence. Remarks: Picked up on the UW (University of Wisconsin) campus. From: 'Mike' "—the last name is obliterated. "Place: Madison RO (Residence Office)."

In addition, about this time, a telephone call was received by the Region V office in Minneapolis from the same residence office in Madison. I have here a memorandum of that call made at the Region V headquarters. It states: "Angela Davis's sister is going to speak at Madison on Wednesday, 2 December. This is the same day as the trial for Mat Knopf, editor of *The Underground*. There will be a march from the University to the Capitol around noon. Primary speaker will be Davis's sister."

I have been able to ascertain that neither the telephone message nor the handbill were passed beyond the Region level. So apparently by November, 1970, personnel at the Region V office of the 113th had been educated to the point where they were not passing this information along. Unfortunately, the message had not gone out to the residence office. From what I have been able to learn, the inspection teams from the Pentagon had not explored that far down in the hierarchy.

I would be very much interested to know the results of these investigations, because the Military Intelligence agents I have talked to do not believe that the Army actually will end this program. They just can't believe it—not one of them! They all believe there will be an extensive effort to hide the material or to conduct the surveillance under some other rubric.

I think this is an important point to bring out. Army Intelligence has been involved in the surveillance of civilians since its inception in 1917. Concern about possible threats against the Army, subversion, espionage, civil disorders, labor strife, or ghetto rioting, has been advanced from time to time to justify the surveillance of civilians. During World War I and until about 1924, Army Intelligence maintained a domestic intelligence system within the United States which was at least as large as the one we are concerned about today. During and after the Second World War, Colonel Ralph Van Dieman, the man who founded Army Intelligence in 1917, kept extensive files on civilians he considered to be subversive. He maintained these files even after he left military service. I am told he stored them in a National Guard armory in California since the 1950s. Upon his death Van Dieman's files were shipped to the Investigative Records Repository in Fort Holabird.

I don't know if those records are still there. I don't know what has happened to them. But I have never seen a statement by the Defense Department acknowledging their existence or their disposal. I think that it would be very interesting for this Subcommittee to find out what has happened to Colonel Van Dieman's files. For all I know, they may have been integrated with the very large search file on organizations that the Intelligence Command maintains at its headquarters at Fort Holabird as part of the Army's personnel security program. This search file is used to check out organizations people say they are members of when they apply for security clearances.

The Army Intelligence Command also had received a large number of reports on individuals and organizations from the FBI and other agencies. In 1969, especially, the Intelligence Command seemed to have been a dumping ground for FBI reports. The 113th MI Group, in a report to higher offices after the Lynch letter of June 9, 1970, claimed that it was receiving about 300 FBI reports a month. I would like to know what FBI reports, if any, are still turned over to the Intelligence Command, because there is an addendum to the December 15, 1970, Wickham letter that seems to exempt FBI reports from the destruction ordered by that letter.

I would also like to know to what extent Army Intelligence files on civilians have been turned over to State agencies and local agencies. There was testimony in Chicago that instead of forwarding files on SDS to the Department of the Army or to the Justice Department, the 113th turned them over to the Chicago police intelligence unit. This appears to me to have been a direct violation of the June 9, 1970 Lynch letter.

ORDER OF BUSINESS

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

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

APPOINTMENT OF SENATE PAGES AND CERTAIN OTHER EMPLOYEES WITHOUT DISCRIMINATION ON ACCOUNT OF SEX

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 102, Senate Resolution 112.

The ACTING PRESIDENT pro tempore. The clerk will state the resolution by title.

The legislative clerk read the resolution by title, as follows:

A resolution (S. Res. 112) to permit the appointment of Senate pages without discrimination on account of sex.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution, which had been reported from the Committee on Rules and Administration with amendments on page 1, line 2, following the words "ment as a" strike out the words "page of the Senate" and insert "Senate page, elevator operator, or post office employee, or as a Capitol policeman whose compensation is disbursed by the Secretary of the Senate, "; on line 5, following the words "on the basis of sex." insert the following:

In the case of Senate pages, however, until such time as the fireproof building containing dormitory and classroom facilities, as authorized by section 492 of the Legislative Reorganization Act of 1970, is constructed and the pages are living under appropriate supervision in such building, the Sergeant at Arms of the Senate shall promulgate and

have in effect regulations for the appointment of pages of the Senate requiring that no female page shall be appointed by a Senator until the Senator files with the Sergeant at Arms a written statement accompanying such appointment that the Senator—

(1) will be responsible for the safe transportation of the female page he appoints between the Senate and the page's place of local abode and return; and

(2) will assume full responsibility for the safety, well-being, and strict supervision of such female page while such page is in her place of local abode.

Mr. JAVITS. Mr. President, on behalf of myself and a large number of cosponsors, but particularly with the Senator from Illinois (Mr. PERCY) and the Senator from Oklahoma (Mr. HARRIS), I submitted this resolution on May 3, 1971. The introduction of the resolution followed a hearing before the Committee on Rules and Administration and a very considerable discussion of this matter, and was intended to bring the matter to a head by having the Senate act on it, as we were confident it was the only way the matter could be settled.

The Committee on Rules and Administration was thereupon requested by the Senate to report it by May 11, which it did.

Our resolution would simply have permitted females to be pages. The Rules Committee added to that a provision saying that if a female page were appointed by a Senator, a Senator had to file with the Sergeant at Arms a written statement to accompany the appointment, that the Senator—

(1) will be responsible for the safe transportation of the female page he appoints between the Senate and the pages place of local abode and return; and

(2) will assume full responsibility for the safety, well-being, and strict supervision of such female page while such page is in her place of local abode."

This particular commitment is to be undertaken until the dormitory and classroom facilities, which have already been authorized, are actually constructed.

Mr. President, Senator PERCY, Senator HARRIS, and I have all appointed girl pages. These appointments have been hung up for months—mine since December, Senator PERCY's since December, and Senator HARRIS' about the same length of time.

The question we have to decide is whether to accept what is really a discriminatory provision, or to seek to have the Senate simply strike the word "female," so that this commitment would apply to any page. We certainly saw no difference between a young man who might be a page, as our pages are in the Senate now on both sides, and a young woman.

When we introduced such an amendment, which I did on behalf of all of us, it appeared that the matter would be hotly contested and long protracted, and we had to decide whether or not it was desirable to carry on this simple housekeeping matter as some great matter which could take considerable time and impede the basic reform, which is that girl pages would be admitted, as they should be if we are going to practice what we preach in the Senate of the United States.

We finally came to the conclusion that, unhappy as we were with the distinction made in the resolution as to the female pages, we should, because it was an interim thing, accept it, for two reasons, and I am very grateful to the Senator from North Carolina (Mr. JORDAN) and the Senator from Vermont (Mr. PROUTY), respectively the chairman and the ranking Republican member, for being present, because of the statement I am about to make.

Senator JORDAN was very kind to discuss the matter with me. It was clear that this was really an interim arrangement, for two reasons: First, because there was progress being made in building the dormitory and classroom facilities, which was the express condition of the resolution as reported out by the Rules Committee; and second, because the Senate, and the House of Representatives as well, were seriously considering a reorganization of the whole page system, and that that might very well be incorporated in one of the reorganization bills with respect to Congress which was before us and probably had a pretty good chance of passage this year.

So for both reasons we decided that the public interest was on the side of going ahead and swearing in the girl pages, and letting other Senators appoint them if they wished, getting accustomed to the idea, and making whatever rules as to dress, et cetera, needed to be made, rather than protract the matter and cause it to be hung up as an issue instead of a fact.

We think that having young ladies in the Chamber functioning—and we are sure their service will be absolutely unnoticeable and indistinguishable from the excellent attention and service we receive from the young men—after getting accustomed to the idea will, for all practical purposes, make the barrier or distinction question one of purely academic interest.

In addition, the interim character of this arrangement, as I have described it, enables us, Senator PERCY, Senator HARRIS, and myself, in good conscience to let the resolution go through.

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

Mr. JAVITS. If the Senator from Oklahoma will forgive me, I have made certain statements concerning the information conveyed to me by the chairman of the committee, and I would greatly appreciate it if he would be kind enough to confirm those statements.

Mr. JORDAN of North Carolina. Mr. President, I thank the Senator from New York very much. Everything he has stated about the interim changes is in accordance with my understanding, and I think it will come into being.

There is in the works at this time an intent to build a page dormitory and school, to be named after Hon. John McCormack. I think the Senator's assumption is correct and wise, and I assure him that that was the intent of the resolution.

Mr. JAVITS. Also, Mr. President, the committee is considering the whole page question, as to whether we will actually have a permanent page system.

Mr. JORDAN of North Carolina. That is in the plan of reorganization being considered at the present time, and will come up at some future date, I am sure.

Mr. JAVITS. I thank the Senator very much. I yield now to the Senator from Oklahoma.

Mr. HARRIS. Mr. President, I am glad to have had the privilege of joining with the Senator from New York, the Senator from Illinois, and others in a resolution to permit the Senate to allow American girls to serve as pages in the U.S. Senate. I commend the Rules Committee for reporting out Senate Resolution 112 to make this important change, one which I think it is most important that we make.

I join with the distinguished Senator from New York both in his statement as to objectionable features of this resolution as they relate only to girl pages and not to boy pages, and also in regard to his statement concerning the practicalities.

I think it is important that we proceed with this matter now. The young lady I have appointed, Miss Julie Price, the daughter of Mr. and Mrs. Harold Price of Bartlesville, Okla., is a truly outstanding American girl who will be of great credit to the Senate. She has been waiting impatiently to perform her duties here. So I hope the resolution will pass at once, so that she, with the two others, can become the first girl pages in our history; and I believe, as the Senator from New York has stated, that other girls who serve as pages in the future will acquit themselves well, and make the Rules Committee and all of us who have had a hand in this innovation proud of our effort.

Mr. JAVITS. I thank the Senator very much.

Mr. JORDAN of North Carolina. Mr. President, if the Senator will yield for just another moment, I call to the attention of the Senate that the resolution also authorizes employment of female policemen, elevator operators, and ladies to work in the Post Office. That is in addition to what was stated in the original resolution. We thought that was a wise thing to add, because recent events have indicated very clearly the probable need for women policemen around the Capitol building, and so forth, and there is no reason why women cannot be elevator operators. They are in the House of Representatives now, and we see no reason why they should not be here. And certainly they can work in the Post Office and places like that. So we added that to the resolution, feeling that it would be the desire of the Senate to pass on that at the same time.

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

Mr. JAVITS. Mr. President, I have the floor.

Mr. PASTORE. May I ask the Senator from New York a question?

Mr. JAVITS. Yes. First, I would just like to point out that we had the feeling that, while perhaps the traditions and the problems which were raised in practice required special consideration, I wish to make it clear that we never thought there was any jurisdictional problem at all, though, for practical purposes, as the Senator from Oklahoma has stated, it is just as well to get

the matter settled; and I do think the Rules Committee proceeded with the greatest propriety, at least in view of its care to accommodate these other positions.

I yield to the Senator from Rhode Island.

Mr. PASTORE. Mr. President, there are times when the pressures of the business of the Senate become such that we stay here until very late in the evening, and sometimes around the clock.

In that instance, does the Sergeant at Arms have the authority to send these girls home at a reasonable hour?

Mr. JAVITS. I think the management always does. But, Mr. President, may I point out to Senator PASTORE that we who are appointing the young women are assuming a very great responsibility in that regard. I am sure that, having assumed the responsibility, many of us feel that a situation is being created which concerns us, and that those who direct the affairs of the Senate will very speedily accommodate us.

I should like to point out to Senator PASTORE that the resolution requires each of us to assume a personal commitment for the security and safety of the girls. In my case, if it will interest the Senator, I will say that the family of the young woman lives here. I have received a letter from the parents of Paulette Deselle, whom I have appointed, in which they assume that very solemn responsibility, and I ask unanimous consent to have the letter printed in the RECORD.

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

ALEXANDRIA, VA., MAY 13, 1971.

Hon. JACOB K. JAVITS,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR JAVITS: To enable you to file with the Sergeant at Arms of the Senate the proper assurances as proscribed by Senate Resolution 112, we wish to restate in writing the agreements made with you regarding Paulette's transportation, housing, and supervision during her tenure as a Senate Page.

Mrs. Desell and I will be responsible for the safe transportation of our daughter, Paulette Marie Desell, between the Senate and our home in Fairfax County, and return. In addition, we assume full responsibility for Paulette's safety, well-being and strict supervision while she is at home.

The Senate and Paulette can look to us to be fully responsible for those matters for which the appointing Senator, Senator Javits, is required to assume responsibility pursuant to Senate Resolution 112.

In closing, I wish to express our personal thanks and appreciation to you for your faith and efforts in according such a great honor to our Paulette.

Respectfully yours,

PAUL L. DESELL.

Mr. JAVITS. I am assuming the responsibility by a letter, and I ask unanimous consent to have my letter printed in the RECORD.

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

MAY 13, 1971.

Mr. ROBERT DUNPHY,
Sergeant at Arms,
United States Senate,
Washington, D.C.

DEAR MR. DUNPHY: Pursuant to S. Res. 112 in connection with my appointment of Paulette Desell to be a page of the Senate, and having received the enclosed letter signed jointly by Paulette's parents, who reside in the Washington metropolitan area, you have my written assurance while Paulette remains a Senate page, that (1) I will be responsible for the safe transportation of Paulette between the Senate and her local abode and return; and (2) I will assume full responsibility for the safety, well-being and strict supervision of Paulette in her local place of abode.

With best wishes,
Sincerely,

JACOB K. JAVITS.

Mr. JAVITS. I think the scheme of operation—which should be applied to every page, by the way, male or female—is very airtight in that regard.

The PRESIDING OFFICER. The time for the transaction of routine morning business has expired.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the period for the transaction of routine morning business be extended until such time as action on the pending matter is completed or the close of the morning hour, whichever is the earlier.

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

Mr. PASTORE. I can understand the reason for not making a distinction between the sexes. I am a little disturbed about the matter pending before the Senate because I realize some of the things that have happened in the District of Columbia. I realize that the Senators are being asked to become fully responsible. I do not see how a Senator is going to walk the girl home, unless he goes out and makes sure she gets in a cab, and then he does not know who the cab driver is—unless the Senator is going to call up the parent and tell him to take his daughter home at 11 o'clock in the evening.

We are talking about girls between the ages of 14 and 17. We do not even have a dormitory. We do not have a chaperone. We do not have a dormitory mother.

I realize that this is something that is going to happen. As I entered the Chamber, I heard the encomiums about the wonderful job that has been done. I am not objecting to girls being pages, but I do think we ought to follow some kind of rule, that when it gets to be 6 o'clock in the evening, these girls ought to be sent home.

Personally, I would not recommend to a friend of mine that he send his daughter, between 14 and 17, to Washington to become a page; nor, as the father of two girls, would I recommend that my daughters assume this responsibility. I realize that a certain amount of prestige and honor is involved in the job; but, after all, the working hours here run pretty late at night.

I am not opposing this resolution. As a matter of fact, it is something that is going to happen. But I hope we begin to look at these things as fathers and mothers should. A girl between 14 and 17 years of age cannot be allowed on the streets of Washington alone when it is dark.

Mr. JAVITS. May I say to the Senator from Rhode Island that the responsibility which individual Senators assume is very serious. I understand that perfectly. He says this is bound to happen. We just have to handle it with intelligence.

Mr. PASTORE. I hope so.

Mr. JORDAN of North Carolina. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. JORDAN of North Carolina. In response to the Senator, the Rules Committee is also starting some movement to have the minimum age of pages in the Senate raised from 14 to 16. In the House, the minimum age is now 16. We lowered it to 14. We think that is entirely too young, for a boy or a girl. We have begun work on a measure to bring the age up to 16, instead of 14.

Mr. PROUTY. I should like to point out to the distinguished Senator from Rhode Island that I share his concern and did so when the resolution was before the Rules Committee. It is my amendment which requires that the appointing Senator be fully responsible for the safe transportation of the female page he appoints, between the Senate and the page's place of local abode and return; and, second, that he will assume full responsibility for the safety, well-being, and strict supervision of such female page while such page is in her place of local abode.

It seems to me that that is very important. It is my understanding that at present when the Senate is not in session, when the pages are not attending school, these young people are pretty much on their own, unless they are given some supervision. It is our feeling that, particularly in the case of the young ladies who will be involved, rather strict supervision should be provided while they are in their boardinghouses or wherever they happen to live in the District of Columbia. I think that might well be extended to the boy pages, also.

Hopefully, the dormitory which is now authorized under the Reorganization Act will be built, and then both the boys and the girls will be under strict and constant supervision, and that will allay much of the difficulties with which we have been confronted in the past.

I am concerned, as the Senator from Rhode Island is concerned, about a young girl being alone around Washington, particularly in this area of the capital, after dark. I am certain that the resolution reported by the committee will, to a very large degree, minimize the possibility of danger in this respect. I think the committee has acted wisely.

Mr. President, the amendment to Senate Resolution 112, which was adopted by the Committee on Rules and Administration, still permits the appointment of Senate pages without discrimination on account of sex. The language of the amendment is not discriminatory. It merely bestows on any female page hereafter appointed a slight degree of personal safety and protection that are not otherwise provided for. Moreover, this amendment will only cover the period of time when pages are without benefit of a supervised, regulated, and adequately protected dormitory facility.

I believe most of my colleagues are familiar with the fact that the Legislative Reorganization Act of 1970 authorizes the construction of a fireproof build-

ing containing dormitory and classroom facilities for pages, and that once constructed all pages shall be required to live therein. Such a building adequately supervised and protected will go a long way toward according a proper degree of safety for our pages.

When our subcommittee held a hearing on this subject, witnesses presented evidence with respect to the high incidence of crime in the Capital and particularly in the area of the District of Columbia, where most of the pages reside. As a matter of fact, the Capitol Police presented evidence of recent crimes of violence involving four Capitol pages.

Mr. John C. Hoffman is the principal of the Capitol Page School. He was present and testified at our hearing. During the course of that hearing we had the following colloquy:

Senator PROUTY. If I understand rightly, if you lived on the west coast or somewhere far from Washington and were the parent of a page—whether it is a boy or girl is perhaps immaterial—based on your knowledge and experience, you would have some concern?

Mr. HOFFMAN. Absolutely.

Senator PROUTY. The Reorganization Act, I believe, provides for the construction of a dormitory. In your judgment would that be a good thing?

Mr. HOFFMAN. Absolutely, sir.

Additionally, James M. Powell, Chief of the Capitol Police, testified. I had the following colloquy with Chief Powell:

Senator PROUTY. If a boy goes to his room, where he may live, is he under any supervision there, when he is not in school, when he is not in the Senate, and the Senate is not in session, is there anyone that exercises direct supervision over him?

Chief POWELL. Not to my knowlege. I can only say that he is certainly not under mine. And, I am sure there are varying degrees of this. But I doubt if I am qualified to answer that question.

Senator PROUTY. Do you know, Mr. Dunphy, or Mr. Hoffman?

Mr. HOFFMAN. Actually, Senator, to my knowledge it would be, in the main, incidental. If he happened to be at a boarding home where people really cared—and most have, from my experiences—but I would say, no, no one is specifically responsible for their welfare.

There is nothing contained in the Standing Orders of the Senate or the Rules and Regulations of the Senate or in the Legislative Reorganization Act of 1970 which precludes the appointment and employment of female pages. That is as it should be. However, I submit that the Senate must take affirmative action for the safety and welfare of female pages who are to be employed. My amendment merely provides some additional degree of safety for these young people.

Our committee may very well have some additional work remaining to adequately consider the tenure, age, pay, dress, housing, education, duties, et cetera of our pages. If the Senate acts now without including the amendment added by the committee, then we will have failed to provide the slightest degree of safety or security for our youthful charges.

Mr. President, I am most doubtful that the Committee on Rules and Administration, or the U.S. Senate, can successfully transfer responsibility for the welfare of our employees to anyone else, particularly individuals outside the Senate's jurisdiction.

However, I am positive that we must make every effort to see that appropriate care is taken to assure the safety of our pages. Quite apart from the equality of the sexes—whatever that means—teenage girl pages must be accorded special care and protection when they are living on Capitol Hill and working the very early and very late hours which pages are required to work.

When we passed the recent Legislative Reorganization Act, we provided for the construction of a page dormitory. That structure has yet to be built. When it is, we will have provided the means by which all pages—particularly the girls—can have the protection and supervision which young people should have, and which their parents, and indeed Senators, have a right to expect.

