ber of the forces, in exactly the same manner and to the same degree as in the case of any other covered worker. The widow should therefore receive the full Social Security benefit to which she is entitled without foregoing any of her other benefits, as indicated in (1) and (2) above.

(1) A new program of benefits for the widows of retirees is badly needed. The Retired Serviceman's Family Protection Plan, because of its many defects, including its high cost, simply is not doing the job for which it was designed.

As a result, many widows are left in difficult financial straits. In quite a few cases, widows—and apparently their late husbands—think that she will get at least a portion of the husband's retired pay. The widow realizes the bitter truth when it is too late for her husband to help her.

The only benefit for which widows of retirees who die of nonservice-connected causes may qualify is for the pension paid by the Veterans Administration to the destitute widows of all veterans, that is those with an income of less than $2300.

We believe that a contributory program generally along the lines of the one now available to Civil Service workers should be adopted.

Such a program was proposed in 1970 by the Pike Subcommittee of the House Committee on Armed Services. It is incorporated in H.R. 984 of the 92nd Congress. We endorse H.R. 984 with the following reservations:

First, there should be no reduction in the widows benefit under the new program when she becomes eligible for a Social Security annuity. Her husband has paid his full share of Social Security taxes during his service career and it is completely unfair to deny him or his survivor the benefits to which he or she have thereby become entitled.

Second, the program should be designed so that if all eligible beneficiaries die prior to the death of the participant, his payments would cease. It makes no sense to require a man with no eligible beneficiary to continue to pay. This was one of the major flaws in the RSFPP program, but at least there was an option to pay a slightly higher cost and have the payments terminate upon the beneficiaries death. Eventually that option was made automatic for all new participants.

There should also be a provision permitting him to re-enter the program if he later remarries, by paying an amount equal to the payments he would have made in the interim period.

Third, we oppose the attachment of retired pay in satisfaction of a judgment in favor of a wife, former wife, or children. We believe that such a provision is discriminatory, in that other Federal pay is not attachable, and would set a precedent for attachment of military pay for other purposes. Finally, we think it is not germane to this particular bill. If provision is to be made for attachment of government retired pay it should be considered separately and in a bill applicable to all government retirees.

(2) The Dependency and Indemnity Compensation Act enacted in 1957 has provided a reasonable annuity for the widows of active duty personnel and of retirees who have died of a service connected cause. It provided a base amount of money for all beneficiaries of $112 a month, later raised to $120, plus 12% of the base pay to which the individual would have been entitled had he been alive. This took into consideration the length of service and the rank attained by the individual.

It provided for automatic escalation of the annuity whenever active duty pay was raised, following the recomputation principle which was previously applied to retired pay.

In the 91st Congress action was taken to eliminate the automatic escalation principle and statutory rates were established for the various ranks. Substantial raises were given to widows of the lower ranks but there were no increases for the widows of more senior people with long service.

We urge the Committee to recommend a return to the system of providing a base amount for all ranks, plus 12% of the base pay to which the individual would have been entitled if he were alive. We recommend that the base amount be $150.

Q. What changes in payments to those already retired are needed to meet the test of equity desired by the President?

A. The system of basing military retired pay on active duty rates should be restored for those who earned that benefit by entering the service prior to June 1, 1958.

The essence of equity is fairness and justice. The United States government has not dealt in a fair and just manner with its military retirees as regards their retired pay.

From 1861 until 1958—with one short break from 1922 until 1926—the law clearly provided and custom dictated that retired pay would be computed as a percentage of the rates being paid to the active duty forces and be recomputed each time those rates were changed.

Since that principle was followed throughout the entire period 1861–1958 (except as indicated above) persons entering the service during that time had every right to expect that the law and the custom would be fully carried out and that their retired pay would be adjusted to keep pace with that paid to the active duty force.

Yet in 1958, the recomputation principle was precipitously suspended by Congress, to be repealed in 1963, with no provision to protect the equitable rights of those already retired or committed to a service career.

To its shame, the Department of Defense has been willing to see this injustice continued, and has even recommended against enactment of corrective legislative proposals introduced by a growing number of members of Congress.

This, in spite of the fact that it is customary to provide a "savings clause" or "grandfathers clause" to protect the rights of persons already in the system. For instance, when legislation was enacted denying Cadets at the Military Academy and Midshipmen at the Naval Academy credit for their time at the Academy for pay and retirement purposes, the new provision was made effective as to the next entering class and the benefit continued for all persons in previous classes. Likewise, when Congress in 1963 withdrew the previous authority for an additional ten percent retired pay for certain enlisted members of the Coast Guard, they made the new law applicable only to individuals entering the service after the effective date of the law and the entitlement was continued for all persons already retired or then in a career status in the active service.

But that same year there was no comparable savings provision for those entitled to recomputation.

The Cabinet Committee on Federal Staff Retirement Systems, in its 1966 Report, recommended adoption of a Federal Retirement Policy providing that:

"Whenever a staff retirement system is changed, provision shall be made to protect the equities of any individuals who would be adversely affected by such change."

Apparently, though, Defense has felt that that policy should not be applied to military retirees.

In his "Open Letter to Retired Military Personnel" of July 11, 1970, Secretary Laird, while stating that "military retirees should be treated more fairly," said, "the introduction of this change may even become a model for other government retirement systems."

This statement is entirely fallacious and without merit. All that our organizations ask is that an earned benefit be restored, not that a new benefit be established. Therefore, no precedent is established to grant this particular benefit to other groups. If indeed any precedent is being established it is that the government of the United States makes good on its guarantees of benefits to the people who serve it.

Fairness and justice demand that the earned benefit of recomputation of retired pay be restored immediately to all persons whose active service commenced prior to 1 June 1958 and who are now retired or who will retire in the future, so that their pay will continue to be directly related to future changes in the active duty rates.

SENATE—*Monday, June 21, 1971*

The Senate met at 10:30 a.m. and was called to order by the President pro tempore (Mr. ELLENDER).

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

Eternal Father, who has safely brought us to the beginning of another week, accept the dedication of our lives which we offer in service to this Nation. Take from us all that is unworthy—the narrow view, the provincial outlook, the callous attitude—that we may work with pure motives and holy purposes. So fill Thy servants in the ministry of public affairs with an abiding sense of Thy presence that they may have strength and wisdom beyond themselves.

O Lord, who has made and preserved us a nation, keep the people of this land in the unity of the spirit and the bonds of peace, in love of Thee and in faithfulness to Thy commandments, to the end that all men may have opportunity for a full life.

And to Thee shall be all glory and praise. Amen.

MESSAGES 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 President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, June 18, 1971, be dispensed with.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

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

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of measures on the calendar beginning with Calendar No. 152.

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

Mr. MOSS. Mr. President, the four bills which will now be before us this morning—S. 26, S. 27, S. 29, and S. 30—were all unanimously and favorably reported by the Senate Interior Committee. They were all passed unanimously by the Senate in the 91st Congress. No action was taken by the House Interior Committee, and all of the bills died with adjournment.

This session, the House Parks and Recreation Subcommittee has already held hearings on House counterparts of three of these bills—on June 14—and hearings of the other identical House bill—H.R. 8214—it is hoped will be held sometime in July. So there is every reason to believe that final action can be taken on all four of them before the summer is out.

May I describe each bill very briefly.

CANYONLANDS NATIONAL PARK

S. 26 would expand the boundaries of Canyonlands National Park to add four additional tracts totaling approximately 79,610 acres. This would provide an expanded national park of 337,258 acres. At the time Canyonlands National Park was established in 1964 I recognized that its boundaries did not encompass all of the unique and magnificent scenery in the area which was of national park caliber, and I explained to the committee that we were leaving out areas of great scientific and historic interest. Under the pressures that existed, we deferred taking more acreage until it was clear that such was needed to protect the scenic values of the park. Under S. 26 we will bring into the park some of the most spectacular areas which border it so they can be protected by the National Park Service from vandalism or desecration, and the country can enjoy them as a national park.

Some of the residents of the area around Canyonlands feel that we should not expand the boundaries of Canyonlands National Park until more roads and facilities are built and the present park is made more usable for the public. I understand their disappointment that development has not proceeded at a faster rate. But the Vietnam war has put a vast drain on our financial resources. Plans for Canyonlands National Park have been delayed. There is every reason to believe that development will proceed at a much more rapid rate as soon as we can devote more of our Federal budget to our domestic needs. But, in any event, we must not delay any longer placing these areas of great beauty, of striking formations, of scientific and historic and geologic wonders under the protection of the National Park Service so they will remain in their pristine state, for enjoyment by the public. As quickly as possible we must provide access to them.

GLEN CANYON RECREATION AREA

S. 27 would afford permanent, statutory protection to the scenic Glen Canyon National Recreation Area which is presently administered by the National Park Service in cooperation with the Bureal of Reclamation under an Executive order. This will assure continued existence and development of this great water-based recreation facility.

As proposed in the bill, the Glen Canyon Recreation Area would embrace a territory of approximately 1,154,638 acres of land and water in Utah and Arizona surrounding the Colorado River and Lake Powell, which has been formed by the Glen Canyon Dam. This is less than the present acreage, although some new acreage would be added through extension of the boundaries northward in Utah to embrace some of the land immediately west of Canyonlands National Park, and some additional acreage in the Escalante River drainage.

Since the bill was introduced, developments have occurred which indicate that two tracts adjacent to the waters of Lake Powell which are excluded in S. 27 from the boundaries of the recreation area can now be left in. I am referring to Sit Down Bench and Warm Creek 7,836 and 4,946 acres respectively, which have been under consideration as sites for the development of large coal-fired, steam-power generating stations and related facilities. Alternate sites have been chosen for Kaiparowits so these two pieces are back within the boundaries of the recreation area. The new recreation area acreage as proposed by the amended version of S. 27 will be 1,167,410 acres.

The bill requires the Secretaries of Transportation and the Interior, in consultation with other Federal agencies, with the States of Utah and Arizona, to conduct a study of proposed road alinements, including ingress and egress to the area, and to report to the Congress within 2 years their findings and recommendations. This is to assure satisfactory road corridors within the recreation area, and connections with roads outside. This same requirement has been added to the national park bills.

The bill proposes a study of the Escalante drainage as proposed wilderness, and an area is added in the Escalante drainage.

CAPITOL REEF NATIONAL PARK—ARCHES NATIONAL PARK

S. 29 and S. 30 would establish Capitol Reef National Park and Arches National Park in the south central and southeastern part of Utah.

Both of these areas are now national monuments. Their boundaries were considerably expanded in January 1969 by a proclamation issued by President Johnson. The President suggested that these monuments were worthy of national park status at that time. But this, of course, will require an act of Congress.

In both instances, areas were included in the expanded monuments by the Johnson proclamation on which there may be recoverable minerals and areas on which grazing permits are not now valid.

S. 29 and S. 30 would establish national parks at both Capitol Reef and Arches which make best use of the land involved. They would protect within the borders of a national park the remarkable scenic and geologic wonders of the area, and leave outside those boundaries the lands best suited for grazing or mineral exploration. These boundaries have been set after months of consultation with people who live in the area, and lengthy study.

Capitol Reef National Park, as established under S. 29, would consist of 242,472 acres, as opposed to the present national monument which encompasses 254,242 acres. It includes the most readily understandable monocline in the United States—the Waterpocket Fold.

The Arches National Park—S. 30—would be located in the heart of the famed redrock country of southeastern Utah and it embraces a fantastic concentration of natural stone arches, window spires, and pinnacles. To date, nearly 90 arches have been discovered.

There is one other matter I should mention here this morning. The Senate Interior Committee has pending before it a series of wilderness proposals recently transmitted to Congress by President Nixon. Two of the proposals embrace parts of the present Capitol Reef National Monument and the present Arches National Monument. I have proposed, Mr. President, that these two proposals be laid aside until after the boundaries of the new Capitol Reef National Park and Arches National Park are established. We can then discuss them in terms of the overall acreage in the parks, and in their desirability in relation to the entire park. Most certainly we will want to preserve some parts of both these magnificent areas in their pristine state so that people who come to see them years hence can find them in much the same state as they are today. All four bills provide for an updated wilderness study and a report to the Congress within 2 years.

Mr. MANSFIELD. Mr. President, all I can say at the beginning of the calendar today, is that I would refer to this session as the Utah session.