Our present facilities are inadequate and fail to provide any protection or supervision for pages. Since we cannot furnish adequate quarters or supervision, I would oppose any attempts to alter the committee amendment.

The amendment merely seeks to make a few reasonable provisions for the safety of whomever may be appointed as a page in the Senate.

The amendment extends responsibility for the well-being of these teenage girls to the Senator who is their sponsor here at the Capitol.

The regulations which the Sergeant at Arms is bound to promulgate require that female pages shall be appointed only after the appointing Senator files with the Sergeant at Arms a written statement. That statement requires that the appointing Senator shall first, assume responsibility for transportation of the female page whom he appoints between the Senate and that page's local place of residence, and second, assume full responsibility for the personal safety and supervision of the conduct of whatever female page he appoints.

Mr. President, I agree completely with the original sponsors of this resolution that we have no intention of discriminating against young ladies who might desire to be appointed as Senate pages. We must be realistic, however, in admitting that we have for too long ignored the personal safety and supervision of persons who are so young, but who have been permitted by their parents to come and serve Senators.

The conditions in this resolution as amended by the committee, are it seems to me, absolutely essential until we build the facilities which we so badly need.

Mr. President, in order to be completely fair to all the young ladies who wish to be considered for patronage positions throughout the Senate, the committee has made one other amendment to the pending resolution.

That amendment expands the original intent of the resolution by guaranteeing that females will not be discriminated against in any of the traditionally patronage positions. That is, young ladies will not be discriminated against in being considered for jobs as Capitol policemen, elevator operators, or postal clerks.

It seems to me that all of those of us who agree that discrimination on account of sex cannot any longer be a factor in Senate patronage, agree also that it must be true in the appointment of all positions in the patronage system.

I hope the resolution will be agreed to as reported.

Mr. JAVITS. Mr. President, I yield the floor.

Mr. COOPER obtained the floor.

Mr. STENNIS. Mr. President, will the Senator yield? I wish to make a brief statement on the pending matter.

Mr. COOPER. I yield.

Mr. STENNIS. Mr. President, I must leave the Chamber shortly, and I want to express this sentiment.

As I see it, in behalf of the young ladies themselves, I hope this does not become the law. I want to be recorded as opposed to the resolution. I am thinking solely of their welfare; my consideration is for them. I am not thinking of the environment on the Senate floor; but it is the coming and going and all the things that go with it. That does not conform to my idea of a safe, constructive environment for young ladies at that tender age.

I thank the Senator from Kentucky for yielding to me.

Mr. COOPER. Mr. President, I wish to say a few words about the resolution because I voted against it in the committee and voted against its being reported favorably to the Senate. I wish to give my reasons.

Senator JAVITS, as always, has stated the case accurately, as he sees it, and, as always, responsibly. He has said that he would follow the injunction of the committee.

I did not consider this a question of discrimination against these young ladies because of sex, I voted against it for what I consider practical reasons.

The office of page is an honorable one. The hearing record contains a very interesting account, prepared by the Legislative Reference Section of the Library of Congress, of the history of the office of page. Many distinguished citizens of our country, in both public and private life, have held the office of page. Some of them are distinguished officials of the Senate today.

I voted against the resolution because I think the physical stamina required for this position is very difficult indeed. The law provides that they shall not be younger than 14 nor older than 16, unless at the time they become 17 they are in the service. The pages today are young men, 14, 15, and 16 years of age. Of course, the age will be the same for the young ladies. Pages are on duty not only while we are in session but they are on duty on days when we are not in session. They are on duty not only in the Chamber but they run errands from the Chamber, all over the Capitol, and to and from the Senate Office Buildings. Wherever we may be, we call for their services to pick up books, packages, suitcases. They have to find us wherever we are—in the washrooms—any other place. Thus, it seems to me, as a practical matter, that a young lady would be at some disadvantage.

The resolution spells out some admitted problems. For example, it tries to balance the employment of young ladies as pages, by providing women can serve on the Capitol Police Force. In my judg-

ment, that just says, in another way, that it is impractical to hire young ladies as pages.

The resolution also raises the question of security. The resolution, as reported by the committee, requires Members of the Senate who appoint girl pages must be responsible for their transportation to and from their places of abode to the Senate and back. It refers only to the travel from their places of abode to the Senate and return. I think that is important. The testimony—and I think it is also important to read the hearings on this matter and the maps provided by Mr. Dunphy and the Capitol Police—indicates that the area in which the young ladies would live is subject to a heavy incidence of crime of all kinds. In 1970, the record shows that in this area well over 100 crimes were committed—closer to 200, actually—a great many of them directed only at women. In addition to sex crimes, there have been purse snatchings and crimes of force and assault in this area. The committee itself recognized this problem. It will, of course, be the decision of their families, on these matters.

For these reasons, Mr. President, I voted against the resolution in committee. I rose to give the reasons why I voted against the resolution and desire to be recorded against it.

Mr. CURTIS. Mr. President, I am in favor of employing girls as pages. I regard our pages as young people who have a great opportunity to learn and, as a result of their service here, to go on to higher places in government and elsewhere. That is my compelling reason for extending this opportunity to serve to young ladies.

At this time, however, I want to raise another point; namely, that I am very much opposed to the erection of a dormitory for pages.

I do not believe that any page should be appointed, girl or boy, who is unable to stay with his parents, or with those standing in loco parentis.

Mr. President, we live in difficult times. Mention has been made of the crime rate around here. I believe that this opportunity for employment should be confined to those young men and women who are so situated that they can stay with their parents or someone who assumes all the responsibilities of parents.

I recall, several years ago, when it was unheard of for pages to be staying at home. Most of them came from some distance. At that time, there were many rooming houses around Capitol Hill in which the pages were housed, and where it was quite safe, but times have changed and housing pages in this area now could not be tolerated.

I submit that a dormitory would not be much better. Furthermore, I just do not believe that the Senate should go into the business of running a dormitory and trying to police it. It would be very expensive. It would certainly not be a substitute for homelife. I believe that we should not let the employment of pages destroy homelife for any page, whether he be a young man or a young woman.

I realize that what I say works to the disadvantage of some young people whose parents do not live in or near Washington, or they do not have someone who can assume that responsibility here; but, at least, for the present, I believe that is the right course. We will hope that the time will come when the situation will change, when certainly to put these pages in a dormitory and submit them to an institutional way of life, away from home, is neither desirable nor practical.

I want it fully understood that my support of the idea of employing girl pages does not carry with it any indication that I favor a dormitory. I think that would be most unwise and I hope it is never done.

Mr. President, I yield the floor.

Mr. JAVITS. Mr. President, in concluding my part of this debate, which we all promised the majority leader would be brief, I should like to say that it just so happens the page I am appointing—Paulette Marie Desell—does live with her family. I think the Senator from Oklahoma (Mr. HARRIS) and the Senator from Illinois (Mr. PERCY) are cognizant of their responsibility concerning the arrangements they are making.

As to the problem of crime in this area, I appreciate everything that has been said. Pages who may come from New York, Oklahoma, or Chicago are just as much exposed to the exigencies and the hazards of present-day life as those who live in this area.

All precautions are being taken here to protect them, especially by the terms of the resolution, which all can understand is an historic breakthrough for women in this country. They are making history in the United States today, and the Senate is also making history today. We simply have to strike the shackles from the wrists of the women of this country—one-half the population.

It comes hard and brings many difficulties. Why? Because we have lived that way for centuries and centuries. We cannot continue to live that way. Today's breakthroughs are evidence of the fact that we are emerging, slowly and painfully, into the modern world. To my mind, it will be a better world.

One last point, Mr. President. The nicest and the most revealing thing that has happened is that the young men who serve as pages seem to be the most interested, the most encouraging, and the most enthusiastic about being joined by young women. I think that is the new world and I hope we legislate it here today.

The PRESIDING OFFICER (Mr. BENTSEN). The clerk will state the first committee amendment.

The assistant legislative clerk read as follows:

On page 1, line 2, after the words "ment as a" strike the words "page of the Senate" and insert "Senate page, elevator operator, or post office employee, or as a Capitol policeman whose compensation is disbursed by the Secretary of the Senate,";

The committee amendment was agreed to.

The assistant legislative clerk read as follows:

On line 5, after the words "on the basis of sex." insert the following:

"In the case of Senate pages, however, until such time as the fireproof building containing dormitory and classroom facilities, as authorized by section 492 of the Legislative Reorganization Act of 1970, is constructed and the pages are living under appropriate supervision in such building, the Sergeant at Arms of the Senate shall promulgate and have in effect regulations for the appointment of pages of the Senate requiring that no female page shall be appointed by a Senator until the Senator files with the Sergeant at Arms a written statement accompanying such appointment that the Senator—

(1) will be responsible for the safe transportation of the female page he appoints between the Senate and the page's place of local abode and return; and

(2) will assume full responsibility for the safety, well-being, and strict supervision of such female page while such page is in her place of local abode."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the resolution as amended.

The resolution (S. Res. 112), as amended, was agreed to, as follows:

S. RES. 112

Resolved, That no individual shall be denied appointment as a Senate page, elevator operator, or post office employee, or as a Capitol policeman whose compensation is disbursed by the Secretary of the Senate, solely on the basis of sex. In the case of Senate pages, however, until such time as the fireproof building containing dormitory and classroom facilities, as authorized by section 492 of the Legislative Reorganization Act of 1970, is constructed and the pages are living under appropriate supervision in such building, the Sergeant at Arms of the Senate shall promulgate and have in effect regulations for the appointment of pages of the Senate requiring that no female page shall be appointed by a Senator until the Senator files with the Sergeant at Arms a written statement accompanying such appointment that the Senator—

(1) will be responsible for the safe transportation of the female page he appoints between the Senate and the page's place of local abode and return; and

(2) will assume full responsibility for the safety, well-being, and strict supervision of such female page while such page is in her place of local abode.

The title was amended so as to read: "Resolution to permit the appointment for the Senate of pages, elevator operators, post office employees, or Capitol policemen without discrimination on account of sex."

Mr. PASTORE. Mr. President, I should like to have the RECORD indicate that I voted in the affirmative.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD of West Virginia. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGE FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. BENTSON) laid before the Senate a message from the President of the United States submitting

sundry nominations which were referred to the appropriate committees.

(The nominations received today appear at the end of the Senate proceedings.)

EXTENSION OF TIME FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the period for the transaction of routine morning business be extended for an additional 12 minutes, with statements therein limited to 3 minutes.

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

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

THE MILITARY SELECTIVE SERVICE ACT—CLARIFICATION OF UNANIMOUS-CONSENT AGREEMENT ENTERED INTO YESTERDAY

Mr. BYRD of West Virginia. Mr. President, I wish to make a correction in the RECORD with respect to the calling up of amendments on to H.R. 6531. Yesterday I stated, as reported on page 14745 of the RECORD:

Mr. BYRD of West Virginia. Mr. President, as I understand the unanimous-consent agreement, no Senators are precluded from offering amendments between now and next Wednesday. The unanimous-consent agreement deals only with the Mansfield amendment, amendments thereto, et cetera, and the Schweiker amendment. Other Senators may wish to offer other amendments in the meantime, am I correct, and tabling motions could be made at any time and votes thereon would be had?

Mr. MANSFIELD. The Senator is correct. All I can say is that I do not know at the moment of any amendments which might be offered.

Mr. GRIFFIN. Is it not a fact, however, that the Mathias amendment is the pending business when this bill is before the Senate, and it would have to be displaced by unanimous consent before another amendment could be taken up?

Mr. MANSFIELD. That is right.

Mr. BYRD of West Virginia. The Senator is correct.

The PRESIDING OFFICER. The Chair wishes to state that the period for the transaction of routine morning business has expired.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the period be extended an additional 3 minutes.

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

Mr. BYRD of West Virginia. Mr. President, later in the day when I recapitulated the program, I stated as follows:

Of course, unanimous consent would have to be obtained in order to lay aside the pending amendment. But that is not beyond the realm of possibility. I hope that other amendments might be offered and votes had thereon, in the interim between now and Wednesday next, at which time the consent agreement entered this afternoon will become effective.

So, I trust that Senators would not interpret the unanimous-consent agreement for next Wednesday as precluding rollcall votes in the meantime. I think it would be a discouraging matter if the Senate were to delay making progress and doing business for a full week on such an important bill as the one pending before the Senate. But unless we can lay aside the pending amendment to take up other amendments, or lay aside the pending business to take up other business, that is just what it would amount to.

Mr. President, I wish the RECORD to show that I was in error.

Mr. MANSFIELD. Mr. President, will the Senator yield at that point?

Mr. BYRD of West Virginia. I am glad to yield to the distinguished majority leader.

Mr. MANSFIELD. I wish the RECORD to show that in response to questions raised by the distinguished deputy majority leader I, too, gave wrong answers.

Mr. BYRD of West Virginia. Mr. President, I thank the distinguished majority leader. I also have been in error in my personal conversations with certain Senators whom I have informed that they could bring their amendments to the floor and hopefully we could set aside by unanimous consent the pending amendment. I am in error and I do not place the blame on anyone except myself.

I want to clarify the matter so that Senators will be on notice that, at the present moment at least, it is not anticipated that the pending amendment will be set aside for other amendments to be acted upon.

Mr. STENNIS. Mr. President, will the Senator yield to me?

Mr. BYRD of West Virginia. I yield the floor.

Mr. STENNIS. Mr. President, I can shed this additional light upon the remarks and the subject matter the Senator has just referred to.

In the first place, I did not hear the Senator from West Virginia make his remarks about voting on other amendments between now and next Wednesday. There are always Senators rightfully wanting to see the leader, the assistant floor leader, and the floor manager of the bill. Interruptions come about in that way. I have been interrupted once in that manner since the Senator from West Virginia started his remarks.

But the whole tone and approach of the Senator from Mississippi with respect to these agreements about voting, the whole tone and the spirit of the Senator from Mississippi approaching these agreements about voting, was that these votes agreed on would be the first votes taken on the bill. There was quite a bit of conversation back and forth. I think we were in there about 2 hours and naturally a great deal is said among Senators. But that was the entire basis of the approach of the Senator from Mississippi to the entire matter.

I talked with the Senator from Montana. I was asking for more time to get ready for the Mansfield amendment, being totally unprepared for a serious matter like that. I, at one time, proposed that maybe he could withdraw his amendment and let us go on with the bill presented by the committee. He could not agree with that, which is quite all right. So then we had the talk about the agreement to vote on the Mansfield amendment Wednesday, which I understood was to be the first vote, and then the pending amendment thereafter would be the Schweiker matter, and that would be the second vote.

So that was the basis upon which we got together. Even though it was not stated here that there would be no other votes, it was so clear in my mind that that was it, that it carried out my understanding of the whole situation. Unfortunately, I did not hear the Senator from West Virginia when he made those remarks.

I do not think we have lost a bit of time. I think, when all the facts are in and when all the arguments are made, it will be evident that it took time to get into this important subject. This is a subject matter of worldwide significance, and to me, and I think to other Senators, the time is being utilized very profitably. I find many Senators concerned about how they are going to vote. I believe with these two questions out of the way, things will happen faster and we will get along.

Mr. BYRD of West Virginia. Mr. President, I was not privy to the understandings I had prior to entering into the agreement yesterday. I am sorry I misinterpreted the agreement. I do want to say at this point I recognize the tremendous burden that is carried by the manager of the bill (Mr. STENNIS). I know he has put in a lot of time on this bill. I try to appreciate and understand the problems which confront him as he attempts to guide the bill through the Senate. So there is no feeling on my part. I just want the RECORD to show that I was in error in my interpretation of the situation as I stated it yesterday, and that unanimous consent will not be granted to lay aside the pending amendment so as to permit voting on other amendments to H.R. 6531 prior to Wednesday next.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

THE MILITARY SELECTIVE SERVICE ACT

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate the unfinished business, which will be stated by title.

The assistant legislative clerk read the bill (H.R. 6531) by title, as follows:

A bill to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. The pending question is on amendment No. 87.

The Chair recognizes the Senator from California (Mr. CRANSTON).

Mr. CRANSTON. Mr. President, the Senate must face the question it has avoided for many years: How many American troops should be stationed in Europe?

At this moment when we are considering whether to abolish or extend the draft, it is appropriate that we deal with the whole troop level issue. Both the draft and the stationing of American troops in Europe are legacies of the Second World War. Both are surrounded by myths which distort the real issues which they raise. Both cry out for searching reevaluation so that we can determine whether their continuation is truly in the national interest.

In almost no other area of American foreign policy has this Nation held so tenaciously to an outmoded view of international reality as in the case of level of the American troops that should remain in Europe.

There was a genuine need for American military support for our war-devastated allies at the end of World War II. Europe was in ruins. Western European will and ability to resist the potential threat of the Red Army in the East was at low ebb.

Marshall Plan economic aid was not only vital to European survival, but it had to be supplemented with military assistance.

This legitimate need for American military support grew as the Soviet Union probed constantly for Allied weakness, in Berlin, in Greece, in Korea.

But in 1971 over 300,000 American men are still in Europe, still trying to meet threats which were present in 1948, and still trying to aid allies grown wealthy by our dollars and secure in their reliance on our defense for their defense.

For 26 years the United States steadfastly held the defense of Europe to be a primary obligation of American foreign policy.

I know of no one in the Senate today who questions the necessity of this obligation. What is being questioned is not our commitment but the best way to fulfill it. I reject the contention that American commitments can only be measured in terms of Army divisions stationed outside of the continental United States. It is a sad commentary on European faith in the alliance that after more than a quarter of a century of aid and the assurances of five Presidents, they feel they must continue to hold 300,000 American troops hostage as assurance that we will live up to our word.

Europeans can rely on their American allies. The price they ask—billions a year to support an American force of 300,000 men is uncalled for and unnecessary. This force is a financial liability on the American taxpayer. It is also a roadblock to reduction in East-West tensions, and it is a questionable strategic effectiveness.

Senator MANSFIELD'S amendment to reduce American troop strength in Europe by 150,000 men is not the first step in a scheme of American abandonment of Europe. It is rather the first step in having Europeans realize that they can no longer expect us to assume a burden in which they have the ability to share to a much greater extent than in the past.

We are presently maintaining a large conventional force in Europe at a time when the threat of a Soviet invasion of Western Europe by the Warsaw bloc countries is diminishing. American nuclear capability—whether in Europe or in the United States—would be unaffected by a troop reduction. The Soviet leaders know that any overt military aggression in Berlin, in West Germany or anywhere else in non-Communist Europe would be met by American resistance. The Soviets know that they could not gain from an invasion of NATO countries which could lead to a nuclear response. It is ironic that at the same moment when many European countries are individually making significant strides to end cold war hostilities with the Soviet Union and the countries of Eastern Europe that they collectively perceive a need for a large American land force within the alliance framework. We have too long been the captive of this irony—it is costing us billions; and in the long run threatens the willingness of the American people to sustain this important commitment.

The diminished need for American conventional forces in Europe over the last decade has been accompanied by American involvement in a multi-billion-dollar Asian war, rising American inflation, a business recession, and an unacceptable level of unemployment in this country.

It is clear that neither our international commitments nor domestic economic problems warrant the continued maintenance of so large a force in Europe. We can no longer afford the luxury of maintaining not only these forces in Europe but also forces in the United States to meet a European conventional emergency at a total cost of $14 billion a year.

Maintaining these inflated force levels abroad merely as psychological underpinnings of an alliance already supplied with 7,000 U.S. nuclear warheads is doing severe damage to our economy. It adversely affects the lives of millions of Americans. The Germans have no unemployment problem. On the contrary, they must import scores of thousands of industrial workers from the poorer nations of the NATO alliance to meet the manpower needs of their industrial plants.

There are no signs that the American level of unemployment at 6.1 percent will soon diminish. And the United States is being asked to incur a European balance-of-payments deficit in fiscal 1970 of nearly $1 billion because of our military expenditures there.

The financial burden of these expensive strategic forces far outweighs their strategic benefit.

America's economic resources are not limitless. The nations we are helping to defend are no longer poor. Yet we are asked to bear the major share of their defense. Many of these countries are so prosperous that they are actively—and all too successful—competing economically with us.

The independent Institute for Strategic Studies in London in its "1970–71 Military Balance" revealed that the in NATO. They report that in 1969 we tionate share of the defense burden with-United States is assuming a disproporspent 8.6 percent of our GNP on military expenditures, whereas West Germany, the country which feels in most danger of attack from the East, spent only 3.5 percent of its GNP on defense. Britain spent 5.1 percent of its GNP for defense, as did Greece, but Italy devoted only 2.9 percent and Belgium 3 percent. Few leaders in the alliance could argue that the economic well-being of the United States is not just as important to the well-being of North Atlantic security as our defense contributions. An economically weak United States will not make a very strong ally.

Despite the goals of the Nixon doctrine, the President has chosen not to engage in any unilateral reduction of American forces in Europe. He said, while in Europe in 1970:

> Any reduction in NATO forces, if it occurs, will only take place on a multilateral basis and on the basis of what those who are lined up against NATO forces—what they might do.

The Mansfield amendment calls for a unilateral reduction. Such actions in no way indicates that we are losing strength in Europe or jeopardizing the NATO alliance. We all know that there would be no chance of troop reductions if the United States were to demand a quid pro quo from the Soviets. The political reality in Eastern Europe is not being taken into account by the President's insistence on multilateral reduction as the only way to reduce American force levels. There simply cannot be, now, a multilateral reduction. The Mansfield amendment would do much to further the growing atmosphere of détente in Europe.

I also believe an American-Soviet rapprochement in the strategic field at the SALT talks in Vienna would become more likely by a unilateral reduction of American conventional forces. President Nixon's "full generation of peace" in which he so strongly believes and which all Americans so badly want, will remain only a rhetorical dream as long as the administration refuses to begin to reduce American troops and recognize that the cold war has ended in Europe. A political solution to reduce tension in Europe can only be obtained through political negotiation in an atmosphere of trust. The Mansfield amendment will be regarded as a step toward peace and reduction of tension—not a sign of weakness.

A 150,000-man troop reduction will not endanger the nations of Western Europe. As I said earlier, American strategic and tactical nuclear capability will in no way change if the Mansfield amendment is adopted. Nor will it change our position insofar as stability in the Middle East is concerned.

Even when American forces in Europe numbered 400,000 in 1966, NATO's conventional capability was far less than that of the Warsaw Pact. A further reduction in U.S. troop levels will not significantly lower the threshold at which nuclear weapons might be deemed necessary to stop a Soviet conventional advance. Estimates of Soviet strength in Eastern Europe are placed at over 500,000 men. Senator MANSFIELD recently cited a memo prepared by an expert military planner which estimated that the Warsaw Pact could mobilize more than

175 divisions. Considering this preponderance of might, our nuclear umbrella remains the most credible deterrent to a Soviet attack. It would be unwise politically, financially, and militarily to attempt to match Warsaw Pact conventional force levels. We must rely on our nuclear strength and the modernization of U.S. tactical nuclear capability as the main deterrent in Europe.

Mr. President, those who advocate a reduction in American forces in Europe are continually told that "now is not the time."

I believe that the American people are no longer willing to be held hostage to a cold war paranoia which seems to sweep this country and Europe every time the troop-reduction question is considered. The Europeans are now reaping the economic and political fruits of détente with the East while we assume the great costs of taking the hard line. I want to see such American policies come to an end before our commitments to NATO are seriously endangered by a feeling of bitterness that we have been taken advantage of by our friends.

Our European allies demand equality and partnership. We must provide them with it in both the military and economic spheres. If they refuse to share the burden and responsibilities of this long-wanted partnership, they must be ready to accept a reduced American troop-strength commitment to their defense based on unfavorable political reaction in the United States to an alliance which could become an economic and political liability.

Senator MANSFIELD'S amendment is a cornerstone on which we can begin to end outmoded policies. If we in the Senate regard it as a sign of weakness, we are letting the cold war again deny the American people the peace and prosperity they want and desire.

I do not believe the pending Mathias substitute is the way to inaugurate an era of change in America's relationship with her NATO allies. Congress has the constitutional authority to establish military manpower levels. President Nixon has indicated his unwillingness to act on this matter. The Mansfield amendment is a viable alternative to more than a decade of indecision.

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

Mr. CRANSTON. I am delighted to yield to the distinguished Senator from Alaska.

Mr. GRAVEL. I compliment my colleague on what I think is a very fine statement. I think it shows not only a grasp of the subject, but, more important, a great sense of judgment about what is going on in the world today.

It is really sad to realize that a nation as great as ours, as powerful and mighty as ours in the world, could get locked in on a figure which is very arbitrary and capricious figure, while the proper arm of government, in this country the Senate, hears no debate or dialog as to the efficacy of our actual need for such numbers.

What little debate we have heard thus far has been a good deal of rhetoric on one side and, on the other side, some very strong political arguments with respect to a policy that goes to numbers. I heard one of my colleagues yesterday state that these are matters that should be handled by the military. These are personnel problems of the military.

It is unbelievable that we would lock ourselves in on what it is costing us—$14 billion a year—on a program of yesteryear, because that is really the approach we have used.

I want to note that Canada and Great Britain have different approaches to this.

I have heard the word "linchpin" used with respect to our involvement in NATO. We are not the linchpin. Obviously, the countries in NATO itself, the countries there, are the linchpin; and one of those key countries, France, just walked away from NATO. I recall at the time the headlines and the gnashing of teeth and the consternation that took place in the world—that this was the end of NATO. Nothing happened to NATO, other than the fact that it became more of an economic instrument than a military instrument.

I think the Senator from California has stated the situation very well. To suppose that the force we have there is sufficiently viable to withstand the onslaught of a Soviet juggernaut with the Warsaw Pact nations is a euphemism, in my opinion.

I should like to ask the Senator whether he can construe anything in his imagination that would take place in Western Europe, with respect to an invasion, that would not compel this country to use its atomic forces or that would compel the French to use their force de frappé. Can the Senator conceive of any possible war in Europe that would not bring about a nuclear confrontation?

Mr. CRANSTON. Actually, I can. I am not totally convinced that we would go over that brink, knowing that it could lead to utter devastation of our Nation and other nations if full-scale atomic war was launched. That, basically, is the reason why two Presidents—first, a Democrat, Lyndon Johnson, and then a Republican, Richard Nixon—have decided that we cannot win an old-fashioned military victory in the Vietnam war.

There is no question about our ability to utterly destroy North Vietnam, a small nation of only 15 million people, compared to our massive strength, power, and numbers in terms of persons. The reason why we do not seek military victory in the old-fashioned sense against North Vietnam is that we know that we are not really just facing North Vietnam. We are facing North Vietnam backed up by China and by Russia; and if we escalate, they have the capacity to escalate, and there we face the great danger of landing in total nuclear war.

But because we have exercised this restraint—although we have had ground troops involved in Indochina—it seems to me conceivable that we and the other side would exercise the same restraint, even though we became involved in ground combat in Europe, shrinking back there from total nuclear war. However, we well know that we have the capacity, if we must, to move manpower very rapidly from the United States to Europe. We have done it twice before in the lives of many now in this Chamber. It could be done once again.

So, yes, I can envision a war in Europe in which we could be involved that would not go the nuclear route. But I cannot envision—I think this is the key point—and I know the distinguished Senator from Alaska likewise cannot envision, that we would not resist in whatever way it would be appropriate to resist an overt military aggression by the Soviet Union into Western Europe.

(At this point Mr. CHILES assumed the chair.)

Mr. GRAVEL. I think the Senator has made the point very well. So the issue now is this: If we cannot resist it with the troops we have there, all we really have to maintain in Europe is a garrison, in the sense of showing the flag, showing a commitment to Western Europe; and that garrison could be at any figure—100,000, 200,000, 300,000.

Mr. CRANSTON. Or less.

Mr. GRAVEL. Or less.

This is probably where I differ slightly. I think the Senator stated that the economic strength is just as important as the other. Might not, in this sense, our economic resiliency, our economic viability be the most important ingredient, since this will give us our capacity to defend ourselves not only today but in the future as well? And if our economy goes askew because we have not been prudent in handling our defense expenditures for the long haul—not for the immediate panic but for the long term—it would seem that we are making a colossal error in expending our resources in Europe at a faster rate than we need to expend them, and what we should concern ourselves about is guaranteeing that our economic capability will sustain itself for many, many years, and I would hope hundreds and hundreds of years.

I am reminded of the parallel of the Civil War. When the Civil War started, everyone assumed that since the South had inherited able and trained leadership, there would be a quick victory, that they had all the expertise on their side. History is very clear about the difficulties President Lincoln had in securing adequate leadership in his military forces. But what really brought about the result that occurred in the Civil War was not the military leadership but the economic and long-term productive ability of the North.

This, I think, is what is in jeopardy in this case, and I note that the Senator from California emphasized that point. I would only add that I think it is the most important point—that is, that our strength is in our economy; and if we ruin our economy with excessive expenditures, with the purchases we have been making in other parts of the world, I think it comes into very serious jeopardy.

I ask the Senator whether he would have a different comment concerning NATO and Czechoslovakia, because I understand that at a point in history there were great deliberations by committees of the Senate just prior to Czechoslovakia. Of course, Czechoslovakia stopped any effort or views that were developing to cut down NATO at that time. Did NATO do anything at the time of Czechoslovakia to help the Czechoslovakians?

Mr. CRANSTON. NATO did nothing.

The U.S. troop strength in Europe did nothing. It did not serve as a deterrent in a passive sense just by its presence there. It did not serve as a deterrent in terms of acting in any way when the Soviet move occurred in Czechoslovakia.

I do want to say that I agree completely with the Senator from Alaska in regard to his position on the importance of the economic strength of the United States. It is the key to our importance as an ally to the nations that are our friends.

Mr. GRAVEL. I should like to add another point to expand upon what the Senator from California said with reference to multilateral negotiations.

Unfortunately, the problem with multilateral negotiations is that if your enemy locks himself in on a trajectory of error and if you adopt the theory that he has something which you think is viable, you can go along and commit the same error. That is the tragedy of it all. So that if in truth we hold ourselves to be more intelligent than, let us say, our Soviet adversaries in this case, they really are calling the troop levels and not we. So if they are in error, we blindly follow, like sheep, in making the same error.

That is exactly the argument that is put forth in these multilateral negotiations—that is, that somebody picks out a figure and sees 200,000 people over there. Well, we have to have 200,000 people. And if even the people we ally ourselves with, such as the Canadians and the French, hold a different view, we become so enamored of these numbers that we do it unilaterally. This, in my mind, is the epitome—and I say this most respectfully of our adventures or our activities—of stupidity. One should never let the enemy dictate the course we think we should take for our own defense. In this particular case, since we have a free society and are subjected to the economic vicissitudes of other nations and we do not have the force to hold our economic system in check and bring about privation, it has created unusual hardship. I wonder whether my colleague would care to comment on my logic with respect to multilateral commitments.

Mr. CRANSTON. I also agree with the Senator's thinking on this matter. There are two essential points: one, the United States cannot and should not seek to be the policeman—and I emphasize "the"—in every troubled corner of the world. This is a responsibility that must be shared with others to keep order in this lawless world. Second, I totally agree that we should not surrender the decision-making to others. We should decide we will do what we feel is neecssary for us to do, in order to contribute to peace on earth.

Before yielding the floor, Mr. President, I should like to express my deep thanks to the distinguished Senator from Alaska for the remarkably effective leadership he is providing to the Senate and, through the Senate, to the entire country, in the matter now before the Senate, the whole matter of what strength we need to meet our commitments and remain secure; the whole question of whether we will not be more secure if we use our manpower more wisely and, fundamentally, the question as to whether any longer we need compulsion, in our free society, to meet our manpower needs; and there we are in total agreement, that we do not need compulsion and we do not need the draft.

Once more I thank the Senator from Alaska for what he is doing to see to it that the draft ends.

Mr. GRAVEL. I should like to thank my colleague from California for his complimentary remarks.

Let me say that I do not look upon it as a point of leadership but as a partnership with the Senator from California because, obviously, this kind of task cannot be done alone. It is physically impossible. Were it not for his resolve and his commitment, I would not be able to continue. I know that that resolve and commitment will stand together to the very end of the goals we seek.

Let me add one other point relative to his recitation, which, I think, is very important, and that is with respect to the Warsaw Pact and the number of troops that they have. The Czechoslovakian incident certainly brought to mind one important weakness of the Warsaw Pact; namely, in the crunch, the Soviets had to depend upon their own troops and not on the Warsaw Pact troops in order to effect their will. I think that this should be a matter of consideration in determining troop levels because I am sure, in their determinations, they try to ascertain the reliability of their allies in the crunch, and that reliability is suspect.

For that reason, we should similarly conclude that a man-on-man requirement with the Warsaw Pact is not necessary and is really a waste of our resources.

I will hope to develop, in the debate between now and the time the vote is taken on next Wednesday with respect to our commitments in Europe, a thesis that I have not heard enunciated or have not read and, therefore, I do not know that its originality is other than my own. It is a concept that came upon me as I attended a conference in West Berlin last year, listening to the Mayor of West Berlin. All of a sudden it dawned on me what was the key problem in all of Western Europe, and a problem which I think Willy Brandt is trying to adjust himself to in the Ostpolitik; namely, to bring about a detente, a rapprochement.

If I were to define what the kernel of the problem is, it is the very simple one of recognition; the recognition of East Germany—the recognition of West Germany and East Germany—reconciling ourselves and having the German people reconcile themselves to the fact that the division of Germany is there and will exist for many years, if not hundreds of years, and that that is the price that was paid for what took place during the years 1933 to 1945.

The effort to avoid recognition, certainly as part of our policy and part of others in Europe, in my mind, exacerbates and polarizes the existing feeling in both Eastern and Western Europe.

If we were to effect, as part of our policy, a policy of recognition, I think it would flourish into a total detente where the troop level we maintain today would appear totally ridiculous.

Mr. President, I, too, want to compliment the Senator from Montana for what I think is a very courageous undertaking and a very patriotic undertaking, because I think he, like many of us, is concerned that our country be truly able to defend itself. If our country loses that ability—and it may well lose that ability if we do not maintain our economic ability—we would, in truth, jeopardize ourselves.

Let me make a parallel. If I were to try to devise a way to do great harm to this Nation, I would try to find a way to siphon off its economic strength in a peripheral area of the world, a not too important area of the world where this country would have to take a major portion of its resources and gain very little return. That, unfortunately, has been the case in Southeast Asia which has drained our resources with no great improvement in our security. In fact, quite the contrary.

I attended a briefing—and this is not classified information—where an admiral with the highest office in the Navy, told me and other Senators assembled, that we had cannibalized the capital improvements to our Navy in order to wage the war in South Vietnam, thereby impairing our world posture with respect to the equipment we need to maintain the Navy.

What could be a more colossal, tactical error than doing just that?

That, of course, is what we did exactly.

Mr. President, I note that I am the only Senator on the floor and this is a very weighty subject—I mean, the only Senator on the floor other than my distinguished colleague from West Virginia—[laughter]—who is always on the floor—and that is why I was led to make this oversight. In the past 3 or 4 days, I have developed a taste as to the effort it takes to stay on the floor. Mr. President, I want to note now that my colleague, the Senator from Michigan (Mr. GRIFFIN) has returned to the floor. I assure my friend, the Senator from West Virginia—and I am sure my friend, the Senator from Michigan also has a taste of the effort it takes to stay on the floor—that every day this effort goes on my admiration for the Senator from West Virginia rises. It rises from the experience I have gathered from this experience of being on the floor from time to time.

I want to note for the RECORD that there are not many Senators at this time with whom to engage in active debate and deliberation on this momentous and gargantuan, important subject about our troop levels around the world.

I would hope that in the latter part of next month things would be more active and participatory on the part of other Senators engaging in these deliberations.

Time is going on.

Time is going on and, of course, I will be accused of wasting the Senate's time and holding up the activities of the Nation. These accusations will come from all sides and from the highest quarters of the Government. However, I want to say that these accusations will be without foundation, because now is when the work should be done. I have been here every morning. I have been here every night when we close the business of the

Senate. I intend to be here as long as this issue is before the Senate.

I would hope that we could continue our deliberations. I am prepared to be educated. I am prepared to listen to the discussion and debate of other Senators. I think I have a lot to learn on this subject. I think the American people have a lot to learn on this subject.

I think a very fundamental question can be asked, as I asked the Senator from Ohio. Why do we have 1,700 troops in Ethiopia? Why do we have 320,000 troops in Europe? Why can we not have 150,000? Why can we not have 200,000?

These questions must be asked and the answers must be given. They obviously cannot be answered if the proponents do not come forward and lay out their logic and their views.

Mr. President, I want to underscore this because I am sure that in the future I will be receiving charges of committing peccadillos, charges of holding up the government.

I want to say now that these charges will be without foundation as they are obviously, by the lack of attendance today, without foundation.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. GRAVEL. I yield.

Mr. BYRD of West Virginia. Mr. President, the Senator is speaking within his rights under the rules of the Senate. Every Senator has a right under the rules of the Senate to stand on the floor as long as he can physically stand and speak as long as he wishes and as long as he can in the interests of his State and in the interest of the Nation with respect to any issue concerning which he is conscious bound to speak at length on.

I congratulate the Senator from Alaska (Mr. GRAVEL). He has put the Senate on notice that it was his intention to speak at length. He put the Senate on notice well in advance that this was his plan. He has been constantly on the Senate floor in accordance with his announced plan. He has been diligent in fulfilling his promise to the Senate.

I have seen some so-called extended debates in which the proponents or opponents delayed the Senate, not by virtue of their being on the floor to speak, but by virtue of the courtesies for which this body is well known.

Senators who would be out somewhere in the country were able to depend upon the assurances of their colleagues that such and such an issue would not be moved forward until they returned.

That cannot be said about the Senator from Alaska. He is here on the floor. And I admire him for it. I do not think he will be charged with holding up the operation of the Senate at all. He is acting in accordance with his own conscience, and I salute the Senator from Alaska. I may not agree with him. He does not expect me to agree with him. However, I certainly admire him for his tenacity, his resourcefulness, his determination, and his diligence.

Mr. GRAVEL. Mr. President, I thank my friend, the Senator from West Virginia, very deeply.

Mr. President, I yield the floor and suggest the absence of a quorum.

Mr. BYRD of West Virginia. Mr. President, will the Senator withhold that request?

Mr. GRAVEL. Mr. President, I withhold my request.

EXTENSION OF TIME FOR ALL COMMITTEES TO SUBMIT REPORTS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that all committees have until midnight tonight to submit reports.

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

ORDER FOR ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon tomorrow.

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

(Later in the day this order was modified to provide for the Senate to adjourn until 10 a.m. tomorrow.)

ORDER FOR RECOGNITION OF SENATOR GRAVEL AND PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, following the remarks of the distinguished Senator from Utah (Mr. Moss), on tomorrow, the able and equally distinguished Senator from Alaska (Mr. GRAVEL), be recognized for not to exceed 15 minutes, following which there be a period for the transaction of routine morning business of not to exceed 30 minutes, with statements therein limited to 3 minutes, at the conclusion of which the unfinished business, H.R. 6531, be laid before the Senate.

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

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

RECESS

Mr. BYRD of West Virginia. Mr. President, I see no Senator who wishes to speak at this time.

I ask unanimous consent that the Senate stand in recess, subject to the call of the Chair, with the understanding that the recess will not extend beyond 2:30 p.m. today.

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

Thereupon, at 1:24 p.m. the Senate took a recess, subject to the call of the Chair.

At 1:45 p.m., the Senate reassembled, when called to order by the Presiding Officer (Mr. CHILES).

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

THE MILITARY SELECTIVE SERVICE ACT

The Senate continued with the consideration of the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

Mr. MATHIAS. Mr. President, at an earlier stage in this debate on the pending business, the so-called Mathias substitute for the Mansfield amendment, the distinguished Senator from Alaska asked the question as to why we should maintain troop levels in Europe.

I have some thoughts of my own on that subject, but first I should like to quote for him and for the Senate at large the answer that was given in a thoughtful editorial, entitled "First Things First," published today in the Christian Science Monitor.

That answer, I think, is so significant that we should take full account of it, because as the Christian Science Monitor says:

> Let everyone concerned be terribly careful about the priorities. The first priority, above all else, is the integrity of the American relationship with Western Europe. Protect that, and nothing disastrous will happen. Lose sight of that—and everything accomplished since the big armies settled down in 1945 would have to be done all over again—or worse. To cut U.S.Europe-based troops by half now would be far too dangerous to justify the dollars saved.