CANYONLANDS NATIONAL PARK, UTAH

The Senate proceeded to consider the bill (S. 26) to revise the boundaries of the Canyonlands National Park in the State of Utah, which had been reported from the Committee on Interior and Insular Affairs with amendments, on page 2, after line 20, insert the following new section:

SEC. 4. (a) The Secretaries of the Interior and Transportation, in consultation with other Federal departments involved, and with the State of Utah, shall conduct a study of proposed road alinements within and ad-

jacent to the Canyonlands National Park. Such study shall consider what roads are appropriate and necessary for full utilization of the area for the purposes of this Act as well as to connect with roads of ingress and egress to the area.

(b) A report of the findings and conclusions of the Secretaries of Interior and Transportation shall be submitted to the Congress within two years of the date of enactment of this Act, including recommendations for such further legislation as may be necessary to implement the findings and conclusions developed from the study.

(c) The Secretary of the Interior is requested to make a study of the areas in Canyonlands National Park suitable for wilderness designation and report to Congress within two years after date of enactment of this Act.

And on page 3, after line 13, add the following new section:

SEC. 5. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That the first section of the Act of September 12, 1964 (78 Stat. 934), is revised to read:

"That in order to preserve an area in the State of Utah possessing superlative scenic, scientific, and archeologic features for the inspiration, benefit, and use of the public, there is hereby established the Canyonlands National Park which, subject to valid existing rights, shall comprise the area generally depicted on the drawing entitled 'Boundary Map. Canyonlands National Park, Utah,' numbered 164–91004 and dated June 1970, which shows the boundaries of the park having a total of approximately three hundred and thirty-seven thousand two hundred and fifty-eight acres. The map is on file and available for public inspection in the offices of the National Park Service, Department of the Interior."

SEC. 2. Section 2 of the Act of September 12, 1964 (78 Stat. 934) is amended as follows:

(1) delete the words 'described in section 1 hereof or" which appear after the word "area" in the first sentence;

(2) insert the words "or any amendment thereto" after the word "Act" in the third sentence; and

(3) insert the words "or any amendment thereto" after the word "Act" in the fifth sentence.

SEC. 3. Section 3 of the 1964 Act is amended as follows: insert the words "or any amendment thereto" after the word "Act".

SEC. 4. (a) The Secretaries of the Interior and Transportation, in consultation with other Federal departments involved, and with the State of Utah, shall conduct a study of proposed road alinements within and adjacent to the Canyonlands National Park. Such study shall consider what roads are appropriate and necessary for full utilization of the area for the purposes of this Act as well as to connect with roads of ingress and egress to the area.

(b) A report of the findings and conclusions of the Secretaries of Interior and Transportation shall be submitted to the Congress within two years of the date of enactment of this Act, including recommendations for such further legislation as may be necessary to implement the findings and conclusions developed from the study.

(c) The Secretary of the Interior is requested to make a study of the areas in Canyonlands National Park suitable for wilderness designation and report to Congress within two years after date of enactment of this Act.

SEC. 5. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–155), explaining the purposes of the measure.

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

PURPOSE

The purpose of S. 26 is to extend the boundaries of the Canyonlands National Park to include certain superlative areas that were omitted when the measure establishing the park was enacted in 1964. In recent years, there has developed a growing awareness of the tremendous recreational potential of the canyon country of southeastern Utah. Fulfillment of this potential requires the enlargement of the boundaries of Canyonlands National Park as provided by this bill if several additional desirable attributes of a national park are to be attained. As visitation increases, it is also important that these additional areas be brought under the protection and management of the National Park Service.

BACKGROUND

The present park contains approximately 257,640 acres. S. 26 would add four additional tracts which, except for 80 acres, are public lands totaling approximately 79,618 acres. The total area for the expanded park would be 337,258 acres.

Three of these parcels adjoin Canyonlands and one is located a few miles to the west of the present national park. The largest of the tracts is The Maze, which lies directly to the west of the park and north of the Glen Canyon National Recreation Area. It embraces a rugged labyrinth of canyons and eroded geological formations, some of which it is probable that no living man has ever seen.

The other three tracts are:

(1) approximately 10,032 acres which adjoin the southeast corner of Canyonlands, and includes part of the famed Lavender Canyon.

(2) 23,025 acres along the north boundary of Canyonlands which includes the remainder of the highly scenic Taylor Canyon, and some areas needed primarily for administrative purposes, and

(3) 3,178 acres known as Horseshoe Canyon, which is located 7 miles west of the northwest corner of Canyonlands and which contains some of the finest galleries of prehistoric pictographs in the country.

All of the areas added by S. 26 contain unique features and natural phenomena which are of national significance. They should be protected in an undisturbed state and the most desirable and effective way to provide such protection is to incorporate them into the national park.

The Committee did not adopt the Department's recommendation that Dead Horse State Park be included within the proposed boundaries. The State of Utah has no desire to donate Dead Horse State Park at this time. Senator Moss feels the inclusion would be wise since it would allow the area to be administered as a whole, and would provide added economic benefits to the State of Utah, but in deference to the desires of the State, and of a number of individual citizens, he has declined to press for this addition in S. 26.

Several amendments to include additional areas were suggested by interested proponents of the Park including the Sierra Club. The Committee feels that the inclusion of these areas should be postponed until further study is made, including study of the Dead Horse State Park.

The recommendations of the National Park Service that a tract of 1,920 acres immediately adjacent to the southwest boundary of the park be added was not accepted by the Committee because testimony indicated that there are possible tar sands deposits located on this area, and these deposits could not be developed if the acreage was included within the boundaries of a national park. It is proposed in another bill (S. 27) that this area be included within the Glen Canyon National Recreation Area, where mineral exploration and development is permissible, under careful supervision to protect scenic and recreation values. The Committee deems exclusion of this tract to be in the best interests of the State of Utah and the general public.

COMMITTEE AMENDMENT

The Committee amended the bill to provide that the Secretaries of Interior and Transportation, in consultation with other Federal Departments involved, and the State of Utah, shall conduct a study of proposed road alignments within and adjacent to Canyonlands National Park, with a report to be sent to Congress within two years after date of this Act. Particular attention is to be given to connection of roads of ingress and egress planned by the state. It is an obligation of the Federal government to cooperate with the states in assuring accessibility for the average American to our National Parks to enjoy our great scenic heritage, such as exists in this wild and beautiful section of Utah.

The committee records its intention that in this fragile eroded land, road standards will prevail with express provisions on grade and alignment to conform as closely as possible with the existent terrain. Also in the construction process every effort will be made to create as little disturbance as possible of any of the natural features or of wildlife.

The addition of the new tracts to Canyonlands National Park has been recommended by the Advisory Board on National Parks, Historic Sites, Buildings and Monuments. The board had previously recommended national park status for most of the lands involved in S. 26 when it recommended the adoption of the earlier proposal to establish Canyonlands National Park.

The Committee has been advised that the citizens of Southern Utah have expressed concern over the lack of road development in the national park, and they have had serious reservations about adding additional acreage until firm assurances were made that the development program would be pushed to promote increased tourist travel.

In the State of Utah as a whole, where approximately 70 percent of the land is in Federal ownership, the citizens are understandably reluctant to have acreage removed from multiple-use status unless benefits to the local economy from tourism will accrue from the Department of Interior's development programs.

The bill retains the provision in existing law for acquisition of non-Federal lands within the new areas by exchange.

As in the case with certain primitive regions in Glen Canyon National Recreation Area, it is recommended that the Secretary of the Interior report to Congress within 2 years on the areas in Canyonlands National Park which are suitable for wilderness designation. The Maze and the Fins, the Land of Standing Rocks, and the Doll House are all spectacularly scenic, and so unusual in the variety of their formations, they will add greatly to the attractiveness of the park. These areas lend themselves ideally for preservation as natural regions.

NEED

Some 33,400 people are now visiting Canyonlands annually. Roads are being built

into areas of the park formerly accessible by only Jeep or horseback, and campsites and trails are being extended and improved. More and more people are coming into the area each year, and are fanning out into remote areas both within and outside of the park boundaries.

Before Canyonlands National Park was established, there was considerable vandalism of both geological formations and Indian artifacts. It is important that we act now to bring under the protection of the Park Service the best of the areas still outside the park so they cannot be defaced by thoughtless treatment.

NEW TRACTS

For the purpose of better understanding and definition, the tracts of land to be added to Canyonlands National Park are described as follows:

1. *Horseshoe Canyon.*—This tract of approximately 3,178 acres is located about 7 miles west of the northwest corner of Canyonlands National Park and contains a scenic portion of Horseshoe Canyon. Within the area are located several groups of nationally significant prehistoric pictographs which should be preserved and, at the same time, made available for public benefit and enjoyment. All of the tract is Federal land administered by the Secretary of the Interior through the Bureau of Land Management and State school sections which will be exchanged for similar Federal acreage.

2. *The Maze.*—The tract contains approximately 49,233 acres and is located west of the Colorado River below its junction with the Green River. The tract includes the brightly colored, intricately eroded, and spectacularly scenic geologic features known as the Maze, the Land of Standing Rocks, and Ernie's Country. As a protected primitive area accessible only by jeep, foot, and horseback, the area has high potential for providing inspirational and spiritual refreshment to the visiting public. The tract contains 4,478 acres of State-owned land which the Department proposes to acquire by exchange. The remaining acreage is Federal land administered by the Secretary through the Bureau of Land Management.

3. *The North Side.*—This tract of approximately 17,175 acres lies along the north boundary of Canyonlands National Park. The tract includes the remainder of highly scenic Taylor Canyon which is now only partially within the national park. It also includes portions of Shafer Canyon, and the White Rim which are needed primarily for administrative purposes and to meet development needs. In addition it would permit development of overlooks at Taylor and Shafer Canyons. Within the tract are 1,603 acres of State land, and no private land. The remainder is Federal land administered by the Secretary through the Bureau of Land Management.

4. *Lavender Canyon.*—This tract of approximately 11,952 acres adjoins the southeast corner of Canyonlands National Park and contains the upper portion of Lavender Canyon and an important section of Upper Salt Creek Canyon. Both canyons are highly scenic and contain numerous prehistoric Indian ruins and several natural arches. Within the tract are 1,278 acres of State land and 80 acres of private land. The remainder is Federal land administered by the Secretary through the Bureau of Land Management.

COST

All but 80 acres of the lands that have been proposed for inclusion within the park are either in Federal ownership or owned by the State. Land acquisition costs for the 80 acres of private lands are estimated at approximately $9,200.

Some principal developments for the proposed additions include an access road and foot trails, overlooks, visitor contact shelter, interpretive exhibits and pictograph protection at Horseshoe Canyon. At the Maze, a campground, ranger station, employee residence, utility systems, roads and trails, pictograph protection and interpretive devices; circulation roads, an overlook, trails, and interpretive devices in the North Side tract; and jeep trails, and interpretive markers for Lavender Canyon. Developments proposed for the additions are estimated to cost $5,102,900 with increased annual operating costs of $114,172 by the fifth year of operation.

COMMITTEE RECOMMENDATION

The Committee on Interior and Insular Affairs unanimously recommends enactment of S. 26.

GLEN CANYON NATIONAL RECREATION AREA, ARIZONA AND UTAH

The Senate proceeded to consider the bill (S. 27) to establish the Glen Canyon National Recreation Area in the States of Arizona and Utah, which had been reported from the Committee on Interior and Insular Affairs with amendments, on page 1, in line 10, strike out the words "Arizona Utah GLC 91001" and insert in lieu thereof "Arizona-Utah-GLC 91004";

At the end of line 11, strike out "May 1970" and insert in lieu thereof "June 1971";

On page 2, after "Interior." strike out the following language: "When the Secretary of the Interior finds that two tracts of land adjacent to the boundary of the national recreation area at Sit Down Bench and Warm Creek, comprising seven thousand eight hundred and thirty-six acres and four thousand nine hundred and forty-six acres, respectively, are not needed or used for powersite development or related facilities, he may add the lands to the area by publication of a notice in the Federal Register, and from time to time he may make other boundary revisions in the same manner, but the" and insert "The";

In line 13, after the word "exceed" strike out "one million one hundred and sixty-seven thousand four hundred and twenty" and insert in lieu thereof "one million two hundred eighty-five thousand three hundred and ten";

After line 21, strike out the following language:

(b) When acquiring property by exchange, the Secretary may accept title to any non-Federal property within the boundaries of the national recreation area, and in exchange therefor he may convey to the grantor of such property and federally owned property under his jurisdiction which he classifies as suitable for exchange or other disposal and which is located in the same State as the non-Federal property to be acquired. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require.

On page 3, in line 9, strike out "(c)" and insert in lieu thereof "(b)";

On page 5, in line 8, after the word "State", strike out the following language: "laws: *Provided,* That the Secretary, after consultation with the respective State fish and game commissions, may issue regulations designating zones where and establishing periods when no hunting, fishing, or trapping shall be permitted for reasons of public safety, administration, or public use and enjoyment."

And insert in lieu thereof: "laws, except that the Secretary may designate zones where and establish periods when no hunting, fishing, or trapping may be permitted for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment. Except in emergencies, any regulations of the Secretary pursuant to this section shall be put into effect only after consultation with the appropriate State fish and game commission."

On page 6, after line 20, insert the following new section:

SEC. 8. The Secretary of the Interior shall conduct a study of the Escalante River Drainage encompassed within the boundaries of the Glen Canyon National Recreation Area as set forth in this bill to determine the suitability of any part of such drainage to be designated as wilderness, and shall report to Congress within two years of the date of this Act.

And on page 7, in line 4, after "SEC." strike out "8" and insert in lieu thereof "9"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to provide for public outdoor recreation use and enjoyment of Lake Powell and lands adjacent thereto in the States of Arizona and Utah and to preserve scenic, scientific, and historic features contributing to public enjoyment of the area, there is established the Glen Canyon National Recreation Area to comprise the area generally depicted on the drawing entitled "Boundary Map, Glen Canyon National Recreation Area," numbered Arizona-Utah–GLC 91004, and dated June 1971, which is on file and available for public inspection in the office of the National Park Service, Department of the Interior. The total acreage of the national recreation area may not exceed one million two hundred eighty-five thousand three hundred and ten acres.

SEC. 2. (a) Within the boundaries of the national recreation area, the Secretary of the Interior may acquire land and interests in land by donation, purchase with donated or appropriated funds, or by exchange, except that land owned by a State, political subdivision thereof, or an Indian tribe may be acquired only with the concurrence of the owner.

(b) Nothing in this Act shall be construed to affect the mineral rights reserved to the Navajo Indian Tribe under section 2 of the Act of September 2, 1958 (72 Stat. 1686), or the rights reserved to the Navajo Indian Tribal Council in said section 2 with respect to the use of the lands there described under the heading "PARCEL B".

SEC. 3. (a) The lands within the national recreation area, subject to valid existing rights, are withdrawn from location, entry, and patent under the United States mining laws. Under such regulations as he deems appropriate, the Secretary of the Interior shall permit the removal of the nonleasable minerals from lands or interests in lands within the national recreation area in the manner prescribed by section 10 of the Act of August 4, 1939, as amended (53 Stat. 1196; 43 U.S.C. 387 et seq.), and he shall permit the removal of leasable minerals from lands or interests in lands within the recreation area in accordance with the Mineral Leasing Act of February 25, 1920, as amended (30 U.S.C. 181 et seq.), or the Acquired Lands Mineral Leasing Act of August 7, 1947 (30 U.S.C. 351 et seq.), if he finds that such disposition would not have significant adverse effects on the Glen Canyon project or on the administration of the national recreation area pursuant to this Act.

(b) All receipts derived from permits and leases issued on lands in the national recre-

ation area under the Mineral Leasing Act of Februray 25, 1920, as amended, or the Act of August 7, 1947, shall be disposed of as provided in the applicable Act; and receipts from the disposition of nonleasable minerals within the recreation area shall be disposed of in the same manner as moneys received from the sale of public lands.

SEC. 4. The Secretary of the Interior shall administer, protect, and develop the Glen Canyon National Recreation Area in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.), as amended and supplemented, and with any other statutory authority available to him for the conservation and management of natural resources to the extent he finds such authority will further the purposes of this Act: *Provided, however,* That nothing in this Act shall affect or interfere with the authority of the Secretary of the Interior granted by Public Law 485, Eighty-fourth Congress, second session, to operate Glen Canyon Dam and Reservoir in accordance with the purposes of the Colorado River Storage Project Act for river regulation, irrigation, flood control, and generation of hydroelectric power.

SEC. 5. The Secretary shall permit hunting, fishing, and trapping on the lands and waters under his jurisdiction within the recreation area in accordance with the applicable Federal and State laws, except that the Secretary may designate zones where and establish periods when no hunting, fishing, or trapping may be permitted for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment. Except in emergencies, any regulations of the Secretary pursuant to this section shall be put into effect only after consultation with the appropriate State fish and game commission. Nothing in this Act shall affect the jurisdiction or responsibilities of the States of Utah and Arizona under other provisions fo State laws with respect to hunting and fishing.

SEC. 6. The Secretary of the Interior shall grant easements and rights-of-way on a nondiscriminatory basis upon, over, under, across, or along any component of the Glen Canyon National Recreation Area, if he finds that such easements and right-of-way would not have significant adverse effects on the administration of the national recreation area pursuant to this Act.

SEC. 7. (a) The Secretaries of the Interior and Transportation, in consultation with other Federal departments involved, and with the States of Arizona and Utah, shall conduct a study of proposed road alinements within and adjacent to the Glen Canyon National Recreation Area. Such study shall consider what roads are appropriate and necessary for full utilization of the area for the purposes of this Act as well as to connect with roads of ingress and egress to the area.

(b) A report of the findings and conclusions of the Secretaries of the Interior and Transportation shall be submitted to the Congress within two years of the date of enactment of this Act, including recommendations for such further legislation as may be necessary to implement the findings and conclusions developed from the study.

SEC. 8. The Secretary of the Interior shall conduct a study of the Escalante River Drainage encompassed within the boundaries of the Glen Canyon National Recreation Area as set forth in this bill to determine the suitability of any part of such drainage to be designated as wilderness, and shall report to Congress within two years of the date of this Act.

SEC. 9. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–156), explaining the purpose of the measure.

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

PURPOSE OF BILL

The purpose of S. 27 is to afford permanent, statutory protection to the scenic Glen Canyon National Recreation Area, which is presently administered under an Executive order.

BACKGROUND

The Glen Canyon National Recreation Area proposed in this bill, as amended, would embrace a territory of approximately 1,285,310 acres of land and water. Although the principal use of the area would be recreational—mineral exploration and development, grazing and hunting would be permitted, subject to regulations by the Secretary of the Interior to protect scenic, scientific, and historic values.

The rough and beautiful canyon country of the Colorado Plateau has been known to various Indian tribes for at least 2,000 years. Sporadically used in the early centuries of the Christian era, it was most heavily used for farming from 900 to 1000 A.D. These people departed the Glen Canyon area in the 13th century after a prolonged drought. The many ruins found in the region are relics of the ancient settlements.

Archeological excavations in the district have disclosed a large variety of stone and bone tools, baskets, pottery, and other artifacts.

The name "Glen Canyon" was given to a long stretch of the Colorado River by John Wesley Powell, who led exploratory trips through the area in 1869 and 1871. He mapped the region and named many of the features.

The Navahos, whose reservation adjoins Glen Canyon on the south, are newcomers compared to the Hopi and Rio Grande Pueblo peoples. Actually, the Navaho did not migrate into the canyon until the middle part of the 19th century.

Glen Canyon and Lake Powell are principal features of the Colorado River storage project. The concrete arch dam stores water in Lake Powell to meet downstream commitments, and permits retention of some water in upstream valleys. Controlled release of water through the giant turbines of the powerplant generate great amounts of hydroelectric power for use by cities and industries throughout the West. Revenue from the sale of this power will repay the cost of the dam and will help meet the costs of other reclamation projects elsewhere.

DESCRIPTION OF AREA

The new boundaries of the proposed Glen Canyon National Recreation Area in S. 27, as introduced, follow in many respects those set by administrative action, although there is one major addition. A sweep of land to the north is brought into the recreation area to provide a buffer zone for the Maze, and allow the National Park Service to supervise the overlook area of Canyonlands National Park, and to develop appropriate campsites, hiking trails, and other access to the west side of the park. Since the rivers through the national park completely isolate the eastern and western sides of the park, the approach from the west must be protected and developed.

COMMITTEE AMENDMENTS

The committee approved amendments which make the following additional changes in the boundaries of the Glen Canyon National Recreation Area:

Two tracts known as Sit Down Bench and Warm Creek were excluded in the bill as introduced because they were potential location sites for coal-fired electric generation plants then in the planning stage. In recent hearings before the Interior Committee on location of the powerplant, proponents testified that the power companies no longer desired use of either Sit Down Bench or Warm Creek sites because an alternate site, Nipple Bench, farther back from the lake and some distance from the proposed boundaries of the recreation area has been chosen. Therefore, these areas can be included in the recreation area, and section I is amended accordingly.

The committee does not accept the proposal of the Department of the Interior to exclude 1,920 acres from the recreation area immediately adjacent to the southwest boundary of Canyonlands National Park. This area is known to contain tar sands deposits and therefore the committee concluded it properly belongs in the recreation area where mineral exploration and development may be conducted if energy demands make such development economically feasible and desirable.

However, the Department's recommendation that 3,520 acres of the proposed recreation area which embrace the southernmost part of the Waterpocket Fold remain a part of the proposed Capitol Reef National Park is accepted, and these acres are, therefore, excluded from the Glen Canyon National Recreation Area. The prime purpose in creating Capitol Reef National Park is to protect and display the most unusual monocline in the United States—the Waterpocket Fold—and it is therefore desirable that the full length of this striking geologic formation be included within the boundaries of that national park.

The committee amended the bill so that the boundaries of the recreation area will be extended to include additional drainage areas of the Escalante River Basin. The bill as introduced extended the recreation area to cover part of the Escalante Basin. The suggested amendment adds other notable scenic and wilderness-type tracts and would include the Escalante River Basin upstream to a point about halfway between its Boulder Creek and Sand Creek tributaries. Since the bill directs the National Park Service to conduct a study of the Escalante region to see if it is suitable for inclusion in the wilderness system, the committee believes that the study should also include the supplementary acres added by this amendment.

The new boundaries described comprise the area generally depicted on the drawing entitled "Boundary Map, Glen Canyon National Recreation Area" numbered Arizona-Utah GLC 91,004 and dated June 1971. The bill is amended on page 1 to reflect this change in citation.

The committee accepts the Interior Department's revision of language in section 2 of the bill relating to the manner in which the Secretary may acquire property for exchange within the recreation area. The language in section 5(b) of the act of July 15, 1968, establishes guidelines for exchange which apply to all units of the national park system.

The committee also accepts the Department's revision of language in section 5 of the bill which relates to hunting. The Department recommended that standard language be used, and since this language is essentially in accord with language in the bill as introduced, the committee believes that in the interest of conformity the standard language should prevail.

This new language provides that the Secretary shall permit hunting, fishing, and trapping in accordance with Federal and State laws, except that the Secretary may designate zones where all of these activities

may be curtailed for public safety, and that except in emergencies, the State fish and game commissioner must be consulted in all action taken.

The Department recommended that section 6 of the bill be deleted because it requires the Secretary of the Interior to grant easements in rights-of-way on a nondiscriminatory basis across the recreation area "if he finds that such easements and rights-of-way would not have significant adverse effects on the administration of the national recreation area pursuant to this act."

The committee believes this language is necessary to require the Secretary to determine what area may be traversed to accommodate necessary transmission lines, roads, pipelines, and related facilities. The Glen Canyon National Recreation Area will swing in an arc from east central Utah to the Arizona border, and if utility crossings are unreasonably delayed or prohibited, severe economic damage may result to Utah and the surrounding States. The language in the bill states that the Secretary has an obligation to work out acceptable routes across the area. Consideration must be given to underground installation and transmissions arrangements. As much as possible, corridors for these services must be selected to avoid scenic degradation and environmental pollution.

The committee added a new section to the bill (section 8) providing that the Secretary of the Interior, utilizing the services of the National Park Service, the Bureau of Land Management, and other interested agencies, shall conduct a study of the Escalante River drainage encompassed within the boundaries of the Glen Canyon National Recreation area as set forth in this bill, to determine whether any part of this wild and beautiful section of the country should be designated as wilderness. The report shall be made to Congress within 2 years of date of this act.