Mr. President, I ask unanimous consent that the editorial—be printed in the RECORD in its entirety at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. MATHIAS. Mr. President, the answers that have to be given to the question raised by the Senator from Alaska and the question raised by the Mansfield amendment itself are most important. They need to be discussed. They need to be carefully considered. I think the Senate has been wise in giving itself time until next Wednesday morning to consider all that is involved, and, as the author of the substitute amendment, I am grateful that the Senate has accorded me the privilege of reworking the exact language of the substitute. That is what I am doing, and as soon as we have more nearly perfected that language, I shall offer it. But in the meantime, I think we

ought to highlight the points that are so important, one of which is stability in Europe.

I have been in Europe several times in the last several years. I have talked with Helmut Schmidt, the German Defense Minister. I have talked with members of the British Government, the French Government, the Dutch Government, and the Belgium Government. I have talked with Manlio Brosio, Secretary General of NATO. I think I have some idea of what this move by the Senate would mean in Europe; and I would say that stability in Europe is going to be very severely shaken by what the U.S. Senate does. I would go so far as to say it will be shaken whether or not the Mansfield resolution becomes law, because what we are doing here is providing an index to the American commitment.

Like prophets in biblical times, perhaps we have more honor in countries other than our own. But the Senate is viewed with great respect in Europe. The Senate's judgment in this matter is going to be taken very seriously.

Mr. GRAVEL. Mr. President, will the Senator yield at that point?

Mr. MATHIAS. I have agreed to limit my remarks. I am going to speak again. I hope to speak several times before Wednesday. I should just like to provide some listing of the points that I think should be involved in our debate.

Why will stability in Europe be shaken? Because American forces in Europe, in effect, underwrite our nuclear guarantee. This, in the final analysis, is what has kept the peace for more than 20 years. They provide the very foundation for confidence on the part of European governments that there is going to be Atlantic cooperation. I would say that any major withdrawals on our part and, without question, any withdrawals which are decided as a result of our unilateral action, any withdrawals accomplished by our unilateral action, without preliminary consultation with the other NATO nations, will raise very serious doubts both about our intentions and about our reliability. I think that the ripple effect, political and economic, could be very profoundly unsettling to the system of security that we have developed.

Second, I should like to point out that unilateral troop withdrawals by the United States could very gravely affect East-West negotiations—those which are now in progress and those which may be undertaken by various nations. The SALT talks certainly are a part of this, as are negotiations concerning Berlin, mutual and balanced force reductions with Warsaw Pact nations, the Ostpolitik which Chancellor Brandt has courageously set out upon and which we have at least tacitly encouraged up to this point.

Although we are largely an industrial nation today and many of us represent urban industrial States, I think there still are enough horse traders left in the Senate to understand that negotiations involve concessions, mutual concessions. That is the nature of horse trading.

Certainly, if we are cutting our commitment in Europe in half, unilaterally and precipitately, those with whom we negotiate are not going to be inclined to negotiate very seriously. I think that if I were in their shoes, I would forget about negotiating and would attempt to expand my own influence and the scope of my own activities, in the light of a step such as that contemplated by the Mansfield amendment.

Third, let me suggest that no problem in recent months has been more vexing, more troubling, and more concerning to the American people than the problem in the Middle East. The Senate should be under no illusion that the cut contemplated by the Mansfield amendment would not have a direct and consequential effect on the situation in the Middle East. I hope to develop this point in the next few days, but there it is. I think that reductions in American troop strength in Europe would raise very serious doubts in Israel and in Egypt, as well as with our NATO allies, about our future purposes and our future policies.

Fourth, I raise the question as to whether U. S. withdrawals could be compensated by additional European troops. The fact is that three-quarters, 75 percent, of present NATO forces are provided by the European NATO partners. Last year, after tedious and at times painful discussions, the European nations agreed to increase their contribution to NATO defense expenses by a billion dollars during the next 5 years. There is a very real concern as to whether the military muscle could immediately be replaced. But even conceding that argument, even conceding that military muscle could be replaced, I would suggest that even an equivalent recruitment of European forces would in no way substitute for the political significance of U.S. troop presence in Europe as a witness of the continuing U.S. interest in the security of Europe and our own security.

Fifth, I think we should consider that the economies that will be involved here may be very much less than have been supposed. We have two kinds of costs that have to be considered. One is the budget expense and the other is the foreign exchange drain. Budgetary costs of maintaining these troops are no higher in Europe than they are in the United States. The only way to cut the budgetary costs is to demobilize the troops, not merely to bring them back to this country. The Mansfield amendment does not accomplish that purpose. Even if the Mansfield amendment did accomplish that purpose, even if it did not say that 150,000 men should be brought home from Europe, but that 150,000 men should be discharged, we would still have the question of what the wise policy is for the United States in the garrisoning of those troops; and I would think that a very significant number of them still ought to be kept in Europe although our base was smaller.

Keeping troops in Europe, of course, does create an outflow of dollars, and I will return to that point in a moment. But I would point out that there have been offset arrangements; there have been attempts to mitigate this problem. I think there will be further attempts to mitigate the problem. But the most important attempt here is the agreement of the German government to neutralize the outflow damage by keeping the dollars in their reserves and not exchanging them for our gold reserves.

On the question of economics, if we have to decide where our priorities are, the priorities, in my judgment, are so overwhelmingly in favor of the integrity and security of the Atlantic community that I believe we have to place our emphasis on the NATO forces and cannot afford to undercut them by the method provided in the Mansfield amendment.

I want briefly to return to the dollar-outflow question.

I am sorry that the distinguished majority leader is not in the Chamber because I think this is a point that has not been touched on in any argument so far, in support of the Mansfield amendment.

That is the question of, What are we going to do to the economy of the western world if we, in effect, release the German government from its commitment to neutralize the dollars now abroad?

We have about $10 billion in gold. There is outstanding in the world some $60 billion in gold obligations. It does not take any gnome in Zurich to understand the implications of those statistics.

One of the major reasons there has not been a run on the dollar, an overwhelming demand for us to give up our gold reserves, is the commitment of the German Government to neutralize the dollars it holds within Germany. That is not a NATO policy. That is German policy. Other NATO countries are, in fact, cashing in on their dollars—The Netherlands, Belgium, and others. But the Germans, who have an overwhelming number of dollars, have not done that.

If we should act in a manner they feel is irresponsible with respect to troops, they may feel less responsible with respect to protecting the dollar. Therefore, I believe that this question of German cooperation, and the neutralizing effect of our dollars abroad, must be considered in the stark reality in which it exists.

When we talk about economies that can be effective by bringing back 150,000 troops, and we think about the fact of what it costs to keep them here, or to keep them there, and what we think about the result of wrecking the economic stability of the United States, I think the cost of the Mansfield amendment could be very high indeed—far greater than the cost in budgetary or dollar exchange terms under existing conditions.

Mr. President, I am continuing to work on the language of the substitute and shall bring it to the attention of the Senate as soon as I think we have the most comprehensive form in which it can be cast.

EXHIBIT 1

[From the Christian Science Monitor, May 13, 1971]

FIRST THINGS FIRST

We have, of course, the greatest sympathy with the declared purposes of Senator Mike Mansfield's proposal to cut down by half the number of American troops stationed in Europe. But this is no time to do it.

True, the dollar is under pressure. Anything which relieves that pressure is a good thing to do, other things being equal.

And we have no doubt that by and large,

in many parts of the world, the American military establishment could be cut back, and in some cases eliminated entirely, without reducing at all the overall security of the United States, of its friends and of its allies—provided always that the cutting is done prudently and wisely.

But this is a good moment to notice that in spite of one war in Vietnam and the grave danger of another breaking out at any time in the Middle East this is still a remarkably stable world.

To get these times in perspective one should remark not on the fact of one war and the danger of another, but rather on the fact that in the whole of the world there is only one war going on right now and only one serious danger of another.

There are plenty of strains, and tensions and rivalries in the rest of the world. But all of them are under control. There is a general stability which touches most nations and the vast majority of all people living on this earth today.

This is a system. It was put together by the statesmen who have managed the reorganization of the world after World War II. And it is *not* a bad system at all. There have been many worse ones in history.

At the very heart of this system is the present relationship between the United States and Western Europe. Anything that touches that relationship affects the whole system. To touch that relationship carelessly could be disastrous. The whole fabric could be destroyed overnight by damage to that relationship.

If every American soldier stationed in Europe today could be brought home without damaging the essential relationship, then bring them home. But if doubling the number would help that relationship—the deed would be cheap at ten times the price.

But let everyone concerned be terribly careful about the priorities. The first priority, above all else, is the integrity of the American relationship with Western Europe. Protect that, and nothing disastrous will happen. Lose sight of that—and everything accomplished since the big armies settled down in 1945 would have to be done all over again—or worse. To cut U.S. Europe-based troops by half now would be far too dangerous to justify the dollars saved.

Mr. STENNIS. Mr. President, if the distinguished Senator from Maryland has completed his argument, will he yield to me?

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

Mr. STENNIS. I want to thank the Senator for the very fine interest he has shown in this subject. It abruptly came upon us. He has been very diligent in his application to it and very constructive. I thank him as well as commend him for it.

I certainly do agree with the Senator from Maryland, in his remarks at the very beginning, regarding the editorial raising the point of the integrity of this country, as to what we would do in a disruptive way, or in a rather impulsive way and depart from our allies in the NATO Pact without even consultation with them.

I think the Senator is correct when he calls them allies. They are allies, and partners, too. Especially the way they look at it, they are entitled to a conference and to negotiations. It is all right to make demands on them. They also have the right to make demands on us with reference to various points. But certainly the Senator from Maryland makes a very fine point when he says we should not abruptly decide what we are going to do.

We have benefited from the NATO Pact, too. We have contributed greatly to it but we have benefited immeasurably over the years.

Mr. MATHIAS. Does not the distinguished chairman agree with me that, had we borne the total cost of the Atlantic defense in our own selfish interest, it would have been far greater than the cost we have borne as a result of our participation in NATO?

Mr. STENNIS. I heartily agree. We have borne more than our share, that is true.

Mr. MATHIAS. We should reverse it if we can.

Mr. STENNIS. Yes. And we are going to do so, so far as I am concerned, when we can, and in an appropriate way.

Mr. President, I came to the Senate soon after World War II, so that I was here when the matter of the NATO pact first arose. I was here when we passed the first major appropriation for the rehabilitation of Europe and I think it was the finest investment we ever made in international affairs. The NATO pact is part of that.

But time has rocked on, and they have gotten to their feet and they have made their contribution. As the Senator says, there is the question of integrity involved here as to how we are going to arrive at the new quotas.

Mr. MATHIAS. The one irrefutable argument is that it has worked. It has succeeded.

Mr. STENNIS. Yes.

Mr. MATHIAS. I would suggest, Mr. President, that the situation we face, now brings to mind a myth of ancient Greece, Cadmus, and a Cadmean victory. He was the fellow who slew the dragon and when he sowed the dragon's teeth in the ground, warriors sprang up. No one can say what the results of this act will be. One result could be the militarization of Europe again, as American forces left, and the governments of Europe would be under great domestic pressure to increase their armaments.

Mr. STENNIS. I have no doubt of that.

Mr. MATHIAS. They would have to do that for their own selfish reasons, not for purposes of a defensive alliance, but in their own national interest.

On the other hand, they may simply begin to look East, in a different way than contemplated by the Ostpolitik. All sorts of genies could get out of the bottle. I do not believe that we should pull the stopper without very great thought.

Mr. STENNIS. It is the method in the Mansfield amendment that comes into question. Take the little country of Greece, which is small in area and whose economy is not strong. Abruptly to make such a drastic reduction as this would leave those people where they would not know what to do, frankly. As the Senator has said, they have an alternative that might require them to look East. They have done more than their share in manpower, readiness, and in other efforts.

Turkey, too, in the same way has done her share. It would be a terrific job to make the adjustments necessary, should there be a disruption of their ability to conduct their affairs as a result of a reduction of NATO forces. It might make a tremendous difference to them in their internal politics.

All those things have to be measured by someone. We cannot do that here on the floor of the Senate.

I thank the Senator once more for a very fine speech.

Mr. MATHIAS. I thank the distinguished chairman for his generous remarks.

Mr. President, I yield the floor.

Mr. JACKSON. Mr. President, will the Senator from Maryland yield briefly for an observation?

Mr. MATHIAS. I just yielded the floor. If I still have the floor, I am happy to do so.

Mr. STENNIS. I yield to the Senator from Washington.

Mr. JACKSON. I want to compliment and, indeed, commend the senior Senator from Maryland (Mr. MATHIAS) for his brilliant articulation of the reasoning behind the stationing of American troops in Europe.

I know that the Senator from Maryland, who has attended the NATO Parliamentarians' Conferences over the years, has followed closely the problems which we face in the NATO community.

I must say that the Senator from Maryland has, in my judgment, rendered a great service to the country and to the common allies in the way in which he has explained the reasons and, indeed, the great importance of this grand alliance that has worked so successfully. I want to add my voice in commending him for the contribution he has thus made to the country.

Mr. MATHIAS. I am grateful to the Senator from Washington.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

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

Mr. JACKSON. I yield briefly to the Senator from Alaska.

Mr. GRAVEL. Mr. President, I want to take up briefly one point made by the Senator from Maryland. That point concerned the power of the German Government if it chose to cash in its dollars for our gold. Obviously that would precipitate a worldwide depression. I am reluctant to praise this. I think it places an unbelievable amount of power in the hands of the West German nation.

I would like to say that there are weaknesses in the wall that are not apparent to my friend.

I read from an article published in the Washington Post of Wednesday, May 12, 1971. The title of the article is "Washington's Influence in Europe Shrinking Like the Dollar." The article was written by Anatole Shaub.

One paragraph is interesting. It says:

> Indeed, even before the current crisis, the late Karl Blessing, former head of the German Central Bank, publicly expressed regret that he had ever let John J. McCloy, former U.S. High Commissioner in Germany, persuade him to promise never to try to cash dollars into gold.

I thing that shows that there is a galvanization of the differences of opinions in Germany. And if all we have staving off a world depression and throwing this country into total chaos is the

unwritten agreement that this person has already taken to the grave and that others will be taking to the grave, I submit that we are on light and awfully shoddy footing in Germany, economically speaking.

Mr. JACKSON. Mr. President, the Atlantic Alliance has never been an end in itself. But it has unfinished business as an agency of the common defense, a foundation for a genuine European settlement, and as a source of stability in Europe as a pillar of a peaceful international society.

The need for the forces and firmness of the Alliance is as compelling as ever. Today's political leaders—executive and legislative—have solemn duties. A principal task is to maintain those forces and to enhance the will to collaborate in the unfinished work of the Alliance.

This is no time to disintegrate the NATO shield and to demoralize the Western will.

Therefore, Mr. President, I oppose the amendment proposed by the Senator from Montana (Mr. MANSFIELD) requiring that we cut in half the number of American troops stationed in Europe.

I understand and share the feeling of many Americans that, overall, Western Europe is still not making a reasonably proportionate contribution to the common defense effort. I have spoken frankly and bluntly to our allies on this point. Last November I told the North Atlantic Assembly in The Hague that more concrete and substantial progress in burden sharing is essential.

There has recently been some movement in Europe toward sharing more of the burden—no great advance, but progress in the right direction. We should press in particular for greater European offsetting payments on military account. Some NATO countries can clearly increase their force contributions to NATO and further improve the quality of present forces. But, above all, this is a time for steadiness on the part of the United States, not for demoralizing our friends and allies.

These wide-ranging issues require patient, thorough consideration. They cannot be settled in haste here on the Senate floor and still be settled wisely—without even an opportunity for hearings.

If changes in NATO force posture and burden sharing are to be made, they should flow from give and take discussions and decisions by the North Atlantic Council and should be executed with a view to minimizing the danger that their significance will be misinterpreted by the Soviet Union—or by allied governments and publics. This obviously applies with special emphasis to any cutbacks in American combat forces on the Continent.

Since 1966 resolutions have been introduced which in effect call for a substantial reduction of U.S. forces stationed in Europe. Some proponents talked confidently of Senate passage of such a resolution in 1968—at the very moment when Soviet forces invaded Czechoslovakia. There was some sudden back-peddling, and a change in tune, and talk that "the time is obviously not propitious for a substantial reduction of U.S. forces in Europe."

The time is no more propitious today.

The United States is deeply engaged in crucial East-West negotiations on arms control at SALT. The situation in the Middle East is highly explosive, as the Soviets exploit the tragic conflict between Arabs and Jews in pursuit of their priority interest—to multiply their influence in the Mediterranean-African area on the southern flank of NATO.

To those who say we must take risks for peace by smashing up the Western deterrent, I say: "You are not proposing risks for peace, you are proposing a policy that would heighten the risk of confrontation or war. You are risking loss of security or freedom for Americans and our friends throughout the world."

I for one do not want any part in this precipitate and irresponsible move and I shall vote against this amendment.

Mr. President, the American military presence in Europe is the hard nub of the Western deterrent.

The chief purpose of the American troop commitment is political: to leave no doubt in the Kremlin that the United States would be involved, deeply involved, from the outset of a Soviet-inspired crisis or a Soviet move against the NATO area. It needs to be perfectly clear to the Russians that their forces would meet enough American forces to make the crisis a Soviet-American crisis, not just a European one. This means that a token American force is not adequate. It should be an effective American combat force, not just something to be tripped over, but a force capable of putting up a serious fight.

The primary function of NATO's conventional forces, with their vital American component, is to meet an emergency as effectively as they can, posing the continual threat that if the emergency continues and enlarges, the risks of escalation continue and enlarge with it. To perform this function NATO forces capable of containing a sizable, though limited, attack are required. Anything less would be a standing temptation to Soviet probes of allied mettle, and such probes would force the allies to retreat or to engage in brinkmanship, with all the risks either course would involve.

The mishandling by the West of a single emergency could profoundly alter the prospects for stability in Europe. And in an emergency we must be able, without any delay, to put military forces into small confrontations to hold ground, not give it, and thus to improve our diplomatic position. The need is for forces on the ready which can act without unnecessarily difficult political preparations. The ability of NATO to move conventional forces, with a strong American component, in several crises in Berlin was of critical importance in the management of those crises.

Indeed, NATO's conventional power is needed not only to respond to emergencies that Moscow would deliberately contrive, but also to deal with the unforeseeable contingencies that history sometimes contrives—border incidents, upheavals in satellite nations that splash over the line, and so forth.

The sizable cutback of American troops proposed in this amendment would imply a greater reliance on nuclear weapons and their incorporation in military operations at a very early phase of hostilities. Is this what sponsors of the amendment really want? Are they in favor of a one option policy of massive retaliation? Would this serve the best interests of the United States and its allies? Hardly. We must not leave the American President with only the nuclear button in his hand in the event of crises.

The drastic cutback of American troops proposed in this amendment would also lead to a preponderantly large German army on the central European front. Is this what sponsors of the amendment really want? I would have thought they understood that a disproportionately large West German contribution can revive old fears and animosities among smaller West European countries. It can help the Russians to nourish East European fears of Germany, prejudice West Germany's chances of improving its relations with Eastern Europe, and thus delay the working out of a genuine settlement in Europe which advances the legitimate security interests of all nations concerned.

NATO force requirements are designed, of course, not only to contribute to deterrence and defense but also to fortify the diplomatic bargaining position of the West vis-a-vis the East.

A major and as yet unachieved purpose of the Atlantic Alliance is to reach a genuine, stable European settlement with the Soviet Union. Among other things, such a settlement will involve the return of Soviet forces to the Soviet Union. How can the Soviet Government be encouraged to move in this direction? Certainly not by following the line of this amendment and demolishing unilaterally the bargaining position we have worked so long and hard to construct. Clearly, we should sustain our bargaining position and actively pursue acceptance of gradual and balanced reductions in forces on both sides of the Iron Curtain.

Mr. President, I will have more to say on this critical matter over the next few days.

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

Mr. JACKSON. I yield to the distinguished chairman of the Committee on Armed Services.

Mr. STENNIS. Mr. President, first I commend the Senator for his very timely remarks. No Member of this body is more qualified, and not many are as well qualified to discuss with intelligence, depth, and clarity this subject, than the Senator from Washington, and that is exactly what he has done. I was very glad to hear that he will have even more to say in the course of this debate. I think this debate will grow in interest and concern to the Members and to the people of the Nation.