The Escalante is a contrast of the mammoth and the minute, of open expanse and hidden glens—and endless horizons of Fortymile Bench, complemented by walls 18 inches apart and hundreds of feet high. It appears worthy of inclusion in the wilderness system.

It is expected that the U.S. Geological Survey will continue and keep up to date its examination of lands within the recreation area for mineral classification.

OTHER PROVISIONS OF BILL

The bill provides that a study be made by the Department of the Interior and Department of Transportation, together with the highway departments of the States of Utah and Arizona to determine what roads should be built within the recreation area to provide suitable access, giving particular attention to the connection with roads of ingress and egress planned by the State.

This study must be completed and recommendations forwarded to the Congress within 2 years after date of the act. There is a dearth of roads at the present time and suitable access must be provided. The State of Utah particularly has been greatly concerned lest the Department of the Interior delay building roads in areas under its jurisdiction. At one point Utah expressed opposition to the bill unless specific road corridors were designated in the legislation. The State has now expressed its approval of road study provision with the understanding that the State will participate in the study and that definite provision will be made for adequate roadbuilding.

It is the opinion of the committee that suitable roads must be built throughout the recreation area at the earliest possible time. Reports indicate that on Memorial Day, 1971, the recreation area was so inundated with visitors that parking space was nonexistent, and boatramps were crowded well beyond capacity. Radio broadcasts were used to discourage people from coming. This indicates the pressing need for more roads and more access to the lake and other parts of the recreation area.

Inquiries have been received from counties and the State of Utah regarding the designation and availability of sections of land for private use to construct commercial and residential structures, and so forth. The types of structures and use would all have to be approved by the Department and would be subject to planning and zoning restrictions. Such a provision would necessitate an indepth study by the Department and a subsequent report made to the Congress on the impact involved.

It is noted that Lake Powell was created by the building of Glen Canyon Dam, and that the Bureau of Reclamation continues to hold responsibility for operation of the dam including regulation of waterflow and transmission of power generated there. It is suggested that the role of the Bureau in the management of the recreation area be noted on public signs where appropriate.

NEED

In 1970, 907,500 people visited Glen Canyon and enjoyed the numerous facilities offered by the recreation area. It is expected that by 1975, over 1½ million people will be visiting Glen Canyon Recreation Area annually.

This is a 14-percent increase and similar increases are anticipated over the next several years. People from such areas as Los Angeles, Phoenix, Salt Lake City, and Denver, have found the recreation area exceedingly attractive, especially during the summer months.

Lake Powell, with a surface of 256 square miles, has, as indicated, already become a recreation magnet, attracting over 700,000 visitors annually. About one-fourth of the park service development program is complete, and as the program progresses, and more of the shoreline is made accessible, the area will become even more popular.

Enactment of this bill will establish the national recreation area by law and assure its continued existence and development.

It will also reiterate permissible multiple use within the recreation area. It will assure continued right to remove both leasable and nonleasable minerals. Under existing law the Secretary has authority to grant easements for power transmission lines and pipelines under regulations to prevent adverse effects on the recreation area. Navaho mineral rights and Indian rights to use certain lands are also protected.

COST

The cost of acquiring the 160 acres of private lands within the national recreation area is estimated at $175,000, based on 1967 appraisals. Since authority already exists under section 8 of the Colorado River Storage Project Act (70 Stat. 105, 110) for land acquisition, and for development and operation of recreation facilities, no additional development or operating costs are attributed to this legislation.

COMMITTEE RECOMMENDATION

The Committee on Interior and Insular Affairs unanimously recommends enactment of S. 27.

CAPITOL REEF NATIONAL PARK, UTAH

The Senate proceeded to consider the bill (S. 29) to establish the Capitol Reef National Park in the State of Utah which had been reported from the Committee on Interior and Insular Affairs with amendments on page 2, in line 9, strike out "(a)";

After line 16 strike out:

(b) In exercising his authority to acquire such lands or interests therein by exchange, the Secretary may accept title to any non-Federal lands located within any such areas described under the first section of this Act and convey to the grantor of such lands or interests any federally owned lands under the jurisdiction of the Secretary within the State of Utah. The lands so exchanged shall be approximately equal in fair market value, but the Secretary may accept cash from, or pay cash to, the grantor in such an exchange in order to equalize the value of the land exchanged.

On page 5, after line 13, add the following new language:

(d) The Secretary is directed to study proposed wilderness areas based on the boundaries of Capitol Reef National Park as established by this Act, and submit recommendations to Congress.

After line 17, add the following new section:

SEC. 6. (a) The Secretaries of the Interior and Transportation, in consultation with other Federal departments involved, and with the State of Utah, shall conduct a study of proposed road alinements within and adjacent to the Capitol Reef National Park. Such study shall consider what roads are appropriate and necessary for full utilization of the area for the purposes of this Act as well as to connect with roads of ingress and egress to the area.

(b) A report of the findings and conclusions of the Secretaries of the Interior and Transportation shall be submitted to the Congress within two years of the date of enactment of this Act, including recommendations for such further legislation as may be necessary to implement the findings and conclusions developed from the study.

And on page 6, in line 7, strike out "6" and insert in lieu thereof "7", so as to make the bill read:

S. 29

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subject to valid existing rights, the lands, waters, and interests therein within the boundary generally depicted on the map entitled "Boundary Map, Proposed Capitol Reef National Park, Utah," numbered 158–91, 002, and dated January 1971, are hereby established as the Capitol Reef National Park (hereinafter referred to as the "park"). Such map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

(b) The Capitol Reef National Monument is hereby abolished, and any funds available for purposes of the monument shall be available for purposes of the park. Federal lands, waters, and interests therein excluded from the monument by this Act shall be administered by the Secretary of the Interior (hereinafter referred to as the "Secretary") in accordance with the laws applicable to the public lands of the United States.

SEC. 2. The Secretary is authorized to acquire by donation, purchase with donated or appropriated funds, transfer from any Federal agency, exchange or otherwise, the lands and interests in lands described in the first section of this Act, except that lands or interests therein owned by the State of Utah, or any political subdivision thereof, may be acquired only with the approval of such State or political subdivision.

SEC. 3. Where any Federal lands included within the park are legally occupied or utilized on the date of approval of this Act for grazing purposes, pursuant to a lease, per-

mit, or license issued or authorized by any department, establishment, or agency of the United States, the Secretary shall permit the persons holding such grazing privileges on the date of approval of this Act, their heirs, successors, or assigns, to renew the privileges from time to time subject to such terms and conditions as the Secretary may prescribe: *Provided, however,* That no such privilege shall be extended beyond the period ending twenty-five years from the date of approval of this Act except as specifically provided for in this section. The Secretary shall permit a holder of the grazing privilege to renew such privilege from time to time during the holder's lifetime beyond the twenty-five-year period, subject to such terms and conditions as the Secretary may prescribe, if (1) the holder is the person who held such privilege on the date of approval of this Act, or (2) the holder is the heir, successor, or assign of such person and was a member of that person's immediate family, as determined by the Secretary of the Interior, on the date of approval of this Act. Nothing contained in this section shall be construed as creating any vested right, title, interest, or estate in or to any of the Federal lands. The Secretary, by regulation, may limit the privileges enjoyed under this section to the extent that they are appurtenant to the private lands owned by the persons who held such privileges on the date of approval of this Act, and may adjust such privileges to preserve the park land and resources from destruction or unnecessary injury. Grazing privileges appurtenant to privately owned lands located within the park established by this Act shall not be withdrawn until title to lands to which such privileges are appurtenant shall have vested in the United States, except for failure to comply with the regulations applicable thereto and after reasonable notice of any default.

SEC. 4. Nothing in this Act shall be construed as affecting in any way rights of owners and operators of cattle and sheep herds, existing on the date immediately prior to the enactment of this Act, to trail their herds on traditional courses used by them prior to such date of enactment, and to water their stock, notwithstanding the fact that the lands involving such trails and watering are situated within the park.

SEC. 5. (a) The National Park Service, under the direction of the Secretary, shall administer, protect, and develop the park, subject to the provisions of the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535).

(b) In order to provide for the proper development and maintenance of the park, the Secretary shall construct and maintain therein such roads, trails, markers, buildings, and other improvements, and such facilities for the care and accommodation of visitors, as he may deem necessary.

(c) The Secretary shall grant easements and rights-of-way on a nondiscriminatory basis upon, over, under, across, or along any component of the park area, if he finds that such easements and rights-of-way would not have significant adverse effects on the administration of the park pursuant to this Act.

(d) The Secretary is directed to study proposed wilderness areas based on the boundaries of Capitol Reed National Park as established by this Act, and submit recommendations to Congress.

SEC. 6. (a) The Secretaries of the Interior and Transportation, in consultation with other Federal departments involved, and with the State of Utah, shall conduct a study of proposed road alinements within and adjacent to the Capitol Reef National Park. Such study shall consider what roads are appropriate and necessary for full utilization of the area for the purposes of this Act as well as to connect with roads of ingress and egress to the area.

(b) A report of the findings and conclusions of the Secretaries of the Interior and Transportation shall be submitted to the Congress within two years of the date of enactment of this Act, including recommendations for such further legislation as may be necessary to implement the findings and conclusions developed from the study.

SEC. 7. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–157), explaining the purposes of the measure.

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

PURPOSE OF MEASURE

The purpose of S. 29, which is sponsored by Senator Moss, of Utah, is to give national park status to a unique, scenically spectacular, and geologically and historically rich area in Utah. Substantially all of the lands in the proposed park area are public lands, and are a part of a larger area already being administered by the National Park Service as the Capitol Reef National Monument under proclamations issued by Presidents Franklin D. Roosevelt, Dwight D. Eisenhower, and Lyndon B. Johnson.

The committee amendment provides for a total park area of 241,671 acres, which is some 12,570 acres less than the present monument area. With respect to the tracts presently in the monument but excluded from the park by the bill, the committee finds that the highest and best use of such lands will be for other than national park purposes. These tracts have potential for economic development so gravely needed by the State of Utah, where more than two-thirds of the land is federally owned. National park status, generally speaking, precludes other uses.

PROVISIONS OF BILL

The park area is described by reference to a map on file in the Department of the Interior, No. 158–91,002 dated January 1971. With the establishment of the park, the administratively created monument is abolished.

Section 2 of the bill sets forth authorization for acquisition of lands for the park. The committee accepts the recommendation of the Interior Department that the general authority for land exchanges contained in the act of July 15, 1968, be substituted for the specific authority provided in the bill and subsection 2(b) is deleted.

Section 3 of the bill provides for a 25-year phaseout period for those holding grazing permits on areas to be included in the national park. An extension beyond the 25-year period is granted to the present holder of a permit during his lifetime and during the lifetime of his heir successor or assignee if such is a member of the immediate family. The committee rejected the Department of Interior's recommendation that the phaseout period be reduced to 10 years. The committee believes that the provisions of the bill are reasonable in view of the bitter controversy raised by residents of the area who own grazing rights, and in view of the fact also that the number of rights affected is very limited.

Section 4 protects existing rights to established sheep and cattle trails and stock watering places. The committee rejected the amendment proposed by the Department which would empower the Secretary to regulate the use and designate the driveway for the herds. This amendment could nullify the rights already in existence, and which have been established for a number of years.

The committee accepts the recommendation of the Department of the Interior that 3,520 acres which are included in both the proposed Capitol Reef National Park and in the proposed Glen Canyon National Recreation Area be allocated to the National Park. These acres contain the southernmost part of the worlds' most unusual monocline, known as the Waterpocket Fold, and since the principal purpose in establishing Capitol Reef National Park is to protect and display this monocline in its full length, it is desirable that it be included within the boundaries of the park.

The committee rejects the Department's recommendation that the boundary line on the southeastern part of the park be adjusted to follow section lines rather than the rim of the escarpment as provided in the bill. The committee believes that utilizing natural boundaries or escarpments is preferable to using section lines.

Other boundary changes suggested by the Departments are minor. The only one of significance is that the area known as Bentonite Hills on the northeast boundary of the park be added. The Department offered little information as to why this addition should be made, so the committee rejected it, believing that the boundaries on the map described in the bill are suitable and desirable for Capitol Reef National Park.

The Department recommended that subsection 5(c) of the bill be deleted because it requires the Secretary of the Interior to grant easements in rights-of-way across the recreation area "if he finds that such easements and rights-of-way would not have significant adverse effects on the administration of the park pursuant to this act."

The committee believes the language in subsection 5(c) is necessary to require the Secretary to determine what area may be traversed to accommodate necessary transmission lines, roads, pipelines and related facilities. The Capitol Reef National Park runs north to south in South Central Utah, and if utility crossings are unreasonably delayed or prohibited, severe economic damage may result to Utah. By approval of this language in the bill, the committee intends to state in the law that the secretary has an obligation to work out acceptable routes across the area. Consideration must be given to underground installation and transmission arrangements. As much as possible corridors for these services must be selected to avoid scenic degradation and environmental pollution.

COMMITTEE AMENDMENTS

The bill is amended to provide that a study made by the Department of the Interior and Department of Transportation, together with the Utah State Highway Department to determine what roads should be built within the national park to provide suitable access, giving particular attention to the connection with roads of ingress and egress planned by the State. This study must be completed and recommendations forwarded to the Congress within 2 years after date of the act.

The committee rejected as inappropriate an amendment recommended by the Interior Department regarding administration of wilderness areas heretofore designated within the Capitol Reef National Monument. The wilderness designation for the monument, now pending before the committee, is based on the boundaries of the monument before the 1969 expansion. The committee amended the bill to require a new wilderness study based on the new boundaries of the national park.

COST

Since virtually all of the land in the park area is already publicly owned, land acquisition costs will be minimal. However, the bill contains an authorization for appropriation of sums necessary to develop, maintain and operate the park, but it is anticipated that enactment of the bill will not result in any increased expenditures above those which would normally be incurred for the existing national monument.

DESCRIPTION OF AREA

As mentioned above, the Capitol Reef area has unique attributes qualifying it for national park status in the judgment of the Park Service and its advisers, and that of the committee, the members of which have conducted on-the-spot inspections. As described by George Hartzog, Director of the National Park Service, at the committee's May 28, 1970, hearing in Washington:

It is a spectacular area containing numerous cliffs, pinnacles, spires, and brilliantly colored rock layers. Its primary geological feature is a section of the Waterpocket Fold, a great doubling up of the earth's surface.

The area is equally rich in historical significance, for here prehistoric Indians lived approximately 1,200 years ago and left many petroglyphs carved into the smooth cliff walls. Many Indian artifacts and relics from this period are on display at the visitor center. More recent history is also recorded on the cliff walls at Capitol Reef by the persons who traversed this part of Utah between 1850 and 1875 and carved their names and dates of passage en route.

Present day developments at Capitol Reef include a visitor center, modern campground, and several miles of self-guiding trails. The visitor may spend many hours discovering for himself the marvels of the highly colored, eroded cliffs; the Hickman Natural Bridge whose 133-foot span is 72 feet high; Cohab Canyon; Capitol Gorge, with 1,000-foot walls 16 feet apart; and many other geological wonders.

COMMITTEE RECOMMENDATIONS

The Senate Committee on Interior and Insular Affairs unanimously recommends prompt enactment of S. 29, as amended, to give national park status to the unique, spectacular, and historically significant Capitol Reef Area. As stated, costs will not exceed the amounts that would normally be required for the existing monument, and the amended bill will permit development of needed natural resources as well as protecting existing rights and equities.

ARCHES NATIONAL PARK, UTAH

The Senate proceeded to consider the bill (S. 30) to establish the Arches National Park in the State of Utah which had been reported from the Committee on Interior and Insular Affairs with amendments on page 2, in line 9, strike out "(a)";

And beginning with line 17, strike out

(b) In exercising his authority to acquire such lands or interests therein by exchange, the Secretary of the Interior may accept title to any non-Federal lands located within any such areas described under the first section of this Act and convey to the grantor of such lands or interests any federally owned lands under the jurisdiction of the Secretary within the State of Utah. The lands so exchanged shall be approximately equal in fair market value, but the Secretary may accept cash from, or pay cash to, the grantor in such an exchange in order to equalize the value of the land exchanged.

On page 5, after line 4, insert the following new language:

(c) The Secretary is directed to study proposed wilderness areas based on the boundaries of Arches National Park as established by this Act, and submit recommendations to Congress.

After line 8, add the following new section:

SEC. 6. (a) The Secretaries of the Interior and Transportation, in consultation with other Federal departments involved, and with the State of Utah, shall conduct a study of proposed road alinements within and adjacent to the Arches National Park. Such study shall consider what roads are appropriate and necessary for full utilization of the area for the purposes of this Act as well as to connect with roads of ingress and egress to the area.

(b) A report of the findings and conclusions of the Secretaries of the Interior and Transportation shall be submitted to the Congress within two years of the date of enactment of this Act, including recommendations for such further legislation as may be necessary to implement the findings and conclusions developed from the study.

And in line 23, strike out "6" and insert in lieu thereof "7"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subject to valid existing rights, the lands, waters, and interests therein within the boundary generally depicted on the map entitled "Boundary Map, Proposed Arches National Park, Utah," numbered 138–91,002, and dated January 1971, are hereby established as the Arches National Park (hereinafter referred to as the "park"). Such map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

(b) The Arches National Monument is hereby abolished, and any funds available for purposes of the monument shall be available for purposes of the park. Federal lands, waters, and interests therein excluded from the monument by this Act shall be administered by the Secretary of the Interior (hereinafter referred to as the "Secretary") in accordance with the laws applicable to the public lands of the United States.

SEC. 2. The Secretary is authorized to acquire by donation, purchase with donated or appropriated funds, transfer from any Federal agency, exchange or otherwise, the lands and interests in lands described in the first section of this Act, except that lands or interests therein owned by the State of Utah, or any political subdivision thereof, may be acquired only with the approval of such State or political subdivision.

SEC. 3. Where any Federal lands included within the Arches National Park are legally occupied or utilized on the date of approval of this Act for grazing purposes, pursuant to a lease, permit, or license issued or authorized by any department, establishment, or agency of the United States, the Secretary shall permit the persons holding such grazing privileges on the date of approval of this Act, their heirs, successors, or assigns, to renew the privileges from time to time subject to such terms and conditions as the Secretary may prescribe: *Provided, however,* That no such privilege shall be extended beyond the period ending twenty-five years from the date of approval of this Act except as specifically provided for in this section. The Secretary shall permit a holder of the grazing privilege to renew such privilege from time to time during the holder's lifetime beyond the twenty-five-year period, subject to such terms and conditions as the Secretary may prescribe, if (1) the holder is the person who held such privilege on the date of approval of this Act, or (2) the holder is the heir, successor, or assign of such person and was a member of that person's immediate family, as determined by the Secretary of the Interior, on the date of approval of this Act. Nothing contained in this section shall be construed as creating any vested right, title, interest, or estate in or to any of the Federal lands. The Secretary, by regulation, may limit the privileges enjoyed under this section to the extent that they are appurtenant to the private lands owned by the persons who held such privileges on the date of approval of this Act, and may adjust such privileges to preserve the park land and resources from destruction or unnecessary injury. Grazing privileges appurtenant to privately owned lands located within the Arches National Park established by this Act shall not be withdrawn until title to lands to which such privileges are appurtenant shall have vested in the United States, except for failure to comply with the regulations applicable thereto and after reasonable notice of any default.

SEC. 4. Nothing in this Act shall be construed as affecting in any way any rights of owners and operators of cattle and sheep herds, existing on the date immediately prior to the enactment of this Act, to trail their herds on traditional courses used by them prior to such date of enactment, and to water their stock, notwithstanding the fact that the lands involving such trails and watering are situated within the park.

SEC. 5. (a) The National Park Service, under the direction of the Secretary, shall administer, protect, and develop the park, subject to the provisions of the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535).

(b) In order to provide for the proper development and maintenance of the park, the Secretary shall construct and maintain therein such roads, trails, markers, buildings, and other improvements, and such facilities for the care and accommodation of visitors, as he may deem necessary.

(c) The Secretary is directed to study proposed wilderness areas based on the boundaries of Arches National Park as established by this Act, and submit recommendations to Congress.

SEC. 6. (a) The Secretaries of the Interior and Transportation, in consultation with other Federal departments involved, and with that State of Utah, shall conduct a study of proposed road alinements within and adjacent to the Arches National Park. Such study shall consider what roads are appropriate and necessary for full utilization of the area for the purposes of this Act as well as to connect with roads of ingress and egress to the area.

(b) A report of the findings and conclusions of the Secretaries of the Interior and Transportation shall be submitted to the Congress within two years of the date of enactment of this Act, including recommendations for such further legislation as may be necessary to implement the findings and conclusions developed from the study.

SEC. 7. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92158), explaining the purpose of the measure.

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

PURPOSE OF MEASURE

S. 30 is sponsored by Senator Frank E. Moss of Utah. Its purpose is to establish the Arches National Park in the State of Utah, consisting of some 73,154 acres, the greater part of which are now in Federal ownership. The area is a part of a larger area of 82,953 acres now administered as the Arches National Monument under Presidential proclamation.

The bill protects existing uses respecting the trailing and watering of livestock.

PROVISIONS OF BILL

The park boundaries are described by reference to an official map (138–91–002) dated January 1971, on file in the Department of the Interior, rather than by reference to the monument boundaries. The monument lands not included in the park are primarily valuable for grazing, or are known to contain potash deposits of probable commercial value. No private lands would be added to the park by this proposal.

With the establishment of the park, the existing national monument, as such, is abolished. The monument lands not made a part of the park will be administered by the Department of the Interior as public lands and subject to economic use and development under regulation.

The committee rejected the recommendation of the Interior Department for a boundary change which would have reduced the total acreage by 160 acres, since no information was offered to support the reduction.

Section 2 of the bill sets forth authorization for acquisition of lands for the park. The committee accepts the recommendation of the Interior Department that the general authority for land exchanges contained in the act of July 15, 1968, be substituted for the special authority provided in the bill and subsection 2(b) is deleted.

Section 3 of the bill provides for a 25-year phaseout period for those holding grazing permits on areas to be included in the national park. An extension beyond the 25-year period is granted to the present holder of a permit during his lifetime and during the lifetime of his heir successor or assignee if such person is a member of the immediate family. The committee rejects the Department of Interior's recommendation that the phaseout period be reduced to 10 years. The committee believes that these provisions of the bill are reasonable in view of the controversy raised by residents of the area who own grazing rights, and in view of the fact also that the number of rights affected is very limited.

Section 4 protects existing rights to established sheep and cattle trails and stock watering places. The committee rejects the amendment proposed by the Department which would empower the Secretary to regulate the use and designate the driveway for the herds. This amendment might nullify the rights already in existence, and which have been established for a number of years.

COMMITTEE AMENDMENTS

This bill is amended to provide that a study be made by the Department of the Interior and Department of Transportation, together with the Utah State Highway Department to determine what roads should be built within the national park to provide suitable access, giving particular attention to the connection with roads of ingress and egress planned by the State. This study must be completed and recommendations forwarded to the Congress within 2 years after date of the act.

The committee rejected as inappropriate an amendment recommended by the Interior Department regarding administration of wilderness areas designated within the Arches National Monument. The wilderness designation for the monument, now pending before the committee, is based on the boundaries of the monument before the 1969 expansion. The committee amended the bill to require a new wilderness study based on the new boundaries of the national park.

COST

As stated, establishment of the Arches National Park will not add any privately owned lands to the area now administered as the Arches National Monument. The Director of the National Park Service testified to the committee that the park would not require expenditures of any substantial magnitude over those required for the monument.

DESCRIPTION OF AREA

Arches National Monument lies in the heart of the famed red-rock country of southeastern Utah. There, sandstone towers, sweeping coves, balanced rocks, spires, pinnacles, and other spectacular forms resulting from the combined action of running water, wind, rain, frost, and sun form a setting in which the arches are a majestic culmination.

The rock in which the arches have formed was deposited as sand about 150 million years ago, during the Jurassic period. This 300-foot layer, called the Entrada sandstone, is believed to have been laid down mainly by wind. In time it was buried by new layers, and hardened into rock.

The rock was then uplifted, twisted, and severely cracked several times. Later, after erosion had stripped away the overlying layers, the Entrada sandstone was exposed to weathering, and the formation of arches began. Water entering cracks in the sandstone dissolved some of the cementing material, and running water and wind removed the loose sand. Cracks were widened into narrow canyons separated by fins. More rapid weathering of softer areas in some of these vertical walls resulted in undercutting. The quarrying by water and frost persisted, perforating the fins, enlarging the perforations, and smoothing their contours until large, graceful arches were formed. Some arches have been left isolated by erosion of surrounding fins. The visitor can see all stages in their development and decay in the proposed park area, where nearly 90 arches have been discovered to date.