I wish to ask the Senator this question. I do not know how absolute his answer will be, but as a person who has served in the House and in the Senate, and who had followed this matter all through the years, does the Senator consider the NATO Alliance we have had as successful from our point of view as well as the point of view of Western Europe, and just how successful does the Senator consider it?

Mr. JACKSON. I think history will

record that it has been, indeed, the most successful alliance that has ever been put together involving, as it does, a great part of the Western World. The fact that it is successful certainly must be recognized, in that there has been no war in Europe. This fact, in itself, has justified the investment we have made over the years. This alliance has worked. We have avoided war in the Atlantic area, and we all know that at the end of World War II the great hope, the great dream, was to find a way somehow to end the ongoing wars in Europe.

The area of the alliance has been held intact, and surely thoughtful citizens of our country must recognize by now that we are involved in a protracted conflict with the Soviet Union. We must realize it is a protracted and long drawn out series of events, involving both confrontation and negotiation. It would be tragic, when we have succeeded so long and so well to now pull the plug right in the middle of what has been the most successful of all alliances.

Mr. STENNIS. I thank the Senator. Other Senators wish to question the Senator and I shall not take much time, but I do wish to ask one further question.

Even if we should need to withdraw some of these troops, and even if we have done more than what we consider our share, what is the Senator's estimate of the way it is proposed to be done, with regard to the amount of the reduction of 50 percent, and the abruptness of it within 6 months, without further negotiation, but just to pass a mandate, which we have to assume will become law?

Mr. JACKSON. As the Senator knows, there have been no thorough hearings on a drastic amendment of this kind since the last testimony taken in early 1968. I want the record to speak for itself.

The Senate should not be asked to act on a matter of this importance without the most careful examination of its implications by the appropriate substantive committees.

I think it would be most unwise to take this kind of precipitate action, which should also involve consultation with our allies.

And, of course, hopefully we would anticipate that at some time in the future the withdrawal of forces on both sides of the Iron Curtain would come as a result of mutual agreement with the Soviet Union. But if this far-reaching amendment should become law, we would simply do away with any interest on the part of the Russians to ever talk about or negotiate a mutual reduction in forces. We would be throwing away any opportunity for mutual and balanced force reductions on both sides of the Iron Curtain.

I believe that the acceptance of this amendment by the Senate would transcend just the reduction of American forces. Psychologically our allies would begin to despair of us, and the Soviet Union would be taking a new measure of us. I believe they might well come to the conclusion that the United States has had a "tummy full" and that we are ready to pull back on many different fronts, and that if the Soviet Union is patient, they can just wait, and we will unilaterally disarm, to their advantage, to the distress of our allies, and to the peril of this country and the future of individual liberty.

Mr. STENNIS. I thank the Senator very much. I commend him again for his speech and for the answers he has given to my questions.

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

Mr. JACKSON. I am pleased to yield to my very able friend, the Senator from Virginia (Mr. SPONG), who has taken a keen interest in the problems involved here.

Mr. SPONG. Mr. President, I have listened with interest to the able Senator from Washington. If I understand his statement, the Senator from Washington is saying if the Mansfield amendment is adopted and becomes law, it will destroy the credibility of the policy of flexible response that is presently our policy in Europe.

Mr. JACKSON. The Senator is absolutely correct, because the ability to deal with special situations and small confrontations would be limited indeed. The President, in dealing with a crisis less than nuclear, shall we say, could be forced into the most dangerous of all situations—the possible use of nuclear weapons. This amendment would drastically reduce the options, or alternate courses that a President could follow. I think this would be tragic.

The events of the last many years have demonstrated the wisdom of having the capability for a flexible response to deal with the range of situations where the appropriate response is less than a full scale conflict.

Mr. SPONG. Then, the Senator is saying that, in his opinion, half of our present troop strength would not be sufficient, along with those of our allies, to give the President any time to take advantage of the alternate courses of action he has described.

Mr. JACKSON. I believe that the precipitate withdrawal called for in this amendment—which, as I understand, would involve the movement of half of our forces out of Europe by the end of this year, December 31—in itself would be a cause of grave concern, transcending the NATO area. It would leave the world with the impression that we are really "pulling out" in connection with our responsibilities as a great world power. It would have the most serious repercussions on the situation in Western Europe and beyond that situation, in other areas of the world.

Mr. SPONG. The Senator from Washington has referred to the address he made at The Hague, which I heard, calling upon the NATO allies for a greater contribution financially than they have made in the past.

In his remarks this afternoon, he acknowledges that some progress in that direction has been made. It is the opinion of the Senator from Virginia that not enough progress has been made. I assume, as a result of the introduction of and the debate on the Mansfield amendment and the Mathias substitute, some expression from this body will be forthcoming as part of this legislation.

I note that in the Mathias substitute there is no mention of increased financial participation by the NATO allies. I would like to ask the Senator from Washington if he is inclined to agree with me that any expression from this body, since we are debating it in full, should call for greater financial participation by our NATO allies?

Mr. JACKSON. I believe that we should, in the strongest way appropriate, express our concern over adequate financial contributions on the part of our allies in the work that this country is doing in maintaining a strong force in Western Europe.

What I am concerned about, and what is so difficult to get over to the people of this country, is the urgent need for a strong American presence on the continent of Europe. I believe that is at the heart of the problem.

There can be some cuts in American personnel in Europe. I do not want to leave the impression that I am opposed to any cuts. I am opposed to substantial cuts. There can be some selective cuts in the American presence in Europe.

I believe the crucial part of the West's deterrent capability in Europe relates to the American presence.

If we pull a large part of the American force out of Europe, what then results is a situation that is going to compound the problem. We are, in effect, furthering the preponderance of the German presence in Europe. As I emphasized in my main remarks, is this what our people want? Is this what Europe wants? I think that would be unfair to the West Germans, and I think it would hurt the unity of the alliance.

If we can work out the right kind of financial arrangements, it is more economical to have a strong force of ground troops based in Europe than to have a dual basing concept.

Under the dual basing concept we would withdraw a large part of our forces from Europe and have them stationed in the United States. But the investment in bases and equipment on that basis would be substantial.

If we can lick the problem of the financial cost of having a strong American force in Europe, and take care of the balance-of-payments problem—incidentally, out of the $14 billion total cost of U.S. general purpose forces oriented toward Europe, only something like $1 billion constitutes a balance-of-payments problem—that would be better than having those forces in the zone of the interior in the United States—unless it is believed that we should no longer support the alliance. For if we support the alliance, then we have to have the capability of returning those forces to Europe in time of crisis.

I feel very firmly about the importance of the American presence in Europe, which in itself is the very heart of an effective deterrent, so that, if the Russians contemplate moving or do move, it becomes not a Russian-European crisis but a Russian-American crisis. That is what makes the deterrent work.

Mr. SPONG. I thank the Senator from Washington. The Senator from Virginia believes that the cut proposed is too great to be done in such a short time. I believe some reductions may be in order. I foresee a decade of conventional

confrontation with the Russians in Europe and in the Middle East.

I agree with the Senator from Washington that there must be some American presence to deter Russia—they will have no hesitancy in pushing wherever they believe it will work to their advantage.

Mr. JACKSON. It would be the "salami" theory—take one slice at a time, with no one slice serious enough to involve nuclear war. This is why there must be the capability for a flexible response, to deter and deal with those slices that they would like to cut off from Western Europe.

Mr. SPONG. I also believe, after attending three or four NATO conferences, where often it has sounded like a record being played over and over insofar as expressing the need for further financial participation by our NATO allies is concerned, that there should be an expression from this body that we expect increasing financial participation on the part of our NATO allies to help with the troop commitment we have.

Mr. JACKSON. I think a resounding vote in the Senate on the point the Senator from Virginia has raised, which is the key point, would be most helpful in the long run, in strengthening the alliance, by providing the kind of signal to our friends that this they must do in order to maintain an adequate American presence.

Mr. SPONG. I thank the able Senator for the benefit of his views, based upon years of experience with NATO.

Mr. JACKSON. I thank the Senator from Virginia for his great contributions, over the years, to strengthening NATO, and his active participation in the work of the North Atlantic Assembly and in the deliberations of that body.

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

The PRESIDING OFFICER (Mr. MATHIAS). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

ORDER FOR WAIVER OF GERMANENESS RULE TODAY

Mr. BYRD of West Virginia. Mr. President, under the circumstances which govern today with respect to the unfinished business before the Senate, I ask unanimous consent that the operation of the Pastore germaneness rule be waived for the remainder of today.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

THE DOLLAR CRISIS

Mr. BYRD of Virginia. Mr. President, the Senate Finance Committee met today in private session with Secretary of the Treasury John Connally, in connection with the dollar crisis.

I was impressed with the frankness of Mr. Connally.

While the session was an off-the-record one, I feel that I can say that the Senator from Virginia and the Secretary of the Treasury are in agreement on the basics involved.

One does not need to be an expert on high finance to know that the dollar is becoming less valuable throughout the world. Every housewife knows that it is taking more and more dollars to supply the family.

In my judgment, the continued deficit spending by the Federal Government has cheapened the dollar and made it a less desirable currency.

I see very little likelihood of a dollar panic or formal devaluation of the dollar by the U.S. Government.

But the dollar has devaluated itself and will continue to decline in value until the Government puts its financial house in order.

The dollar decline, I feel, is the direct result of Government policy.

The facts show that, during the 1-year period from May 1970 to May 1971, the national debt increased by $25 billion—and will increase another $25 billion by this time next year.

The facts show too, which facts I placed in the record of the committee hearing this morning, that, during the last 3 years of President Johnson's administration, the accumulated Federal funds deficit was $49 billion; and for the first 3 years of President Nixon's administration, the accumulated deficit will be $62 billion.

During those 6 years alone, the accumulated deficit will be $111 billion.

Such huge deficit spending means that Americans are headed for more and more inflation, which means that it will take more and more dollars for the individual family to meet the necessities of life.

In the United States we have $1 trillion worth of life insurance owned by the citizens of our Nation. We have retirement plans and pension benefits. As the dollar reduces itself in value, all of these will be vitally affected—and adversely affected.

As the dollar loses its purchasing power, the average citizen, the housewife, the wage earner, and the social security recipient—all are the losers.

The dollar is weakening and, I feel, will continue a gradual decline until the Government embarks upon a sound fiscal program.

Now, Mr. President, I ask unanimous consent to have printed in the RECORD a table from the Office of Management and Budget entitled "Deficits in Federal Funds and Interest on the National Debt, 1961–1972."

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

DEFICITS IN FEDERAL FUNDS AND INTEREST ON THE NATIONAL DEBT, 1961–72

[In billions of dollars]

	Receipts	Outlays	Deficit (—)	Interest
1961	75.2	79.3	—4.1	9.0
1962	79.7	86.6	—6.9	9.2
1963	83.6	90.1	—6.5	10.0
1964	87.2	95.8	—8.6	10.7
1965	9.09	94.8	—3.9	11.4
1966	101.4	106.5	—5.1	12.1
1967	111.8	126.8	—15.0	13.5
1968	114.7	143.1	—28.4	14.6
1969	143.3	148.8	—5.5	16.6
1970	143.2	156.3	—13.1	19.3
1971 [1]	139.1	164.7	—25.6	20.8
1972 [1]	153.7	176.9	—23.2	21.2
12-year total	1,323.8	1,469.6	145.9	168.4

[1] Estimated figures.

Source: Office of Management and Budget.

Mr. BYRD of Virginia. Mr. President, this table shows that while receipts more than doubled from fiscal year 1961 as compared with fiscal year 1972, the outlays more than doubled during that period of time. The accumulated deficits totaled $145,900,000,000, and the accumulated interest charges during that period of time, 1961–72, totaled $168 billion.

Mr. President, I also asked unanimous consent to have printed in the RECORD a table from the Office of Management and Budget entitled "Federal Taxes and Spending—(All Years Are Fiscal Years, July 1–June 30)." The figures are for fiscal years July 1, 1968, through 1972.

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

FEDERAL TAXES AND SPENDING

[All years are fiscal years, July 1–June 30]

Fiscal year	1968	1969	1970	1971 (estimate)	1972 (estimate)
Federal fund receipts (in billions):					
Individual income taxes	$69	$87	$90	$88	$94
Corporate income taxes	29	37	33	30	37
Subtotal (income taxes)	98	124	123	118	131
Excise taxes (excluding highway)	10	11	11	11	11
Estate and gift	3	4	4	4	5
Customs	2	2	2	2	2
Miscellaneous	3	3	3	4	4
Total Federal fund receipts	116	144	143	139	153
Federal fund expenditures (in billions): Total outlays	$143	$149	$156	$164	$176
Federal fund deficits (—): Total deficits	—27	—5	—13	—25	—23
Trust fund receipts (in billions): Total receipts	38	44	51	55	64
Trust fund outlays (in billions): Total outlays	36	36	40	48	53
Trust fund surpluses: Total surpluses	2	8	11	7	11
Unified budget surpluses or deficits (—): Total net surplus or deficit (—)	—25	3	—2	—18	—12

Note: Trust fund totals consist mainly of social security contributions and payments.

Source: Office of Management and Budget.

QUORUM CALL

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

The PRESIDING OFFICER (Mr. MATHIAS). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

ORDER FOR ADJOURNMENT TO 10 A.M.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until 10 a.m. tomorrow.

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

THE MILITARY SELECTIVE SERVICE ACT

The Senate continued with the consideration of the bill (H.R. 6531) to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes.

Mr. COOPER. Mr. President, it is not often that I differ with the distinguished majority leader, Senator MANSFIELD, on questions concerning foreign policy. He is universally respected for his integrity and judgment. But on this issue—the reduction of U.S. forces in the NATO alliance without any corresponding reduction of Soviet forces—I must differ with the majority leader and oppose his amendment.

Senator MANSFIELD'S amendment to reduce U.S. forces committed to NATO has raised a fundamental question. It is a fundamental question that affects the basic security of this country. The amendment to cut U.S. forces by 150,000 troops poses a serious challenge to the strength and indeed the future existence of the NATO alliance and to the security of the United States.

What is at issue is whether continued U.S. military support of the NATO alliance is in the U.S. interest. What is also at issue is whether the policy of deterrence—to prevent war with the Soviet Union, to prevent a nuclear war—that has evolved since the end of World War II will remain in force.

Senator MANSFIELD has raised valid questions about the cost of U.S. participation in NATO. Also, it is a valid question whether the actual contribution to NATO made by our European allies is a true reflection of their economic capabilities and their security concerns.

We cannot minimize the cost the United States has paid and continues to pay to keep the NATO alliance strong. Over 3 years ago, in preparing a report for the Military Committee of the Atlantic Assembly, I obtained an estimate of the cost of NATO to the United States from an analysis made for me by the Department of Defense. For the first time, it was revealed publicly that the manpower—ground, air, naval—materiel and all attendant costs of the NATO mission in Europe, in the United States and on the sea, is about $14 billion a year—$3 billion of this $14 billion is for direct support of the approximately 250,000 military personnel we now have in Western Europe. If the cost of the 6th Fleet is included, the actual operating costs for our forces and dependents in Europe is about $1 to $8 billion. The remainder is for forces stationed in the United States, for ships and airpower positioned in the United States and in the Atlantic and elsewhere, which, in the event of a war in Europe would be sent to reinforce NATO forces.

Mr. President, this figure of $14 billion has been referred to loosely. I must emphasize that the cost includes not only those ground forces in Europe but also the fleet, and all land, naval, and air forces in Europe, in the United States, and on the high seas which are given a NATO mission.

But, as others have pointed out in this debate, and this must be emphasized—the forces cost to the United States would be reduced little, if at all, by the withdrawal of the forces proposed by the amendment before us, unless they were discharged from service.

If we consider the NATO military alliance as necessary for deterrence, as a means of assisting in the prevention of war and a nuclear war and thus necessary for the security of the United States—and I do not believe this concept can be successfully challenged—then we must consider our cost in relation to that of our allies. The U.S. contribution of $14 billion to the NATO mission is more than matched by the amounts spent by our NATO partners which is over $22 billion annually.

As for manpower, our allies supply by far the largest share, 20 divisions while the United States provides 4 and one-third divisions. The combined gross national product of Western Europe is somewhat smaller than that of the United States. Its total population is about one-third larger than the United States. In almost every respect I do not think that it can be argued that the Europeans have not made a substantial contribution to the NATO alliance. And now, since, and largely because of, the announcement of President Nixon of his desire to maintain U.S. strength in Europe and because of his determined efforts and that of Secretary Rogers in the NATO Council and of Secretary Laird, our NATO partners are strengthening their military capabilities and contributing larger sums to the alliance.

The Mansfield "sense of the Senate" resolutions of past years, even though not acted upon by the Senate or the House, have had good effect in urging upon our NATO allies in Europe the necessity of taking the action of improving qualitatively their active forces and reserves, of making contributions to infrastructure solely as English and European undertakings. Our allies are taking these steps today. I believe the passage of this resolution would only serve to undercut the common action of the United States and our allies in strengthening the NATO position and an immensely important objective I now want to discuss.

The joint effort of the United States and our NATO allies now positively underway is to provide greater assurance that conventional war and above all, a nuclear war, will continue to be deterred.

Prior to the present program of strengthening qualitatively NATO forces and improving defense facilities and infrastructure, NATO recognized its inability to stand for any length of time against well armed Soviet and Warsaw Pact forces possessing a capability of speedy mobilization and reinforcement. NATO relied upon the so-called trip wire strategy—that is the strategy of meeting a Warsaw Pact attack by the use of tactical nuclear weapons, a situation which all agree would rapidly escalate into all out nuclear war.

Four years ago NATO adopted the strategy of flexible response which had as its purpose a lessening of the likelihood of any kind of war, conventional, tactical, or strategic. It was determined that NATO conventional forces should be strengthened to resist any probable attack. Over the past 3 years, and particularly in the last year, significant qualitative improvements have been made. Deficiencies remain, but NATO's deterrent role has been considerably strengthened.

If the forces proposed in the amendment before us should be removed, together with their equipment, the result would be a thin "trip line" across Europe and even an increase in our allies' forces could not fill the gap left by U.S. departure. There is no question that a reversion to the "trip wire" strategy which would inevitably follow might cost the United States less in dollars than we spend today, but it would increase the danger of a nuclear war.

I am concerned about the nuclear arms race and all its wasteful costs. All of us are concerned that it will result in an instability that will weaken the present nuclear deterrent and will make nuclear war more likely.

In a very important way, the SALT talks will tell us the direction of our future security. The SALT talks are an attempt by the two great superpowers to institutionalize a new concept of security. That new concept is parity, or as President Nixon has defined it, sufficiency. It is based on the belief that neither superpower can achieve a significant superiority in destructive power over the other. It is a belief that any new developments in technology can be matched, and that neither side can produce enough weapons, no matter how powerful, to overcome the other. The SALT talks are unique in the history of the world because if they are successful neither side will gain any strategic advantage, and both sides will greatly benefit. If the talks are successful, the great stockpiles of weapons whose destructive force is equivalent to that of 15 tons of TNT for every person on earth can be reduced, equally on both sides, to considerably less than each side now possesses.

I want to make an analogy with our

situation in NATO. In Europe the NATO and Warsaw Pact forces are now at parity. There is a balance in manpower and weaponry. Neither side has enough superior strength in any category—men or material—which cannot be matched by the other side.

I realize, of course, that the Warsaw Pact countries, because of their central position and because the Soviet Union, whose territory is immediately adjacent, can more readily reinforce their present forces than could the United States.

Mr. President, I ask unanimous consent to have printed in the RECORD as an appendix to this statement the comparative forces of the NATO and Warsaw Pact. I think these tables will show that it is unlikely that either side would launch an attack. It is unlikely because the military facts are such that the result would be, at best, stalemate, and at worst, complete annihilation on both sides, or indeed the entire world.

The PRESIDING OFFICER (Mr. BYRD of Virginia). Without objection, it is so ordered.

(See exhibit 1.)

Mr. COOPER. Mr. President, the United States relies upon the NATO alliance because we do not have the strength to remain secure by ourselves. There is no alternative, except to join with the Western European countries in a common effort to deter war. With our allies, the combination of our joint wealth, manpower, and military forces, provides for the United States and Western Europe a balance which more than matches the power and the economic resources of the Soviet Union and its allies. Given the existing military strength and economic resources of the Soviet Union and its allies, it is in our interest to have a strong NATO.