Present facilities at Arches include a visitor center and modern campground for tents and trailers in Devil's Garden. In the summer, campfire talks are given nightly at the campground amphitheater and guided trips are scheduled regularly. For the more independent visitor, there are hiking trails to some of the more spectacular spots in the monument. There is an abundance of wildlife and desert plants, as well, to add to the enjoyment of the visitor to this area.

COMMITTEE RECOMMENDATIONS

The Committee on Interior and Insular Affairs unanimously recommends prompt action on this measure to add an area that is small in size but highly qualified to be a part of our magnificent national park system. There will be no significant increase in budgetary requirements since no privately owned lands are being added. At the same time, the measure takes cognizance of the need for power and other development in Utah where more than two-thirds of the lands are federally owned.

BILL PASSED OVER

S. 161, a bill for the relief of the West Fargo Pioneer, was announced as next in order.

Mr. MANSFIELD. Over, Mr. President.

The PRESIDENT pro tempore. The bill will be passed over.

RELIEF OF CERTAIN INDIVIDUALS AND ORGANIZATIONS

The Senate proceeded to consider the bill (S. 113) for the relief of certain individuals and organizations which had been reported from the Committee on the Judiciary with an amendment on page 2, at the end of line 3, strike out "$267.97" and insert in lieu thereof "$256.89", so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Milford R. Graham, publisher of the Devils Lake Daily Journal, and Joseph R. Walter, postmaster at Devils Lake, North Dakota, are relieved of liability to the United States in the amount of $3,351.61, representing postage due on copies of such journal which were mailed during the period from July 1967 through July 1969, at postage rates which were incorrectly assessed by officials of the Post Office Department.

SEC. 2. The Velva Lutheran Parish, of Velva, North Dakota, and Mrs. Ruth O. Cavanaugh and Richard G. Miller, postmasters at Velva, North Dakota, are relieved of liability to the United States in the amount of $256.89, representing postage due on copies of the publication "Christ in Our Home" which were mailed by such parish during the period from January 1963 through June 27, 1969, at postage rates which were incorrectly assessed by officials of the Post Office Department.

SEC. 3. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated to any person or organization named in the first section and section 2 of this Act, the sum of any amounts withheld or received from such persons or organizations on account of the indebtednesses relieved by this Act.

(b) No part of any amount appropriated under this section shall be paid or delivered to or received by any agent or attorney on account of service rendered in connection with this claim, and the same is unlawful, any contract to the contrary notwithstanding. Violation of the provisions of this subsection is a misdemeanor punishable by a fine not to exceed $1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–174), explaining the purposes of the measure.

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

PURPOSE

The purpose of the bill, as amended, is to relieve certain claimants of liability (representing mistakes and accountability for postage due) to the United States.

STATEMENT

The facts of the case as contained in the report of the General Counsel of the Post Office Department to the chairman of the committee, dated May 27, 1971, are as follows:

This measure, by section one, would relieve Milford R. Graham, publisher of the Devils Lake Daily Journal, Devils Lake, N. Dak., and Joseph R. Walter, postmaster at Devils Lake, of liability to the United States in the amount of $3,351.61, representing postage due on mailings of the Journal during the period July 1967 through July 1969.

Under section 2 of the bill, the Velva Lutheran Parish of Velva, N. Dak., and Mrs

Ruth O. Cavanaugh and Richard G. Miller, postmasters at Velva, would be relieved of liability to the United States in the amount of $261.97, representing postage due on mailings of the publication "Christ in Our Home" during the period January 1963 through June 27, 1969.

We have examined the files covering both cases presented. With regard to the Devils Lake Daily Journal, the indebtedness arose due to an underpayment of postage which occurred because an advertising supplement was included in certain mailings of the Journal at the second-class rate of postage. Since the supplement was produced as a separate and independent advertising piece, it was not permissible in copies of the publication mailed at the second-class rate. The applicable third-class rates should have been assessed and paid for the supplement. Had the advertising been specifically prepared for inclusion in the Journal, it would have been "germane" to the publication (39 U.S.C. 4366) and acceptable at second-class rates. Since it was not so prepared the publication is liable for a postage deficiency in the amount stated in the bill.

Turning to the second publication, "Christ in Our Home," the file reveals that mailings of this publication were made during the stated period at bulk third-class rates. However, since this publication had second-class entry at Minneapolis, where it was published by the Augsburg Publishing House, the mailings by the Velva Lutheran Parish were chargeable for higher postage at this second-class transient rate (39 U.S.C. 4362). The postage deficiency is as stated in the bill.

After studying the files in both cases presented, the Department is satisfied that honest mistakes in computing postage were made in each case, and we therefore have no objection to the enactment of relief legislation for the postmasters involved. As to the publications involved, there is no doubt that legally each is liable for the amount of its postage deficiency. On the other hand, it is also clear that the publications relied in good faith on postage computations made by postal personnel. In light of these circumstances, the Department would have no objection to the enactment of S. 113.

In connection with the proposed relief for the Velva Lutheran Parish, correspondence in the file refers to the parish as being the "Oak Valley Lutheran Church." The committee may wish to clarify this feature, should the bill be favorably considered. Also, in terms of the postmaster accountability aspect of this case, the file discloses that of the total deficiency of $267.97, $11.08 represents a deficiency related to a mailing on July 29, 1969, at a time when officer-in-charge Mildred C. Payne was administering the post office at Velva. The postmasters named in the bill are not accountable for this particular deficiency. In the interest of accuracy it would seem that the bill should be appropriately amended to reflect this feature of the case.

In agreement with the views of the Department, the committee recommends favorably the bill as amended.

MR. AND MRS. ARVEL GLINZ

The bill (S. 415) for the relief of Mr. and Mrs. Arvel Glinz was considered, ordered to be engrossed for a third reading, 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 the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mr. and Mrs. Arvel Glinz of Eldridge, North Dakota, the sum of $3,521.26, in full satisfaction of all claims against the United States for reimbursement for legal expenses paid by the said Mr. and Mrs. Arvel Glinz from March 13, 1961, through April 1, 1966, in defending the title of real property transferred to them by a receiver's deed, dated March 25, 1960, such property having been bought by the said Mr. and Mrs. Arvel Glinz at a judicial sale which was held to satisfy tax leins of the United States: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on acount of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–160), explaining the purposes of the measure.

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

PURPOSE

The purpose of the proposed legislation is to authorize and direct the Secretary of the Treasury to pay to Mr. and Mrs. Arvel Glinz the sum of $3,521.26 in full satisfaction of all claims against the United States for reimbursement for legal expenses paid by the claimants from March 13, 1961, through April 1, 1966, in defending the title of real property transferred to them by a receiver's deed, dated March 25, 1960, such property having been brought by the claimants at a judicial sale which was held to satisfy tax liens of the United States.

STATEMENT

In 1958 the Federal Government filed a suit against Fay Heasley to collect Federal income taxes of approximately $200,000 by foreclosing tax liens against a large farm owned by Mr. Heasley. In this suit, a judgment was entered for the Government, and Mr. Anderberg was appointed receiver by the Federal district court at Fargo, N. Dak., for the purpose of selling this farm at a judicial sale. Mr. Heasley's farm was sold by the receiver to the highest bidder, who was Mr. Arvel Glinz. The Federal district court in Fargo, N. Dak., confirmed this sale and the Court of Appeals for the Eighth Circuit upheld the sale to Mr. Glinz.

Thereafter, Mr. Fay Heasley initiated a series of suits in State and Federal courts which were repetitious and were designed to harass and embarrass Mr. Glinz in his purchase of the farm. Many of these suits were initially directed solely against Mr. Glinz in an effort to deprive him of his purchase. Such suits necessarily occasioned legal expense to Mr. Glinz, but such legal expense was private in nature as it was for the purpose of proving title in himself. Eventually, the Government, or a Government employee, was named a defendant in all of the suits. Whenever both the Government and Mr. Glinz appeared as codefendants in one of these suits, the Government undertook to defend the suit, to the mutual benefit of the United States and Mr. Glinz, thereby relieving Mr. Glinz of any additional expense. However, the Government did not and could not pay those expenses incurred by Mr. Glinz in the hiring of his personal attorney as that attorney only represented and advised Mr. Glinz.

In a letter to the Honorable Quentin N. Burdick, the Assistant Attorney General stated as follows:

It is these legal fees which Mr. Glinz incurred for his private benefit which are subject of the private bill proposed by Mr. Anderberg. It is self-evident, from the foregoing factual summary, that such private legal expenses cannot be paid by the Government. It should be pointed out that the Department of Justice has, in the past, been quick to intervene and assume the burden of any litigation in such matters where it could justifiably do so in the interest of protecting purchasers at Government tax foreclosures sales.

A copy of the letter of the Assistant Attorney General is attached hereto and made a part hereof. Also attached is a letter from Henry W. Anderberg to Senator Burdick which sets forth further facts in relation to this matter. The Anderberg letter also relates quite a number of court proceedings that are involved in this matter. These proceedings indicate the harassment to Mr. Glinz by Mr. Heasley. This situation is further documented by a letter which is hereto attached from Mr. Robert Vogel to Mr. Anderberg. Mr. Vogel being the U.S. attorney for the District of North Dakota from 1954 to 1969. A further letter to Senator Burdick from Herman Weiss who was counsel for the receiver, Mr. H. W. Anderberg, is also attached hereto and made a part hereof. A letter from the Department of the Treasury which defers to the Department of Justice as to the merits of this matter is also attached.

A review of the foregoing shows that Mr. Glinz bought this property at a judicial sale by the U.S. Government when the Government sold the Heasley property in order to recover owed income taxes. Therefore, the Government was the primary seller of the land and insofar as this matter is concerned was an interested party from the very beginning.

The committee agrees with the statement of the Assistant Attorney General that legally no reimbursement can be made for the expenses incurred by Mr. Glinz and the file further shows that when able to do so the Government did enter the suit and carry the burden from that time on.

The committe believes that even though the Government is not legally liable for the expenses incurred by Mr. Glinz that in an equitable and moral way a liability does exist. The harassment that Mr. Glinz was subjected to arising out of the Government judicial sale is of course neither the Government's fault nor Mr. Glinz' fault. However, Mr. Glinz had to bear the burden of this harassment.

It appears to the committee that this condition of the facts makes the bill one which should be the subject of congressional relief and that the Government should aid Mr. Glinz in this respect. Had the Government been able to intervene in the first instance, the Government would have assumed the liability incurred by Mr. Glinz. The committee, therefore, believes that the proposed legislation is meritorious and recommends favorable consideration of S. 415.

NATIONAL MOON WALK DAY

The joint resolution (S.J. Res. 101) to authorize and request the President to issue a proclamation designating July 20, 1971, as "National Moon Walk Day" was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in recognition

of the many achievements of the national space program and in commemoration of the anniversary of the first moon walk on July 20, 1969, the President is authorized and requested to issue a proclamation designating July 20, 1971, as "National Moon Walk Day", and calling upon the people of the United States and interested groups and organizations to observe that day with appropriate ceremonies and activities.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–161), explaining the purposes of the measure.

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

PURPOSE

The purpose of the joint resolution is to authorize and request the President of the United States to issue a proclamation designating July 20, 1971, as "National Moon Walk Day."

STATEMENT

On July 20, 1969, Neil A. Armstrong became the first man to walk on the moon. This amazing feat will go down in history as a landmark in scientific and technological achievement, and certainly all Americans feel a special pride that we did it first.

This achievement is particularly notable when we realize that the American space program began in 1958, after the Russians launched their first sputnik. In a little over a decade, through the concentrated efforts of our Nation's scientific and technical community, this country sent the first man to the moon.

The people of Florida have always taken a special interest and pride in the space effort. By the spring of 1971, some 24 manned launches involving 50 astronauts had taken place at the Kennedy Space Center. Floridians in Brevard County will be holding an International Moon Walk Festival this year from July 16 through July 26 to commemorate the events of 1969. By setting aside a day of national observance for the first moon walk, all Americans would be encouraged to share this spirit.

There have been, and will continue to be, other such landmarks in the history of man's exploration of the universe. But there will surely never be any more dramatic testament to the greatness of the human race.