By this, I do not mean reductions cannot be made. But, if NATO reduces its forces, it must do so under two conditions—conditions that seem to me reasonable. If we are at parity now with the Warsaw Pact, reductions that are made in NATO should be made mutually by both superpowers. Comparable reductions would have to be made by the Warsaw Pact forces.

There is much talk about the possibility of a mutual reduction of forces in Europe. If the United States withdraws its forces unilaterally and effects a unilateral disarmament of NATO, I see very little possibility that the Soviet Union would consider a reduction of its own forces.

And, second, it only makes sense to make no unilateral reductions unless they are a result of a joint decision of all the NATO allies.

I do not know, and none of us knows Soviet intentions. It seems unlikely that a sensible government would take military action that could lead to war and nuclear war. But we do remember Czechoslovakia, we see the growing strength of Soviet conventional and strategic forces, and Soviet movement into the Midwest and Mediterranean. We know that NATO must have had effect in deterring action in Europe.

We should recall that in 24 hours the Soviet Union moved 24 divisions into Czechoslovakia including an airborne division. It did this overnight and snuffed out a hope—I hope it is not the last hope of freedom and independence in that country. At the same time the Soviet Union proclaimed a new doctrine in international history and law, that it had authority to intervene in any of the so-called socialistic countries. How that doctrine might be extended, we have no way of knowing.

I am hopeful at this time when the Soviet Union and the United States are encouraged in negotiations to halt the strategic nuclear arms race; at a time when intiatives are being taken toward a settlement of issues which have caused tension and threatened the peace in Europe, as evidence by West German efforts toward a treaty with the Soviet Union and Poland and bettering relations with East Germany; and at a time when the four powers are attempting to settle the difficult questions concerning Berlin; at a time when the countries of Europe are moving toward greater unity we will not take this step toward disunity, toward a "trip wire" nuclear strategy, toward a lessening of our security.

For these reasons, I cannot support Senator MANSFIELD's amendment, and I would urge the Senate to continue its support of the NATO alliance at its present levels, until such time as mutual reductions of forces by the two opposing pacts can be made. I think greater efforts should be directed toward this end, but, in the meantime, I believe the present course to be the correct one.

In my view, NATO is vital to American security. In the present day in Vietnam, we are engaged in a war and in an area which I do not believe is vital to our security. The Congress and the country desire to get out of the entanglement of Vietnam, with its cost in lives and treasure. We are extricating ourselves from that tragic involvement, but we should not unwisely withdraw from an alliance which has brought us security in the past and which continues to have meaning now.

I consider the maintenance of our present position in NATO under all these conditions an instrument of peace.

EXHIBIT 1

APPENDIX I

TABLE 1.—WORLDWIDE NATO AND THE WARSAW PACT, MID 1970

	NATO [1]	Warsaw pact
Manpower:		
Army	3,360,500	2,822,000
Navy	1,029,500	529,500
Air Force	1,340,250	574,000
Total men	5,730,250	3,925,500
Combat aircraft	10,074	12,535
Nominal combat aircraft value	$30,600,000,000	$19,200,000,000
Total Defense budget	$75,526,000,000	[2] $47,158,000,000

[1] Excludes U.S. manpower, combat aircraft, and portion of Defense budget dedicated to Vietnam. Includes France.
[2] At U.S. prices. That is, the United States could "buy" the Warsaw Pact Forces—pay the men at our pay scales and build the equipment in our own factories—for about $47,200,000,000 per year.

TABLE 2.—WORLDWIDE NATO AND WARSAW PACT FORCES, OCTOBER 1968

[Excluding United States increases for Vietnam]

	NATO	Warsaw Pact
Manpower:		
Army/Marines	3,000,000	2,850,000
Navy	1,070,000	470,000
Air Force	1,400,000	880,000
Total men	[1] 5,470,000	4,200,000
Tactical aircraft:		
Total inventory	11,500	9,000
Nominal inventory value	$27,000,000,000	[2] $16,000,000,000
Total Defense budget	[3] $75,000,000,000	[4] $50,000,000,000

[1] This total includes the forces of France.
[2] Approximate.
[3] Does not include United States costs for Vietnam.
[4] At U.S. prices. That is, the United States could "buy" the Warsaw Pact Forces—pay the men at our pay scales and build the equipment in our own factories—for about $50,000,000,000 per year.

TABLE 3.—THE MILITARY BALANCE BETWEEN NATO AND THE WARSAW PACT, 1970

Ground formations	Northern and Central Europe			Southern Europe		
	NATO	Warsaw Pact	(Of which U.S.S.R.)	NATO	Warsaw Pact	(Of which U.S.S.R.)
CATEGORY						
Ground forces available to commanders in peacetime (in division equivalents):						
Armored	8	31	19	6	12	3
Infantry, mechanized and airborne	16	38	21	28	22	3
Manpower (in thousands):						
Combat and direct support troops available	580	900	585	525	370	74
Tanks: Medium/heavy tanks available to commanders in peacetime	11,000	14,000	8,000	2,100	5,000	1,400
Air forces: Tactical aircraft in operational service:						
Light bombers	16	240	200		30	30
Fighter/ground attack	1,400	1,300	1,000	600	200	50
Interceptors	350	2,000	900	250	850	450
Reconnaissance	400	400	300	100	100	40

TABLE 4.—THE MILITARY BALANCE BETWEEN NATO AND THE WARSAW PACT, 1969

Ground formations	Northern and Central Europe			Southern Europe		
	NATO	Warsaw Pact	(Of which U.S.S.R.)	NATO	Warsaw Pact	(Of which U.S.S.R.)
CATEGORY						
Ground forces available to commanders in peacetime (in division equivalents):						
Armored	8	30	19	6	11	3
Infantry, mechanized and airborne	16	35	20	27	23	4
Manpower (in thousands):						
Combat and direct support troops available	600	925	600	525	375	100
Tanks: Medium/heavy tanks available to commanders:						
In peacetime	5,250	12,500	8,000	1,800	4,600	1,300
Air forces: Tactical aircraft in operational service:						
Light bombers	50	260	220	----------	60	60
Fighter/ground attack	1,150	1,285	820	550	215	105
Air forces: Tactical aircraft in operational service:						
Interceptors	450	2,000	885	300	860	295
Reconnaissance	400	250	220	125	50	40

APPROXIMATE STRENGTHS OF MILITARY FORMATIONS

Country	Division (in men)			Infantry brigade (in men)	Squadron (in aircraft)		
	Infantry	Armor	Airborne		Bomber/fighter-bomber	Fighter	Transport
United States	16,000	15,500	13,500	4,000–5,000	12–15	18–25	16
Soviet Union	10,000	8,250	7,000	2,000	9–10	10–12	8–10
China	12,000–14,000	10,000	6,000	3,000	9–10	10–12	8–10
Britain	12,000–15,000	12,000–15,000	----------	4,000–6,000	8–10	12–14	9–12
France	14,000	16,000	14,000	3,500–4,000	4–12	12–15	16
Germany (West)	15,500	14,500	----------	3,000–4,000	15–20	15–20	12–18

Sources: Department of Defense, Office of Systems Analysis; The Military Balance, 1970–71, Institute of Strategic Studies, London.

APPENDIX II

TABLE I.—NATO AND WARSAW PACT FORCES (CENTER REGION) MID-1970

	NATO	Warsaw Pact
Land forces—M-Day:		
Divisions	[1] 22	[2] 45
Manpower in divisions	319,000	384,000
Manpower in divisions forces	725,000	591,000
Riflemen (NATO as percent of Pact)	98	----------
Equipment (NATO as percent of Pact):		
Tanks	[3] 85	----------
Antitank weapons	150	----------
Armored personnel carriers	130	----------
Artillery and mortars (number of tubes)	[4] 100	----------
Divisional logistic lift	150	----------
Total vehicles	135	----------
Engineers (percent)	137	----------
Tactical air forces:		
Combat aircraft	2,000	2,500
Percentage of force by mission deployed in Europe	20	40
Percentage of force by mission capability (Center Region):		
Primarily interceptors	10	42
Multipurpose fighter/attack	48	15
Primarily attack	9	6
Reconnaissance	13	8
Low performance	20	29
Total (percent)	100	100

[1] Includes 5 French divisions.
[2] 22 of which are Soviet, and 23 of which are East European, including 8 Czech.
[3] NATO tanks are generally more modern. The "relative weakness" in tanks reflects NATO's essentially defensive role.
[4] NATO is likely to have superior firepower because of the greater lethality of its ammunition and the logistic capability to sustain higher rates of fire.

Note: Effectiveness—NATO has some superiority in sophistication of equipment, (i.e. payload loiter capability) the capability of its aircrews, which have in general higher training standards and fly more hours, and the versatility of its aircraft. The NATO countries also have a world wide inventory of aircraft far greater than that of the Warsaw Pact and in a situation where total reinforcement can be taken into account would have the greater capabiiity.

TABLE II.—CENTER REGION NATO AND WARSAW PACT FORCES, MID-1968 DATA [1]

	NATO [2]	Warsaw Pact [3]
Land forces—M-Day		
Divisions	28⅔	46
Manpower in divisions	389,000	368,000
Manpower in divisions forces	677,000	619,000
Riflemen (NATO as percent of Pact)	100	----------
Equipment (NATO as percent of Pact):		
Tanks	60	----------
Antitank weapons	150	----------
Armored personnel carriers	130	----------
Artillery and mortars (number of tubes)	100	----------
Divisional logistic lift	150	----------
Total vehicles	135	----------
Engineers (percent)	137	----------
Tactical air forces:		
Number of deployed aircarft	2,100	2,900
Percentage of force by mission deployed in Europe	20	4
Percentage of force by mission capability (Center Region):		
Primarily interceptors	10	42
Multipurpose fighter/attack	48	15
Primarily attack	9	6
Reconnaissance	13	8
Low performance	20	29
Total (percent)	100	100
Effectiveness indicators (NATO as percent of pact):		
Payload	280	----------
Typical loiter time	[4] 250–500	----------
Crew training	180	----------

[1] These data relate to the situation prior to the Czechoslovakian crisis. Revised figures have not yet been established but they are unlikely to make a significant difference in the rough balance portrayed in this table. Center region includes West Germany, Belgium, Netherlands, and France for NATO; East Germany, Poland, and Czechoslovakia for the Pact.
[2] Includes 5 French divisions.
[3] 22 of which are Soviet, and 24 of which are East European, including 8 Czech.
[4] Range depends on tactical mission profile assumed.

TABLE III–A.—MEDIUM-HEAVY TANKS AVAILABLE TO COMMANDERS, MID-1970

	NATO	Warsaw Pact	(Of which U.S.S.R.)
Northern and Central Europe: In peacetime	11,000	14,000	8,000
Southern Europe: In peacetime	2,100	5,000	1,400
Total Europe: In peacetime	13,100	19,000	9,400

TABLE III–B.—MEDIUM-HEAVY TANKS AVAILABLE TO COMMANDERS [1] 1968–69

	NATO	Warsaw pact	(Of which U.S.S.R.)
Northern and Central Europe:			
In peacetime	4,800	11,500	6,000
After mobilization of 1st-line reserves	6,100	14,600	6,750
Southern Europe:			
In peacetime	1,600	4,300	1,100
After mobilization of 1st-line reserves	1,800	5,500	2,600
Total Europe:			
In peacetime	6,400	15,800	7,100
After mobilization of 1st-line reserves	7,900	20,100	9,350

[1] NATO is estimated to have on average some 50 percent more antitank weapons.

Sources: Department of Defense, Office of Systems Analysis. The Military Balance, 1970–71 Institute of Strategic Studies, London.

APPENDIX III

U.S. military personnel in EUCOM—1950–70—As of Dec. 31

1950	145,000	1956	398,000
1951	346,000	1957	393,000
1952	405,000	1958	380,000
1953	427,000	1959	380,000
1954	404,000	1960	379,000
1955	405,000	1961	417,000
		1962	316,000
		1963	380,000
		1964	374,000
		1965	363,000
		1966	366,000
		1967	337,000
		1968	316,000
		1969	300,000
		1970 (June)	300,000

SOURCES.—Department of Defense, Office of Systems Analysis; The Military Balance, 1970–71, Institute of Strategic Studies, London.

1.—ESTIMATES OF COMPARATIVE STRATEGIC STRENGTHS UNITED STATES AND SOVIET UNION

(A) NUCLEAR STRIKE FORCES

Category	United States Type	United States Number	Soviet Union Type	Soviet Union Number
Land-based missiles:				
ICBM	LGM–25C Titan 2	54	SS–7 Saddler	220
	LGM–30B Minuteman 1	990	SS–8 Sasin	
	LGM–30F Minuteman 2		SS–9 Scarp	240
	LGM–30G Minuteman 3	10	SS–11	800
			SS–13 Savage	40
IRBM			SS–5 Skean	100
MRBM			SS–4 Sandal	600
SRBM	MGM–31A Pershing	(250)	SS–1b–d Scud A–C	(300)
	MGM–29A Sergeant	(500)	SS–12 Scaleboard	
Cruise missiles			SSC–1 Shaddock	(100)
Sea-based missiles:				
SLBM (nuclear subs)	UGM–27B Polaris A2	208	Serb	45
	UGM–27C Polaris A3	448	SS–N–6	160
SLBM (diesel subs)			Sark	75
Cruise missiles (subs)			Shaddock	310
Cruise missiles (surface vessels)			do	52
Aircraft:				
Long-range bombers	B–52 C–F	250	Mya–4 Bison	40
	B–52 G/H	255	Tu–20 Bear	100
Medium-range bombers	FB–111	35	Tu–16 Badger	[b] 500
Strike aircraft (land-based)	F–105D	(1,200)	Tu–22 Blinder	(1,000)
	F–4		Yak–28 Brewer	
	F–111A/D		Su–7 Fitter	
	A–7D		Mig–23 Foxbat [c]	
Strike aircraft (carrier-based)	A–4	(900)		
	A–6A			
	A–7A			
	RA–5C			

2. MAJOR NUCLEAR DELIVERY VEHICLES 1970

(a) MISSILES (UNITED STATES OF AMERICA)

Category [a] and type	Propellant [b]	Maximum range [c] (statute miles)	Estimated warhead yield [d]	In service
ICBM:				
LGM–25C Titan 2	SL	7,250	5–10 MT	1962
LGM–30B Minuteman 1	S	7,500	1 MT	1962
LGM–30F Minuteman 2	S	8,000	1–2 MT	1966
LGM–30G Minuteman 3	S	8,000	3X200 KT	1970
SRBM:				
MGM–31A Pershing	S	460	KT range	1962
MGM–29A Sergeant	S	85	KT range	1962
SLBM:				
UGM–27B Polaris A2	S	1,750	800 KT	1962
UGM–27C Polaris A3	S	2,880	1 MT / 3X200 KT [e]	1964

(b) MISSILES (UNION OF SOVIET SOCIALIST REPUBLICS)

Category [a] and type [f]	Propellant [b]	Maximum range [c] (statute miles)	Estimated warhead yield [d]	In service
ICBM:				
SS–7 Saddler	SL	6,900	5 MT	1961
SS–8 Sasin	SL	6,900	5 MT	1963
SS–9 Scarp	SL	7,500	20–25 MT [g]	1965
SS–11	SL	6,500	1–2 MT	1966
SS–13 Savage	S	5,000	1 MT	1968
IRBM [h]: SS–5 Skean	SL	2,300	1MT	1961
MRBM [i]: SS–4 Sandal	L	1,200	1 MT	1959
SRBM:				
SS–1b–d Scud A–C	SL	50–500	KT range	1957
S–12 Scaleboard	SL	500	MT range	[j] 1969
Cruise missile: SSC–1 Shaddock	J	290	KT range	1962
SLBM:				
Sark [k]	SL	350	MT range	1961
Serb	SL	750	do	1964
SS–N–6	SL	1,750	do	1969

(c) EUROPEAN THEATRE NUCLEAR WEAPONS

NATO has some 7,000 nuclear warheads, deliverable by a variety of vehicles, some 2,250 in all, aircraft, short-range missiles and artillery. There are also nuclear mines. Yields are in the kiloton and subkiloton range. The ground based missile launchers and guns are organic to formations down to divisions and are operated both by American and allied troops, but in the latter case under double key. The figure for Soviet warheads is probably about 3,500, delivered by roughly comparable aircraft and missile systems. Some of the delivery vehicles, but not the warheads, are in the hands of non-Soviet Warsaw Pact forces.

This comparison of nuclear warheads must not be looked at in quite the same light as the conventional comparisons preceding it, since on the NATO side the strategic doctrine is not and cannot be based on a use of such weapons on this sort of scale. These numbers were accumulated to implement an earlier, predominately nuclear, strategy and an inventory of this size now has the chief merit of affording a wide range of choice of weapons, yield and delivery system if controlled escalation has to be contemplated. A point that does emerge from the comparison however is that the Soviet Union has the ability to launch a battlefield nuclear offensive on a massive scale if she should choose, or to match any NATO escalation with broadly similar options.

Sources: Department of Defense, Office of Systems Analysis. The Military Balance, 1970–71, Institute of Strategic Studies, London.

(d) SUMMARY OF U.S.–U.S.S.R. STRATEGIC FORCE POSTURE, OCTOBER 1970

	United States		U.S.S.R.[1]		
Delivery vehicle	Number	Approximate yield (megatons)	Type	Approximate number	Approximate yield (megatons)
ICBM's (fixed land based):					
Titan	54	>5	SS–9	[2] 260	25
Minuteman	[3] 1,000	1	SS–11, 13	[4] 800	1
			Old models	220	>1
ICBM total	1,054			[5] 1,280	
SLBM's on nuclear subs	[6] 656	1		[7] 238	1
Missile total	1,710			1,518	
Intercontinental bombers:					
B–52, FB–111	[8] 550	([9])	Bison and Bear	[8] 150	([9])
Delivery vehicle total:	[10] 2,260			[10] 1,668	

[1] The Soviet force levels were obtained from Secretary Laird's fiscal year 1971 defense program and budget, February 1971, updated by more recent DOD statements and allowances for construction in February.

[2] About 40–50 more SS–9 launchers are under construction. The SS–9 has been tested with 3 MRV's each with a yield capability of 5 megaton. The SS–9 could launch a FOBS instead of simple ballistic re-entry vehicles, but the yield would be much less than 25 megaton.

[3] 50 percent of Minutemen are being converted to carry 3 MIRV's.

[4] About 100 additional SS–11's and SS–13's are under construction. The SS–11 has been tested with 3 MRV's.

[5] Soviets are presently adding about 50 SS–9 and 100 SS–11 and SS–13 launchers per year.

[6] Some Polaris SLBM's carry 3 MRV's with a total yield somewhat less than 1 megaton. United States is replacing Polaris missiles with Poseidon carrying 10 MIRV's on 31 subs; 8 subs now in shipyards and first goes to sea January 1971.

[7] U.S.S.R. has additional 15 subs with total 241 SLBM's under construction; and is capable of continued construction of 6–8 Polaris type subs per year. The Soviets have additionally diesel subs with SLBM's and cruise type missiles which are not believed to be primarily for strategic targets in the United States.

[8] No additional bomber deployment occurring; United States developing B–1 as replacement for B–52. The Soviets have medium range bombers and the U.S. carrier based and tactical aircraft not designed primarily for strategic use against the United States and the United Soviet Socialist Republic. Both the United States and the United Soviet Socialist Republic have additional aircraft configured as tankers.

[9] Megatonnages for bombers not included since this varies from mission to mission, but United States has a substantial advantage in total bomber payload capability. If included in the overall total megatonnage, the U.S. total would be equal or greater than that of the United Soviet Socialist Republic.

[10] The United States would have a total of more than 4,200 nuclear weapons (warheads and bombs) and the United States Socialist Republic, 1,950. The United States total will rise to nearly 10,000 by the mid 1970's.

Source: The Department of Defense. Federation of American Scientists.

(At this point, Mr. CURTIS assumed the chair.)

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

Mr. COOPER. I am happy to yield.

Mr. STENNIS. I know how concerned the Senator from Kentucky has been with regard to this entire problem. I look upon him as one of the fathers of NATO and we owe him a debt of gratitude for his work.

I wish to ask the Senator whether, based on his background, everything considered, he thinks, even though we might have paid somewhat more than our part, that this alliance has been highly successful and beneficial for the free world?

Mr. COOPER. Absolutely. We cannot say categorically what would have happened if we did not have this alliance. Except for the movement into Czechoslovakia, and it is not in the NATO area, there has been no movement in Western Europe. The alliance has helped in other ways. It has helped to bring about closer economic and political unity in Europe.

If we wanted to consider this amendment purely on a monetary basis, and if it had no bearing on our security, it should be passed unanimously. But we cannot separate NATO and our position in NATO from our own security. If the Senate will look at it in those terms and as I have said, I do not believe the concept can be challenged, this proposal adversely affects the security of the United States.

Others will discuss the balance of payments and monetary problems, but those problems are not going to be solved by this amendment. There is a very tenuous relationship between our balance-of-payments problem and NATO, and I can see little relationship with the recent monetary issue.

If it is costing $14 billion a year—not just for the troops in Europe but all our forces in Europe, those in the 6th Fleet, and in the United States with a NATO mission—and if it is preventing the likelihood of war, I think it is the best money that can be spent.

Mr. STENNIS. I agree with the Senator. I point out that a great part of this $14 billion goes to create and support military forces that we can use and have used in other parts of the world. We have some of those forces today in Vietnam, and we have had for some years.

I agree with the Senator in what he said about the good effect the resolution of the Senator from Montana has had over the years.

Along with the Senator from Kentucky, I shared membership in the delegation representing the United States at the Brussels conference in 1968 where each of us urged our allies to carry a greater part of the load to be carried, and we referred to this very resolution. So good has come from it. The Mansfield resolution is not an evil thing.

Mr. COOPER. No.

Mr. STENNIS. Then, too, the amendment is in the wrong form and the abruptness of it and its totality will do more harm than good.

Mr. COOPER. The Senator from Montana, the majority leader, deserves great credit. His sense of the Senate resolutions have had a good effect. The Senator from Mississippi has been to those meetings he mentioned, and has also talked to our NATO representatives of Western Europe. All of us have urged in those meetings greater effort on the part of our European allies. Now they are making the effort. They will be detailed. I know larger efforts are being made now than before, and there is better agreement between the United States and our allies.

It would be unfortunate if we took a step that would halt, discourage or undercut these efforts.

Mr. STENNIS. I might add that it would take some considerable time to repair the damage within our alliance as well as to overcome the encouragement that would be given to the Soviet Union if this amendment should pass.

Mr. COOPER. Yes. There are many specifics that can be stated about our strength. Efforts are being made to strengthen NATO by the European members. They have taken sole leadership with respect to infrastructure facilities.

We have to look at this matter in terms of the security of the United States. Others have talked about the result which I believe would occur if we should, in effect, withdraw, because with 150,000 men out of our forces there, with their equipment, skill, and leadership, it would be a withdrawal in effect, and it would have the practical consequence which the Senator from New York (Mr. JAVITS) spoke about yesterday.

I have been interested in this issue for many years and for the last 4 or 5 years I have attended the meetings of the NATO Assembly in Europe. During our Easter recess I went to Germany for the very purpose of learning what progress was being made. I talked to General Goodpaster. He gave me concrete evidence of what is being done. I talked at length with General de Maziere, whose position corresponds to the Chief of our Joint Chiefs of Staff. He was clear and precise about what is being done. I talked to civil officials and I came back believing

that greater progress is being made now than has been made for years.

Mr. STENNIS. Mr. President, the Senator has made a remarkable statement. The Senator has been very intimately associated with these efforts year after year and I am encouraged to hear the statement he has just made. I am sure other Senators will be so also. I commend the Senator for showing such a fine knowledge on this subject which will be so helpful to his colleagues. I hope that all of our colleagues have a chance to read his remarks.

The analysis which the Senator gave in dollars and manpower was very good, indeed, and the Senator's comments about the conventional war weapons concept, if we have nothing except the nuclear capacity it increases the possibility it might be used, which is almost unthinkable.

Mr. COOPER. Yes. Mr. President, if the United States must rely on the use of tactical nuclear weapons, it could escalate into an all-out nuclear war which is unthinkable. I know no one in Congress wants this to occur. No one in this country wants it to occur.

Mr. STENNIS. Nor does anyone want to take a chance on it.

Mr. COOPER. And we do not want to take a chance. That is what we would be doing.

Mr. STENNIS. I congratulate the Senator.

As I understand his interpretation, should this amendment become law, it would be his opinion that a unilateral withdrawal by us absolutely would preclude any negotiations for reduction of forces with the Warsaw Pact countries, at least for the time being.

Mr. COOPER. It would in my view preclude successful negotiations if the United States unilaterally withdraws the bulk of our forces and our strength there. I do not think we would have anything to talk about.

Mr. STENNIS. I thank the Senator again, and thank him warmly.

Mr. COOPER. I thank the Senator from Mississippi for his courtesy and for his great contribution in this field.

The PRESIDING OFFICER. What is the will of the Senate?

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, appoints the Senator from Vermont (Mr. PROUTY) to attend the 24th assembly, World Health Organization to be held at Geneva, Switzerland, May 4–21, 1971.

The Chair, on behalf of the Vice President, appoints the Senator from New York (Mr. JAVITS) to attend the International Labor Conference to be held at Geneva, Switzerland, June 2–24, 1971.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 10 o'clock tomorrow morning. Immediately following the recognition of the two leaders under the standing order, the distinguished Senator from Utah (Mr. Moss) will be recognized for not to exceed 15 minutes, and he will be followed by the distinguished Senator from Alaska (Mr. GRAVEL) who will be recognized for not to exceed 15 minutes, upon the conclusion of which there will be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes.

At the close of the period for the transaction of routine morning business, the unfinished business, H.R. 6531, will be laid before the Senate.

Under the previous order, the rule of germaneness, paragraph 3 of rule 8 of the Standing Rules of the Senate, will extend for a period of 5 hours, beginning with the laying before the Senate of the unfinished business.

ADJOURNMENT TO 10 A.M.

Mr. GRAVEL. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 3 o'clock and 40 minutes p.m.) the Senate adjourned until tomorrow, Friday, May 14, 1971, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate May 13, 1971:

U.S. CIRCUIT COURT

William H. Timbers, of Connecticut, to be a U.S. circuit judge, second circuit, vice Robert P. Anderson, retired.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Merlin K. DuVal, Jr., of Arizona, to be an Assistant Secretary of Health, Education, and Welfare.

IN THE AIR FORCE

The following officers to be placed on the retired list in the grade of lieutenant general under the provisions of section 8962, title 10 of the United States Code:

Lt. Gen. Richard P. Klocko, [redacted] FR (major general, Regular Air Force) U.S. Air Force.

Lt. Gen. Robert H. Warren, [redacted] FR (major general, Regular Air Force) U.S. Air Force.

IN THE ARMY

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. Walter Edward Lotz, Jr., U.S. Army.

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. Welborn Griffin Dolvin, [redacted], U.S. Army.

The following-named officers for temporary appointment in the Army of the United States to the grade indicated, under the provisions of title 10, United States Code, sections 3442 and 3447:

To be brigadier general

Col. Cecil Walton Hospelhorn, [redacted], U.S. Army.

Col. Alan Ross Toffler, [redacted], U.S. Army.

Col. Chester M. McKeen, Jr., [redacted], U.S. Army.

Col. Charles Raymond Sniffin, [redacted], U.S. Army.

Col. Sylvan Edwin Salter, [redacted], U.S. Army.

Col. Nikitas Constantin Manitsas, [redacted], U.S. Army.

Col. Joseph Edward McCarthy, [redacted], U.S. Army.

Col. Lawrence Edward Van Buskirk, [redacted], U.S. Army.

Col. Arthur Pancratius Hanket, [redacted], U.S. Army.

Col. George Washington Connell, Jr., [redacted], U.S. Army.

Col. Anthony Frank Daskevich, [redacted], U.S. Army.

Col. James Arthur Herbert, [redacted], U.S. Army.

Col. Gordon Sumner, Jr., [redacted], U.S. Army.

Col. Richard Luther West, [redacted], U.S. Army.

Col. Robert Wallace Fye, [redacted], U.S. Army.

Col. Lawrence Hall Williams, [redacted], U.S. Army.

Col. Roscoe Conklin Cartwright, [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Col. Orville Leroy Tobiason, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. James Michael Templeman, [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Col. Albert Redman, Jr., [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Eugene Joseph D'Ambrosio, [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Col. James Frank Hamlet, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Marvin Don Fuller, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Jack Thomas Pink, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. William John Whelan, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Willard Warren Scott, Jr., [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Col. William Savage Hathaway, [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Col. James Allen Johnson, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Robert Miller Montague, Jr., [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Col. Robert Joshua Koch, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. John Rutherford McGiffert, II, [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Col. John Love Gerrity, xxx-xx-xxxx, Army of the United States (lieutenant colonel, U.S. Army).

Col. John Elwood Hoover, xxx-xx-xxxx, Army of the United States (lieutenant colonel, U.S. Army).

Col. Philip Thomas Boerger, xxx-xx-xxxx, Army of the United States (lieutenant colonel, U.S. Army).

Col. Robert Jacob Baer, xxx-xx-xxxx, Army of the United States (lieutenant colonel, U.S. Army).

Col. Fremont Byron Hodson, Jr., xxx-xx-xx... xxx-x... Army of the United States (lieutenant colonel, U.S. Army).

Col. John Robin Davis Cleland, Jr., xxx-xx-x... xxx-x... Army of the United States (lieutenant colonel, U.S. Army).

Col. William Loyd Webb, Jr., xxx-xx-xxxx, Army of the United States (lieutenant colonel, U.S. Army).

Col. Vincent dePaul Gannon, Jr., xxx-xx-x... xxx-x... Army of the United States (lieutenant colonel, U.S. Army).

Col. Dorward Weston Ogden, Jr., xxx-xx-xxxx xxx-x... Army of the United States (lieutenant colonel, U.S. Army).

Col. Robert James Proudfoot, xxx-xx-xxxx, Army of the United States (lieutenant colonel, U.S. Army).

Col. Garland Andrews Ludy, xxx-xx-xxxx, Army of the United States (lieutenant colonel, U.S. Army).

Col. Lucius Gordon Hill, Jr., xxx-xx-xxxx, Army of the United States (lieutenant colonel, U.S. Army).

Col. Norman Junior Salisbury, xxx-xx-xxxx, Army of the United States (lieutenant colonel, U.S. Army).

Col. Robert Lee Kirwan, xxx-xx-xxxx, Army of the United States (lieutenant colonel, U.S. Army).

Col. Oliver Williams Dillard, xxx-xx-xxxx, Army of the United States (lieutenant colonel, U.S. Army).

Col. Wilton Burton Persons, xxx-xx-xxxx, Army of the United States (lieutenant colonel, U.S. Army).

Col. Wayne Stanley Nichols, xxx-xx-xxxx, Army of the United States (lieutenant colonel, U.S. Army).

Col. Henry William Hill, xxx-xx-xxxx, Army of the United States (lieutenant colonel, U.S. Army).

Col. Hugh James Bartley, xxx-xx-xxxx, Army of the United States (lieutenant colonel, U.S. Army).

Col. Pat William Crizer, xxx-xx-xxxx, Army of the United States (lieutenant colonel, U.S. Army).

Col. Richard Anthony Bresnahan, xxx-xx-x... xxx-x... Army of the United States (lieutenant colonel, U.S. Army).

Col. Leo Dalton Turner, xxx-xx-xxxx, Army of the United States (lieutenant colonel, U.S. Army).

Col. John Calvin McWhorter, Jr., xxx-xx-xx... xxx-x... Army of the United States (lieutenant colonel, U.S. Army).

Col. Albert Ronald Escola, xxx-xx-xxxx, Army of the United States (lieutenant colonel, U.S. Army).

Col. Oliver Day Street III, xxx-xx-xxxx, Army of the United States (lieutenant colonel, U.S. Army).

Col. Philip Robert Feir, xxx-xx-xxxx, Army of the United States (lieutenant colonel, U.S. Army).

Col. Marion Collier Ross, xxx-xx-xxxx, Army of the United States (lieutenant colonel, U.S. Army).

Col. Leo Eugene Soucek, xxx-xx-xxxx, Army of the United States (lieutenant colonel, U.S. Army).

Col. Milton Eugene Key, xxx-xx-xxxx, Army of the United States (lieutenant colonel, U.S. Army).

Col. Clay Thompson Buckingham, xxx-xx-xxxx xxx-x... Army of the United States (lieutenant colonel, U.S. Army).

Col. Homer Samuel Long, Jr., xxx-xx-xxxx, Army of the United States (lieutenant colonel, U.S. Army).

Col. Carroll Nance LeTellier, xxxx Army of the United States (lieutenant colonel, U.S. Army).

Col. Joseph Paul Kingston, xxx-xx-xxxx, Army of the United States (lieutenant colonel, U.S. Army).

Col. Ernst Edward Roberts, xxx-xx-xxxx, Army of the United States (lieutenant colonel, U.S. Army).

Col. Paul Miller Timmerberg, xxx-xx-xxxx, Army of the United States (lieutenant colonel, U.S. Army).

Col. Billy Mills Vaughn, xxx-xx-xxxx, Army of the United States (lieutenant colonel, U.S. Army).

Col. Kirby Lamar, xxx-xx-xxxx, Army of the United States (lieutenant colonel, U.S. Army).

Col. Richard Lew Morton, xxx-xx-xxxx, Army of the United States (lieutenant colonel, U.S. Army).

Col. Michael Daniel Healy, xxx-xx-xxxx, Army of the United States (lieutenant colonel, U.S. Army).

Col. Davis O'Neill Morris, xxx-xx-xxxx, Army of the United States (lieutenant colonel, U.S. Army).

Col. John Harry Boyes, xxx-xx-xxxx, Army of the United States (lieutenant colonel, U.S. Army).

Col. Paul Francis Gorman, xxx-xx-xxxx, Army of the United States (major, U.S. Army).

Col. Albert Benjamin Crawford, Junior, xxx-xx-xxxx Army of the United States (major, U.S. Army).

Col. William Rowland Richardson, xxx-xx-xx... xxx-x... Army of the United States (major, U.S. Army).

Col. Leslie Ray Sears, Junior, xxx-xx-xxxx, Army of the United States (major, U.S. Army).

Col. Richard Lee Harris, xxx-xx-xxxx, Army of the United States (major, U.S. Army).

Col. John Adams Wickham, Junior, xxx-... xxx-xx-xxxx Army of the United States (major, U.S. Army).

Col. David Hardy Sudderth, Junior, xxx-... xxx-xx-xxxx Army of the United States (major, U.S. Army).

Col. Richard Horner Thompson, xxx-xx-xxxx xxx-... Army of the United States (major, U.S. Army).

IN THE AIR FORCE

The following persons for appointment in the Regular Air Force, in the grades indicated, under the provisions of section 8284, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform the duties indicated, and with dates of rank to be determined by the Secretary of the Air Force:

CHAPLAIN CORPS

To be major

Goetz, Charles T., xxx-xx-xxxx

To be captain

Arthur, Donald E., xxx-xx-xxxx
Barr, Russell W., xxx-xx-xxxx
Beckstrom, Edward A., xxx-xx-xxxx
Black, Thomas W., Jr., xxx-xx-xxxx
Dawson, Lewis E., xxx-xx-xxxx
Feely, Patrick F., xxx-xx-xxxx
Gallagher, Ronald E., xxx-xx-xxxx
Geller, Selwyn G., xxx-xx-xxxx
Halstead, Philip E., xxx-xx-xxxx
Highsmith, Darrell C., xxx-xx-xxxx
Lee, William L., xxx-xx-xxxx
McCulloh, Ralph E., xxx-xx-xxxx
Mosley, Larry D., xxx-xx-xxxx
Quates, Henry E., Jr., xxx-xx-xxxx
Skipper, Bryant R., xxx-xx-xxxx
Smith, Donald R., xxx-xx-xxxx
Wagener, John M., xxx-xx-xxxx

To be first lieutenant

Ashley, Michael D., xxx-xx-xxxx
Calhoun, William E., xxx-xx-xxxx
Harnyak, Gregory J., xxx-xx-xxxx
Hatela, Robert S., xxx-xx-xxxx
Nuxoll, James H., xxx-xx-xxxx
Patrick, John H., xxx-xx-xxxx
Richart, Paul F., xxx-xx-xxxx
Samf, David A., xxx-xx-xxxx
Sazy, Michael J., xxx-xx-xxxx
Shealy, Walter W., xxx-xx-xxxx

JUDGE ADVOCATE GENERAL'S CORPS

To be major

Smith, Roy L., xxx-xx-xxxx

To be captain

Angle, Swanson, W., xxx-xx-xxxx
Call, Wendell D., xxx-xx-xxxx
Crawford, Russell, E., Jr., xxx-xx-xxxx
Miles, James R., xxx-xx-xxxx
Miller, Edward B., xxx-xx-xxxx
Phillips, William R., xxx-xx-xxxx
Piper, James P., xxx-xx-xxxx
Raichle, Mildred L., xxx-xx-xxxx
Vandoren, Emerson R., xxx-xx-xxxx

To be first lieutenant

Alburn, Cary R., III, xxx-xx-xxxx
Allen, Shelby L., III, xxx-xx-xxxx
Amundson, Frederick J., xxx-xx-xxxx
Arroyo, Joseph A., xxx-xx-xxxx
Babington, Charles M., III, xxx-xx-xxxx
Barton, William B., Jr., xxx-xx-xxxx
Bauman, Marion C., xxx-xx-xxxx
Birkeland, John H., xxx-xx-xxxx
Blair, Marshall W., xxx-xx-xxxx
Blust, Larry D., xxx-xx-xxxx
Booth, Kevin E., xxx-xx-xxxx
Brandt, Richard E., xxx-xx-xxxx
Brasfield, Jeffrey H., xxx-xx-xxxx
Bristol, Matt C. C., III, xxx-xx-xxxx
Brock, Richard W., xxx-xx-xxxx
Cooper, Leon E., Jr., xxx-xx-xxxx
Costley, John V., Jr., xxx-xx-xxxx
Debey, A. B., xxx-xx-xxxx
Demarco, Anthony J., xxx-xx-xxxx
Dorr, Richard E., xxx-xx-xxxx
Douglass, Daniel D., Jr., xxx-xx-xxxx
Durden, Robert R., xxx-xx-xxxx
Egeland, Andrew M., Jr., xxx-xx-xxxx
Forbes, John G., Jr., xxx-xx-xxxx
Foxman, Stephan J., xxx-xx-xxxx
Frederick, Ronald A., xxx-xx-xxxx
Galligan, Michael J., xxx-xx-xxxx
Gargiulo, Robert G., xxx-xx-xxxx
Gray, Dennis M., xxx-xx-xxxx
Griffin, Gerald A., xxx-xx-xxxx
Harding, David M., xxx-xx-xxxx
Hart, Eugene F., Jr., xxx-xx-xxxx
Hay, Michael T., xxx-xx-xxxx
Hemann, John L., xxx-xx-xxxx
Hoppe, Allen B., xxx-xx-xxxx
Horman, Russell T., xxx-xx-xxxx
Hurd, Elisha B., Jr., xxx-xx-xxxx
Johnson, John T., xxx-xx-xxxx
Kelly, Edward L., Jr., xxx-xx-xxxx
Kiefer, Paul A., xxx-xx-xxxx
Kirwan, Peter M., xxx-xx-xxxx
Knox, Michael R., xxx-xx-xxxx
Kuhn, Fredolin W., xxx-xx-xxxx
Kummer, Thomas F., xxx-xx-xxxx
Lahendro, Albert L., xxx-xx-xxxx
Lien, John D., xxx-xx-xxxx
MacGregor, Thomas G., xxx-xx-xxxx
Maxwell, Earl L., Jr., xxx-xx-xxxx
McCabe, Harry L., xxx-xx-xxxx
McIver, Claud L., III, xxx-xx-xxxx
McNeace, Lewis B., Jr., xxx-xx-xxxx
Meek, Philip A., xxx-xx-xxxx
Miller, Gordon H., xxx-xx-xxxx
Moye, John E., xxx-xx-xxxx
Novak, Richard A., xxx-xx-xxxx
Padletti, Charles J., xxx-xx-xxxx
Peaco, James W., Jr., xxx-xx-xxxx
Phillips, Cary A., xxx-xx-xxxx
Puett, Jimmy D., xxx-xx-xxxx
Rippon, Harry J., xxx-xx-xxxx
Rothenburg, Richard F., xxx-xx-xxxx
Rubinstein, Karl L., xxx-xx-xxxx
Schlechter, Alvin E., xxx-xx-xxxx
Scollan, Joseph C., xxx-xx-xxxx
Shackleford, Thomas D., xxx-xx-xxxx
Shaw, Walter I., xxx-xx-xxxx
Shine, Gerald P., Jr., xxx-xx-xxxx
Silliman, Scott L., xxx-xx-xxxx