History has borne out the fact that great national events have served to unify our people in a spirit of pride and accomplishment. At a time when some would seek to find fault with this country, and to encourage disruption and protest, it would be pertinent and timely to celebrate this reminder of American greatness.

Accordingly, the committee recommends favorable consideration of Senate Joint Resolution 101 without amendment.

YOUTH APPRECIATION WEEK

The joint resolution (H.J. Res. 556) providing for the observance of "Youth Appreciation Week" during the 7-day period beginning the second Monday in November of 1971 was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–162), explaining the purposes of the measure.

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

PURPOSE

The purpose of the joint resolution is to designate the 7-day period beginning on the second Monday of November 1971 as "Youth Appreciation Week."

STATEMENT

The vast majority of the youth of our Nation today are constructive responsive citizens, vitally concerned with the present and the future, willing and desirious to act in service and to the benefit of all mankind.

All too often the actions and the achievements are overlooked by the adult community in the hurried pace of today.

The designation of "Youth Appreciation Week" would bring about greater understanding between our generations and will call attention to the greater and constructive endeavors and the responsible characteristics of our people.

Accordingly the committee recommends favorable consideration of House Joint Resolution 556 without amendment.

WILLIAM D. PENDER

The bill (S. 248) for the relief of William D. Pender was considered, ordered to be engrossed for a third reading, 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 the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to William D. Pender, an employee of the Department of the Army, the sum of $3,602.69, in full satisfaction of all claims of the said William D. Pender against the United States for compensation for the loss of household goods and personal effects which he had to abandon in Fairbanks, Alaska, after he was incorrectly informed by the Department of the Army personnel that such goods and effects could not be stored or shipped at Government expense incident to his transfer from Fort Greely, Alaska, to Fort Belvoir, Virginia, and which could not otherwise be disposed of by the said William D. Pender because of prohibitively high commercial storage rates and the shortage of time between the issuance of transfer orders and the reporting date at his new duty station: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–163), explaining the purposes of the measure.

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

PURPOSE

The purpose of the bill is to pay to William D. Pender the sum of $3,602.69 for the loss of his household goods and personal effects.

STATEMENT

This committee approved and the Senate passed similar legislation for this claimant in both the 90th and 91st Congresses, but the legislation was not approved by the House of Representatives.

The Department of the Army, which approves the bill, set forth the facts of the case as follows:

"This bill would authorize and direct the Secretary of the Treasury to pay $6,292.40 to Mr. Pender for his claims against the United States for the loss of his household goods and personal effects which he abandoned in Fairbanks, Alaska, after being incorrectly informed by Army personnel that such property could not be stored or shipped at the expense of the United States pursuant to his transfer from Fort Greely, Alaska, to Fort Belvoir, Va.

"The Department of the Army has no objection to the bill if amended as suggested in this report.

"Official records disclose that on September 5, 1962, Mr. William D. Pender, a resident of Alaska, received notification that he had been selected for an appointment as a nuclear powerplant operator at the Fort Greely Nuclear Powerplant. He reported to duty on the next day and worked at Fort Greely until September 20, 1962, when he began preparing for his departure to Fort Belvoir, Va., for a 48-week course pertaining to the operation of nuclear powerplants. He states that he was told by administrative personnel on Friday, September 21, 1962, that his goods could not be stored at Government expense over 90 days or shipped to Fort Belvoir. It is not clear when Mr. Pender was finally told that he could not store or ship his goods at Government expense but his travel orders, dated September 6, 1962, limited him and his wife to 400 pounds of hold baggage. He and his wife left by plane to the Fort Belvoir area on September 22, 1962, after disposing of most of their household goods to the Salvation Army because of prohibitive rates of commercial storage in Alaska. The only property not disposed of consisted of four boxes of clothes stored commercially, a box of tools stored with a neighbor, and a table and a record player stored with Mr. Pender's sister. The travel orders, dated September 6, 1962, were erroneous and were amended on November 6, 1962, to include shipment of Mr. Pender's household goods, but no administrative means were available to compensate him for his loss. Mr. Pender returned to Alaska following completion of the course of Fort Belvoir.

"The Department of the Army does not oppose a bill of this nature when a civilian employee has sustained financial loss resulting from an erroneous administrative determination as to travel allowances. The travel orders, dated September 6, 1962, were clearly erroneous in restricting Mr. and Mrs. Pender to 400 pounds of hold baggage pursuant to a permanent change of station. The amount provided for in the bill represents replacement value as indicated by prices in the Sears & Roebuck catalog of all of the property disposed of by Mr. Pender when he departed Alaska for Fort Belvoir. A more reasonable means of reimbursement, however, would appear to be the estimated depreciated value of the disposed of property which is the method of reimbursement normally used when a claim is filed against the United States for loss of property pursuant to a permanent change of station. In an interview held in Alaska with Mr. Pender on April 18, 1966, Army personnel attempted to make an estimate of the depreciated value of Mr. Pender's property. Mr. Pender, however, could not recall with any precision the acquisition dates of many of the items. As some items were accumulated over a 12-year period, the most reasonable evaluation of all of the property would appear to be on the basis of a mean period of 6 years for depreciation, an estimated value of $4,527.69. This figure, however, should be further reduced to $3,602.69 because of Mr. Pender's action upon his departure for Fort Belvoir in entrusting to his neighbor a box of tools which were

never returned and in carelessly disposing of other small items of substantial value, such as a rifle, a shotgun, and a tape recorder, which could have been stored commercially or entrusted to his sister.

"In a letter, dated March 28, 1966, to the Department of the Army, Mr. Pender stated that his financial situation was marginal and his living costs were extremely high because he lives in an isolated area of Alaska. In an earlier letter to a Member of Congress, Mr. Pender stated that he was $5,000 in debt and that the financial hardship of replacing his household goods had caused that indebtedness. In view of these equitable considerations, the Department of the Army has no objection to the bill if amended as suggested in this report.

"The cost of this bill, if enacted as introduced, will be $6,292.40. If enacted as suggested in this report, the cost will be $3,602.69."

The committee believes that the bill is meritorious and recommends it favorably.

FREDERICK E. KEEHN

The bill (S. 654) for the relief of Frederick E. Keehn was considered, ordered to be engrossed for a third reading, 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 Frederick E. Keehn, of Wasco, Oregon, is relieved of all liability for repayment to the United States of the sum of $496.30 representing the amount of an overpayment he received from the United States, as the result of administrative error in determining the number of days of unused leave for which he was entitled to be paid upon his discharge from the United States Navy on October 30, 1968. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, full cerdit shall be given for the amount for which liability is relieved by this Act.

SEC. 2. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Frederick E. Keehn, the sum of any amounts received or withheld from him on account of the overpayment referred to in the first section of this Act.

(b) No part of any amount appropriated under this section shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Violation of this subsection is a misdemeanor punishable by a fine not to exceed $1,000.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–164), explaining the purposes of the measure.

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

PURPOSE

The purpose of S. 654 is to relieve former ComTic Frederick Edwin Keehn, U.S. Navy, [redacted] of all liability for repayment to the United States the sum of $496.30, representing the amount of an overpayment as a result of an administrative error in determining the number of days of unused leave for which he was entitled to be paid upon discharge on October 30, 1968.

STATEMENT

Mr. Keehn first enlisted in the U.S. Navy on September 27, 1955, and was discharged on December 15, 1958. He reenlisted on December 16, 1958, and was discharged on November 1, 1964. In both instances, his leave records were closed upon discharge and he was paid for all leave accrued to his credit. He last reenlisted on November 2, 1964, and served until honorably discharged on October 30, 1968, at which time he was paid for 60 days' accrued leave, when he actually had only 25 days' leave to his credit.

The Department of the Navy interposes no objection to the enactment of S. 654, because the crediting of the excess leave was due to an administrative error at the time of Mr. Keehn's discharge.

On these facts, the committee has considered that relief is appropriate. Accordingly, it is recommended that the bill be favorably considered.

BILL PASSED OVER

S. 504, a bill for the relief of John Borbridge, Jr., was announced as next in order.

Mr. MANSFIELD. Over, Mr. President.

The PRESIDENT pro tempore. The bill will be passed over.

ROBERT F. CHEATWOOD, WALTER R. COTTOM, KENNETH GREENE, KENNETH L. MARCH, ERNEST LEVY, AND ESTATE OF CHARLES J. HILER

The bill (H.R. 1890) for the relief of Robert F. Cheatwood, Walter R. Cottom, Kenneth Greene, Kenneth L. March, Ernest Levy, and the estate of Charles J. Hiler was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–165), explaining the purposes of the measure.

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

PURPOSE

The purpose of the proposed legislation is to pay the following amounts to the individuals and estate named:

Robert F. Cheatwood	$117.71
Walter R. Cottom	131.21
Kenneth Greene	117.71
Kenneth L. March	117.71
Ernest Levy	99.71
Estate of Charles J. Hiler	131.21

in full settlement of their claims against the United States for per diem payments for Army Reserve active duty training performed at Reading, Pa., while on detached duty from the Indiantown Gap Military Reservation, Annville, Pa., from April 19, 1966, to April 28, 1966.

STATEMENT

In its favorable report on the bill, the Committee on the Judiciary of the House of Representatives said:

"The Department of the Army in a report on an earlier bill in the 91st Congress indicated it would have no objection to the enactment of a bill embodying the provisions now contained in the bill, H.R. 1890.

"The persons named in the bill were ordered to the Indiantown Gap Military Reservation as members of an Army Reserve unit for annual Reserve training. This particular Reserve unit reported to that reservation for weekly drills throughout the year. Upon reporting for active duty training, these reservists were ordered to temporary duty at Reading, Pa., for the period of their active duty. Since no quarters or messing facilities were available at Reading, Pa., upon the completion of their training, the reservists submitted requisitions for reimbursement for expenses. These were denied. The bill, H.R. 1890, therefore, provides for the payment of the amounts that would have been paid each reservist had the claims been acted upon favorably by the Army.

"The report of the Department of the Army outlined in greater detail the circumstances briefly outlined above. That report states that the records of the Army establish that the persons named in the bill were members of the 2153d Corps, Augmentation Unit, Indiantown Gap Military Reservation, Annville, Pa. By letter orders TW (G) 03–5 (UN), dated March 2, 1966, the assigned members of the unit were ordered to their home base at Indiantown Gap Military Reservation for active duty for training for 13 days, April 17 through April 29, 1966. This was their home base for monthly drills as well as annual training. After their arrival at Indiantown Gap on April 17, 1966, by letter orders (AS) 04–122, dated April 11, 1966, the named individuals were ordered to temporary duty within the Reading, Pa., area for the period April 19 through April 28, 1966. The orders instructed each reservist to submit a final voucher for reimbursement within 10 days after completion of travel. The distance between the two locations is 33 miles. No quarters, mess facilities, or transportation were available or provided in the Reading area. Each man paid his own expenses. When they returned home, vouchers were submitted for reimbursement in accordance with their orders.

"Joint Travel Regulations for the Uniformed Services, chapter 4, part E, paragraph M 4203(3), "Monetary Allowance in Lieu of Transportation," provides for the payment of 5 cents a mile each way between two duty stations, and paragraph M 4205(5), "Rates of Per Diem," provides for a per diem rate of $16 a day. The claims were denied under the provisions of chapter 4, part D, paragraph M 6001, of the cited regulations, supra, entitled "Active Duty Training With Pay." It provides, in pertinent part, as follows:

" 'Upon call (or order) to or relief from active duty for training with pay, including travel required in connection with qualifying examinations upon call (or order) to active duty for training with pay, members of the reserve components will be entitled to travel and transportation allowances prescribed in chapter 4, part D, except that when travel incident to call to or release from active duty of temporary duty travel occur on the same day, the member will be entitled to the travel and transportation allowances prescribed in chapter 4, part E or F, as appropriate, for all of the travel from the place from which ordered to active duty to first duty station, and from last station to the place from which ordered to active duty. *Per diem allowances are not payable for any period a member is at his training duty station,* except on the day of arrival and departure therefrom * * *.' " [Emphasis added.]

"The U.S. Army Finance Center, Indianapolis, Inc., denied the claim and cited a decision of the Comptroller General (No. B–148049, 41 Comp. Gen. 726, May 3, 1962). That decision refers to paragraph M 6001 (heretofore quoted) and states:

" 'Where members of Reserve components of the uniformed services are ordered to active duty for training for periods of short duration and after reporting to the *training station* are ordered to *another location* where practically the entire duty must in fact be considered 'away from their designated posts of duty' for entitlement to per diem.' " [Emphasis added.]