Simonton, Stephen L. xxx-xx-xxxx
Smallridge, Gary C. xxx-xx-xxxx
Stevens, William G. xxx-xx-xxxx
Stillman, Steven J. xxx-xx-xxxx
Stouck, Vinson P. xxx-xx-xxxx
Sweeney, Patrick C. xxx-xx-xxxx
Tate, Robert W., II xxx-xx-xxxx
Tatum, Edwin B. xxx-xx-xxxx
Terry, Clay A. xxx-xx-xxxx
Thrasher, Elwin R., Jr. xxx-xx-xxxx
Vansant, John D. xxx-xx-xxxx
Waldrop, Olan G., Jr. xxx-xx-xxxx
Warren, Keith A. xxx-xx-xxxx
Watts, Michael R. xxx-xx-xxxx
Whitney, Richard F. xxx-xx-xxxx
Whitney, William D. xxx-xx-xxxx
Wolfe, Norman K. xxx-xx-xxxx
Wolfe, Richard S. xxx-xx-xxxx

MEDICAL CORPS

To be major

Ball, Thomas P., Jr. xxx-xx-xxxx
Cheng, Alfred K. xxx-xx-xxxx
Erickson, Clark A. xxx-xx-xxxx
McIntosh, Duncan A. xxx-xx-xxxx
Schechter, Eliot xxx-xx-xxxx
Skinner, Odis D. xxx-xx-xxxx

To be captain

Armstrong, Rafael R. xxx-xx-xxxx
Barrocas, Albert, xxx-xx-xxxx
Bell, Owen C. xxx-xx-xxxx
Biedermann, Eric R. xxx-xx-xxxx
Blattman, John E. xxx-xx-xxxx
Bode, Frederick R. xxx-xx-xxxx
Borden, Lester L. xxx-xx-xxxx
Bornstein, Myer S. xxx-xx-xxxx
Bristow, John W. xxx-xx-xxxx
Britt, Darryl B. xxx-xx-xxxx
Buethe, Robert A., Jr. xxx-xx-xxxx
Cabreraramirez, Lorenzo xxx-xx-xxxx
Callen, Kenneth E. xxx-xx-xxxx
Campbell, John S. xxx-xx-xxxx
Carroll, Herma A., Jr. xxx-xx-xxxx
Daniels, David H., Jr. xxx-xx-xxxx
Dietz, James W. xxx-xx-xxxx
Dinenberg, Stephen xxx-xx-xxxx
Edwards, David A., Jr. xxx-xx-xxxx
Foshee, William S. xxx-xx-xxxx
Gaines, Larry S. xxx-xx-xxxx
Garcia, Raymond xxx-xx-xxxx
Garrott, Thomas C. xxx-xx-xxxx
Gendel, Charles L. xxx-xx-xxxx
Goldhahn, Richard T., Jr. xxx-xx-xxxx
Gray, Neal H. xxx-xx-xxxx
Harford, Francis J., Jr. xxx-xx-xxxx
Hawley, William J. xxx-xx-xxxx
Heffron, John P. xxx-xx-xxxx
Holmes, Scott L. xxx-xx-xxxx
Howard, Cleve W. xxx-xx-xxxx
Johnson, Matthew T. xxx-xx-xxxx
Kaplan, Michael F. xxx-xx-xxxx
Kaplan, Peter D. xxx-xx-xxxx
Klein, Michael R., Jr. xxx-xx-xxxx
Koop, Lamonte P. xxx-xx-xxxx
Krege, John W. xxx-xx-xxxx
Kuinick, Joel xxx-xx-xxxx
Labadiebelendez, Juan J. xxx-xx-xxxx
Lovelace, Raymond E. xxx-xx-xxxx
Luetje, Charles M. II xxx-xx-xxxx
Manning, Larry G. xxx-xx-xxxx
Martin, Harvey C. xxx-xx-xxxx
Martindale, Richard E., Jr. xxx-xx-xxxx
May, Gerald G. xxx-xx-xxxx
Mazzola, Robert D. xxx-xx-xxxx
McGee, James W. IV xxx-xx-xxxx
McGovern, Thomas B. xxx-xx-xxxx
Michaelson, Edward D. xxx-xx-xxxx
Morrellcachado, Rene xxx-xx-xxxx
Notske, Robert N. xxx-xx-xxxx
Quinn, Robert J. II xxx-xx-xxxx
Ragsdale, Vernice D. xxx-xx-xxxx
Ransom, Richard W. xxx-xx-xxxx
Ray, John W. C. xxx-xx-xxxx
Reaves, Charles E. xxx-xx-xxxx
Riveracorrea, Hector P. xxx-xx-xxxx
Robison, Elmo J., Jr. xxx-xx-xxxx
Signorino, Charles E. xxx-xx-xxxx
Singal, Sheldon xxx-xx-xxxx
Sorauf, Thomas J. xxx-xx-xxxx
Stabler, Larry G. xxx-xx-xxxx
Tardy, Walter J., Jr. xxx-xx-xxxx
Taylor, William M. XXXX
Thompson, Barry H. xxx-xx-xxxx
Ulrich, Richard A. xxx-xx-xxxx
Wasserman, James M. xxx-xx-xxxx
Wells, David M. xxx-xx-xxxx
Wiesmeier, Edward, Jr. xxx-xx-xxxx
Wilson, James M. xxx-xx-xxxx
Wooddell, William J. xxx-xx-xxxx
Wright, Dennis O. xxx-xx-xxxx
Wunder, James F. xxx-xx-xxxx

To be first lieutenant

Bearden, James D., III xxx-xx-xxxx
Blumberg, Lawrence B. xxx-xx-xxxx
Borrero, Jose L. xxx-xx-xxxx
Bradshaw, Michael T. xxx-xx-xxxx
Bullock, Jerry L. xxx-xx-xxxx
Cadora, Donald F. xxx-xx-xxxx
Christman, James E. xxx-xx-xxxx
Davis, William M. xxx-xx-xxxx
Duncan, Roy D. xxx-xx-xxxx
Fragala, Mario R. xxx-xx-xxxx
Gardner, Albert E. xxx-xx-xxxx
Glass, Thomas F., III xxx-xx-xxxx
Griffin, John J. xxx-xx-xxxx
Hamilton, Marshall E. xxx-xx-xxxx
Heimburger, Steven L. xxx-xx-xxxx
Hill, McArthur O. xxx-xx-xxxx
Jackson, Bruce G. xxx-xx-xxxx
Keegan, Kirk A., Jr. xxx-xx-xxxx
Knauf, Daniel G. xxx-xx-xxxx
Loftus, Paul M. xxx-xx-xxxx
Lorenz, Kenneth A. xxx-xx-xxxx
Mack, Leo W., Jr. xxx-xx-xxxx
Maffet, Charles K. xxx-xx-xxxx
McLaughlin, Gary W. xxx-xx-xxxx
Orrison, William G. xxx-xx-xxxx
Page, Carey P. xxx-xx-xxxx
Parent, Richard E. xxx-xx-xxxx
Pfeifer, Donald M. xxx-xx-xxxx
Pryor, Ira J. xxx-xx-xxxx
Ruark, Glen W. xxx-xx-xxxx
Schwartz, Jonathan M. xxx-xx-xxxx
Speights, James W. xxx-xx-xxxx
Spigel, Stuart C. xxx-xx-xxxx
Tappan, James G. xxx-xx-xxxx
Taylor, Richard R., Jr. xxx-xx-xxxx
Tesoro, Leonard J. xxx-xx-xxxx
Vicik, Gary J. xxx-xx-xxxx
Wardinsky, Terrance D. xxx-xx-xxxx

DENTAL CORPS

To be captain

Barrickman, William A., III xxx-xx-xxxx
Cronin, Robert J. xxx-xx-xxxx
Kaiser, David A. xxx-xx-xxxx
Masin, William J. xxx-xx-xxxx
Milnarik, Ronald M. xxx-xx-xxxx
Safinski, Walter T. xxx-xx-xxxx
Sekavec, Jay G. xxx-xx-xxxx

To be first lieutenant

Alexander, Glen W. xxx-xx-xxxx
Benning, Allen N. xxx-xx-xxxx
Brennan, Mark E. xxx-xx-xxxx
Cohen, Robert B. xxx-xx-xxxx
Coleman, Steven L. xxx-xx-xxxx
Couvillion, Charles R. xxx-xx-xxxx
Downard, James E. xxx-xx-xxxx
Ewing, Evan Y. xxx-xx-xxxx
Eyman, Russell G. xxx-xx-xxxx
Hinson, Lanny C. xxx-xx-xxxx
Killian, William F. xxx-xx-xxxx
Kuhar, James R. xxx-xx-xxxx
Lawless, John E. xxx-xx-xxxx
Levitt, Herbert M. xxx-xx-xxxx
Miller, Donald L. xxx-xx-xxxx
Owen, James G. xxx-xx-xxxx
Read, Gill, xxx-xx-xxxx
Robison, Stephen F. xxx-xx-xxxx

NURSE CORPS

To be captain

Elliott, Michele A. xxx-xx-xxxx
Farmer, Roselma M. xxx-xx-xxxx
Gentile, Margaret A. xxx-xx-xxxx
Laorange, Brenda J. xxx-xx-xxxx
Roxby, Meriam A. xxx-xx-xxxx

To be first lieutenant

Allard, Sharon P. xxx-xx-xxxx
Allsup, Thomas M. xxx-xx-xxxx
Anderson, Barbara K. xxx-xx-xxxx
Anderson, Margaret G. xxx-xx-xxxx
Archangel, Linda M. xxx-xx-xxxx
Bartlett, Alayne L. xxx-xx-xxxx
Bischoff, Carol L. xxx-xx-xxxx
Bloemer, Diana C. xxx-xx-xxxx
Bowman, Phyllis J. xxx-xx-xxxx
Broadway, Myra A. xxx-xx-xxxx
Brockett, Wynona xxx-xx-xxxx
Brown, Claire P. xxx-xx-xxxx
Bruner, Marva A. xxx-xx-xxxx
Buhrmaster, Sue xxx-xx-xxxx
Burns, Miriam K. xxx-xx-xxxx
Butterfield, Janice P. xxx-xx-xxxx
Caporossi, Lucy M. xxx-xx-xxxx
Chura, Virginia M. xxx-xx-xxxx
Clagett, Frances N. xxx-xx-xxxx
Clark, Patricia A. xxx-xx-xxxx
Cogburn, Ann B. xxx-xx-xxxx
Cook, Virginia V. xxx-xx-xxxx
Cramer, Ladonn B. xxx-xx-xxxx
Cramer, Thelma J. xxx-xx-xxxx
Cunningham, Maridell xxx-xx-xxxx
Degen, Everett R. xxx-xx-xxxx
Dix, Patsy E. xxx-xx-xxxx
Donahue, Joanne T. xxx-xx-xxxx
Dowling, Janice M. xxx-xx-xxxx
Encke, Lynda V xxx-xx-xxxx
Fox, Jacqueline G. xxx-xx-xxxx
Fronczak, Ruth A. xxx-xx-xxxx
Garnett, Helen A. xxx-xx-xxxx
Gebhart, Eileen G. xxx-xx-xxxx
Gibson, Catherine A. xxx-xx-xxxx
Glancy, Carol A. xxx-xx-xxxx
Goering, Susan E. xxx-xx-xxxx
Goode, Gloria J. xxx-xx-xxxx
Gorman, Judith L. xxx-xx-xxxx
Gradwohl, Mary H. xxx-xx-xxxx
Gray, Pamela L. xxx-xx-xxxx
Green, Nancy L. xxx-xx-xxxx
Greenfeldt, Elene W. xxx-xx-xxxx
Greer, Sara E. xxx-xx-xxxx
Griggs, Elaine C. xxx-xx-xxxx
Haan, Maryanne xxx-xx-xxxx
Hanrahan, Eileen J. xxx-xx-xxxx
Hanson, Betty J. xxx-xx-xxxx
Heidemann, Kathleen J. xxx-xx-xxxx
Herrmann, Elise A. xxx-xx-xxxx
Hite, Patricia O. xxx-xx-xxxx
Hutcheson, Marsha B. xxx-xx-xxxx
Ingols, Darla T. xxx-xx-xxxx
Jilek, Susan J. xxx-xx-xxxx
Johnson, Sharon A. xxx-xx-xxxx
Jones, Frances P. xxx-xx-xxxx
Jordan, Marsha A. xxx-xx-xxxx
Kavouklis, Shirley R. xxx-xx-xxxx
Kinser, Brenda L. xxx-xx-xxxx
Kleinoeder, Kay L. xxx-xx-xxxx
Kliesen, Joyce E. xxx-xx-xxxx
Kutzner, Nancy A. xxx-xx-xxxx
Lamonica, Joan S. xxx-xx-xxxx
Lee, Elvira, xxx-xx-xxxx
Littlejohn, Mary K. xxx-xx-xxxx
Lovald, Jacquelyn A. xxx-xx-xxxx
Lunde, Phyllis E. xxx-xx-xxxx
Macomber, Sharon J. xxx-xx-xxxx
Magel, Nancy J. xxx-xx-xxxx
Marin, Beatrice M. xxx-xx-xxxx
Maroon, Hana J. xxx-xx-xxxx
McCray, Laura A. xxx-xx-xxxx
McDaid, Tarran K. xxx-xx-xxxx
McGhee, Shirley R. xxx-xx-xxxx
McHale, Susan M. xxx-xx-xxxx
McIntire, Tommie L. xxx-xx-xxxx
Mills, Thomas B. xxx-xx-xxxx
Minterfering, Georgann xxx-xx-xxxx
Moore, Judith H. xxx-xx-xxxx
Moore, Mary J. xxx-xx-xxxx
Morrow, Edward J. xxx-xx-xxxx
Nave, Jana G. xxx-xx-xxxx
Nelson, Christine L. xxx-xx-xxxx
Nelson, Mary J. xxx-xx-xxxx
Nenner, Victoria Anna xxx-xx-xxxx
Neston, Catherine E. xxx-xx-xxxx
Noble, Leslie A. xxx-xx-xxxx
Peele, Agnes L. xxx-xx-xxxx
Philpot, Mary J. xxx-xx-xxxx
Poplin, Blanche M. xxx-xx-xxxx
Powers, Abigail C. xxx-xx-xxxx
Ramirez, Silvina A. xxx-xx-xxxx
Reichenbach, Georgianna xxx-xx-xxxx
Reid, Jean M. G. xxx-xx-xxxx
Rezac, Barbara A. xxx-xx-xxxx
Rhone, Judith A. xxx-xx-xxxx

Richard, Jeanne C., xxx-xx-xxxx
Roberts, Ruby A., xxx-xx-xxxx
Rogenes, Kathryn A., xxx-xx-xxxx
Rogers, Charlotte E., xxx-xx-xxxx
Ruska, Elisabeth A., xxx-xx-xxxx
Sabinash, Gloria R., xxx-xx-xxxx
Sampsell, Dorothy I., xxx-xx-xxxx
Sapp, Jane E., xxx-xx-xxxx
Sarracco, Elizabeth, xxx-xx-xxxx
Schroeder, Linda, xxx-xx-xxxx
Scott, Sharon M., xxx-xx-xxxx
Seaborn, Dorothy M., xxx-xx-xxxx
Sico, Betty J., xxx-xx-xxxx
Smith, Elizabeth J., xxx-xx-xxxx
Swallow, Linda L., xxx-xx-xxxx
Tarshis, Ellen, xxx-xx-xxxx
Taylor, Louetta B., xxx-xx-xxxx
Thacker, Georgia I., xxx-xx-xxxx
Toole, Susan E., xxx-xx-xxxx
Trapp, Joanne, xxx-xx-xxxx
Trimmel, Rita A., xxx-xx-xxxx
Triplat, Penelope B., xxx-xx-xxxx
Troutman, Frederick W., xxx-xx-xxxx
Upchurch, Anna M., xxx-xx-xxxx
Walstra, Judith C., xxx-xx-xxxx
Waskowsky, Cynthia R., xxx-xx-xxxx
Weidauer, Harvey E., xxx-xx-xxxx
Westberry, Mary E., xxx-xx-xxxx
Wheeler, Mary A., xxx-xx-xxxx
Whitlaw, Sandra L., xxx-xx-xxxx
Widmer, Karan D., xxx-xx-xxxx
Wilcox, Carolyn E., xxx-xx-xxxx
Withrow, Charlene E., xxx-xx-xxxx
Witte, Arlene L., xxx-xx-xxxx
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Crigler, Joseph C., xxx-xx-xxxx
Semenschin, Charles E., xxx-xx-xxxx

The following Air Force officers for appointment in the Regular Air Force, in the grade of Second Lieutenant, under the provisions of section 8284, title 10, United States Code, with dates of rank to be determined by the Secretary of the Air Force:

Gallagher, David J., xxx-xx-xxxx
Gillham, Robert A., Jr., xxx-xx-xxxx
Holt, James W., Jr., xxx-xx-xxxx
Laughlin, William T., xxx-xx-xxxx

The following cadets, United States Air Force Academy, for appointment in the Regular Air Force, in the grade of Second Lieutenant, effective upon their graduation, under the provisions of section 8284 and 9353, title 10, United States Code. Date of rank to be determined by the Secretary of the Air Force:

Acuff, Gregory M., xxx-xx-xxxx
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Alexander, Dana L., xxx-xx-xxxx
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The following cadets, United States Military Academy, for appointment in the Regular Air Force, in the grade of Second Lieutenant, effective upon their graduation, under the provisions of section 541 and 8284, title 10, United States Code. Date of rank to be determined by the Secretary of the Air Force:

Amos, David E., xxx-xx-xxxx
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HOUSE OF REPRESENTATIVES—*Thursday, May 13, 1971*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

I beseech you to endeavor to keep the unity of the spirit in the bond of peace.—Ephesian 4: 3.

Eternal Father, we pray Thee that on this Hill and in this Chamber we may be united in purpose as we seek the well-being of our country. May mutual regard and mutual respect be the spirit of our relationship and as a result let each one of us contribute our best in thought and action for the welfare of our people. Grant, we pray Thee, that the strength which comes from unity may be ours and may be used for the good of all.

Bless us with cool heads and warm hearts, with an enthusiasm for justice and peace, and with an assurance of Thy presence wherever we are and wherever we go this day and forevermore. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

THE POOR PAY MORE

(Mr. ROSENTHAL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ROSENTHAL. Mr. Speaker, a recent study by Washington Post reporter Ronald Kessler once again points up a fact we know only too well—the poor pay more.

Mr. Kessler compared the prices of 40 popular items at a pair of F. W. Woolworth Co. stores—one in the affluent white Georgetown section of Washington, and the other in one of the city's most depressed black areas.

His survey revealed that prices are "consistently higher" in the ghetto neighborhood store.

Woolworth officials offered only weak, lame excuses for the differences. One contended items not included in the study were priced identically at both stores, and he gave specific examples. A subsequent check revealed that he was incorrect.

Articles such as Mr. Kessler's provide a valuable service to the public, and he should be commended. He has presented the case fairly and completely. The facts are undeniable—the poor pay more.

One reason for this is that the more affluent the consumer the better able he is to shop around for the better buy—he is more likely to have a car, thus giving him mobility, and there are more stores and better selections in the more affluent neighborhoods.

At this point, Mr. Speaker, I would like to insert in the RECORD Mr. Kessler's report; it speaks for itself:

[From the Washington Post, May 9, 1971]

GHETTO PRICES HIGHER—SURVEY SHOWS DIFFERENCES IN TWO CITY STORES

(By Ronald Kessler)

The F. W. Woolworth Co. store in Georgetown serves one of the city's most affluent white sections. The Woolworth store on 14th Street at Park Road NW serves one of the city's most depressed black areas that was heavily damaged by the 1968 riots. And if the stores' clientele is different so are the prices they charge.

A Washington Post survey indicates prices in the 14th Street store are consistently higher than in the Georgetown store 2½ miles away.

While not disputing the price comparisons, Woolworth officials contend many of them are special cases, pricing errors or efforts to meet local competition. They say no partiality to one group of customers or another is intended.

Of 40 items compared, 13 were found to be priced higher at the 14th Street store. Only one item, a medium size tube of Crest