"In concluding that these individuals have an equitable claim for reimbursement as provided in the bill, the Army recognized that these reservists were required to incur unexpected expenses which would not have been incurred at Indiantown Gap. For this reason, the Army concluded that it would be

equitable for the Government to bear this expense. In this connection, the Army report stated:

" 'In applying the last-cited language, the Finance Center considered Indiantown Gap to be the 'training station' and Reading to be 'another location,' and it was concluded that the men, while at the latter site, were not away from their 'designated posts of duty.' Mess, housing, and other facilities of the 'training station' were not available at Reading, and, as a direct result of their service, the claimants were required to incur unexpected expenses that would not have been incurred at Indiantown Gap. Accordingly it is equitable that the Government bear these expenses.' "

"The figures now stated in the bill are set forth in the Army report. That report explains that the sum is computed so that the sum represents the travel expenses and per diem which would have been paid to each claimant on the basis of travel of 66 miles at 5 cents a mile and 9¾ days of duty at the rate of $16 a day. Against this amount is offset amounts paid to each individual on September 19, 1966, for rations, housing, and mileage.

"In view of the considerations outlined in the report of the Department of the Army and deferred to in this report, it is recommended that the bill be considered favorably."

The committee believes that the bill is meritorious and recommends favorable consideration.

PHILIP C. RILEY AND DONALD F. LANE

The bill (H.R. 2011) for the relief of Philip C. Riley and Donald F. Lane was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–166), explaining the purpose of the measure.

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

PURPOSE

The purpose of the proposed legislation, is to authorize the Postmaster General, on such terms as he deems just, to relieve, in whole or in part, from liability Philip C. Riley and Donald F. Lane, for the loss resulting from a burglary at the Wakefield, Mass., Post Office on the night of June 19 and 20, 1968.

STATEMENT

The facts of the case as contained in House Report 91–71 are as follows:

"The Post Office Department, in its report to the committee on the bill in the 91st Congress recommended relief in the form now provided in H.R. 2011. In that report, the Department indicated that it would favor enactment of a bill providing such relief. As is stated in the bill, the liability of the two postal clerks named in the bill resulted from losses due to a burglary which occurred either during the late evening of June 19 or early morning of June 20, 1968.

"An investigation by the Post Office Department disclosed that after their tour of duty ended on June 19, 1968, clerks Philip C. Riley and Donald F. Lane stored full sheets of postage as well as coils and books of stamps and funds in locked window pedestal cabinets, although ample space was available in the walk-in vault provided by the Department for the protection of such items. The window pedestal cabinets were pried open and the contents stolen on the night of the burglary.

"The Department, in its report, stated that Postal regulations (Postal Manual, parts 321.21 and 442.231) require that stamp stock and funds be given the best possible protection and that fixed credits must be stored in a safe or vault after an employee's tour of duty has ended.

"In view of the foregoing, the Department determined that clerks Riley and Lane were negligent and liable for the sums of $2,569.04 and $1,315.51, respectively, for losses arising from the burglary.

"Clerks Philip C. Riley and Donald F. Lane have at least 15 and 23 years experience, respectively, as window clerks with assigned fixed credits. Therefore, the Department assumed that each clerk would be familiar with the requirement that the accountable paper had to be placed in the available vault at the end of the tour of duty.

"Under existing law, the Department has no alternative but to charge losses of this character to the postmaster or other employees whose negligence contributed to the loss. The Department stated that it recognizes that this practice is not in accord with current viewpoints of enlightened personnel management. Although liability is expressed in terms of compensating the Government for its loss, it must be looked upon realistically as a punishment and its enforcement as a deterrent against future negligence. The assessment of liability as punishment is actually capricious and unequal in its application. This is illustrated by this case in which the liability of the clerks varies from $2,569.04 to $1,315.51 although their fault was the same. Other equitable considerations likewise cannot be evaluated under current law.

"In recommending the language as is now provided in H.R. 2011, the Department stated that it believed some relief should be granted these employees. In this connection, the Department stated in its report:

" 'We believe some relief should be granted to these employees. However, consideration should also be given to the fact that the employees were negligent. For the foregoing reason, we believe the bill should be amended to provide that the Postmaster General, upon a determination that it is appropriate to do so, is authorized to relieve the employees named on such terms as the Postmaster General deems just and expedient of liability in whole or in part with respect to the transaction involved.'

"The committee agrees that the language recommended by the Post Office Department provides the most practical means for reaching a just result in this case. It will enable the Postmaster General to grant relief in a manner which will recognize the interest of the Government and the interest of the employees. In this connection it should be noted that the recently enacted revision of the postal laws which will take effect in the future, provides similar authority for relief of employees in section 2601 of revised title 39 of the United States Code. In view of these considerations and the recommendations of the Department, it is recommended that the bill be considered favorably."

In agreement with the views of the House of Representatives the committee recommends favorable enactment.

BILL PASSED OVER

H.R. 2036, an act for the relief of Miss Linda Ortega, was announced as next in order.

Mr. MANSFIELD. Over, Mr. President.

The PRESIDENT pro tempore. The bill will be passed over.

MARION OWEN

The bill (H.R. 2047) for the relief of Marion Owen was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–168), explaining the purpose of the measure.

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

PURPOSE

The purpose of the proposed legislation is to authorize the Postmaster General, on such terms as he deems just, to relieve, in whole or in part, from liability Marion Owen, for loss resulting from a burglary at the Lansdowne Station of the East St. Louis Post Office on April 1, 1967.

STATEMENT

The facts of the case as contained in House Report 92–72 are as follows:

The Post Office Department in its report to the committee on the bill in the 91st Congress recommended relief in the form now provided in H.R. 2047.

As is noted in the bill, the liability of the postmaster named in the bill resulted from losses due to a burglary on April 1, 1967. On that date, burglars entered the Lansdowne Classified Station of the East St. Louis, Ill., post office, "peeled" the safe and stole a total of $4,789.08, representing the contents of the fixed credit drawers of the superintendent and three clerks, and the main stamp stock of the station which was contained in an upper compartment of the safe. The safe contained a burglar resistant chest but this was not used by the superintendent to store his main stamp stock which totaled $2,213.50.

It was determined that the burglar resistant chest could have held all of the main stamp stock in addition to the blank money orders. Therefore, had the chest been locked and filled to capacity in accordance with postal instructions, the loss of $2,213.50 in main stamp stock might not have occurred.

The Post Office investigator determined that the postmaster had not issued instructions requiring the burglar resistant chest to be used to maximum capacity, and that all branches and stations of the East Saint Louis Post Office used chests for blank money orders only. Since it is the responsibility of the postmasters to keep supervisors informed regarding financial operations and application of required safeguards at the various postal units, and since the chest was not properly used, he was negligent in performing the duties of his position.

Inasmuch as there was negligence in that part of the stamp stock was not accorded maximum available protection pursuant to postal regulations, the Department and the General Accounting Office are without authority to allow the postmaster credit for loss of $2,213.50 in main stamp stock. It was on this basis that the postmaster was held to be liable for $2,213.50.

In this case, the Post Office Department recognized that some relief should be granted in this case for the reason that the burglary occurred prior to the issuance of Postal Bulletin No. 20646, dated May 30, 1968, which clarified for postmasters the correct order of priority for the protection of accountable postal funds and paper. Prior to the issuance of this bulletin, most postmasters considered blank money orders to be items of the greatest intrinsic value requiring maximum protection accorded by postal regulations (Postal Manual, part 442.221).

In the 91st Congress the committee considered the bill, H.R. 15865 which would have had the effect of relieving Marion Owen of the full amount of the $2,213.50 loss resulting from the 1967 burglary. The Post Office report on that bill recognized that the circumstances of the case were such that some

relief was merited, but indicated that it would prefer that the bill be amended to authorize the Postmaster General to relieve the employee on such terms and in an amount as he might deem just. The committee agreed and reported the bill with an amendment granting the Postmaster General this authority. The present bill, H.R. 2047, contains the same language as was contained in the committee amendment in the 91st Congress. This language has the advantage of permitting a fair resolution of the matter in that the relief granted can take into consideration the entire situation including the existence of any negligence.

The committee agrees that the language recommended by the Department provides the most practical means for reaching a just result in this case. It will enable the Postmaster General to grant relief in a manner which will recognize the interest of the Government, and the interest of the employee. In this connection it can be noted that the recently enacted revision of the postal laws which will take effect in the future provides similar authority for relief in section 2601 of revised title 39 of the United States Code. It is recommended that the amended bill be considered favorably.

In agreement with the views of the House of Representatives the committee recommends favorable enactment.

COMDR. ALBERT G. BERRY, JR.

The bill (H.R. 2132) for the relief of Comdr. Albert G. Berry, Jr., was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an except from the report (No. 92–169), explaining the purposes of the measure.

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

PURPOSE

The purpose of the proposed legislation is to authorize the payment of an amount to be certified by the Comptroller General to Comdr. Albert G. Berry, Jr., U.S. Naval Reserve, retired, of Coronado, Calif., in full settlement of his claims against the United States for loss of active duty pay and allowances during the period beginning February 25, 1941, and ending January 31, 1947, arising from failure to credit him (for longevity purposes) with service as a midshipman at the U.S. Naval Academy.

STATEMENT

The facts of the case as contained in House Report 92–74 are as follows:

The Department of the Navy in its report to the committee on the bill stated that it would have no objection to the bill.

The period Commander Berry served as a midshipman at the Naval Academy from July 6, 1910, to June 5, 1914, is creditable in the computation of his retired pay by virtue of the provisions of the act of March 4, 1913, now codified in section 6116 of title 10, United States Code. The report of the Department of the Navy makes reference to the Joint Service Pay Act of June 10, 1922, the Pay Readjustment Act of 1942, and the Career Compensation Act of 1949, which also contain provisions concerning the credit of midshipman service during this period. The effect of these provisions was that commissioned officers of the Navy who retired after July 1, 1922, were not entitled to include Naval Academy midshipman service performed under appointments made prior to March 4, 1913, in the computation of basic pay unless they had been in service on June 30, 1922. Commander Berry was in service as a commissioned officer in the Regular Navy on that date. At this point, it is pertinent to outline the service performed by Commander Berry which ultimately entitled him to the payment of retired pay.

Commander Berry served as a midshipman at the Naval Academy from July 6, 1910, to June 5, 1914, and as a commissioned officer in the Regular Navy from June 6, 1914, to February 15, 1926, when he resigned from the Navy. He was appointed a commissioned officer in the Naval Reserve on April 6, 1926, and resigned therefrom effective March 23, 1933. During this period of Reserve service he performed active duty for training during the period April 9, 1926, to May 8, 1926, May 29, 1926 to June 13, 1926, and May 10, 1928, to May 19, 1928. He was again appointed a commissioned officer in the Naval Reserve on January 3, 1941, performed active duty for training from February 11, 1941, to February 24, 1941, entered on full-time active duty on February 25, 1941, and served continuously on active duty until February 1, 1947, when he was transferred to the Naval Reserve retired list upon his own application under authority contained in section 6 of the act of February 21, 1946, 34 U.S.C. 410b (voluntary retirement after completion of more than 20 years of active service, including active duty for training, of which at least 10 years was service as a commissioned officer). Section 7 of the act of February 21, 1946, (34 U.S.C. 410c), provided that an officer who is retired under the provisions of section 6 of that act was entitled to retired pay computed at the rate of 2½ percent of his basic pay at the time of retirement, multipled by the total years of service credited to him for the purpose of computing his active duty basic pay and, further, in determining the multiplier a part of a year that is 6 months or more counts as a whole year while a part of a year that is less than 6 months is disregarded.

The difficulties in this case and the aspect of the matter which in the opinion of the committee justifies legislative relief is that Commander Berry was able to establish his right to include midshipman's service in the computation of his retired pay only after extended efforts which included litigation in the Court of Claims. Apparently, he was originally unable to secure the credit due to the fact that the Comptroller General took the position that the right to credit midshipman service for basic pay purposes was lost to any officer who, after June 30, 1922, resigned his commission and subsequently after a break in service accepted a new commission in the Navy or Naval Reserve. This Comptroller General ruling was in effect at the time of Commander Berry's retirement in 1947. Thus, although he had a total of 28 years, 7 months, 26 days of service, including his midshipman service of 3 years, 11 months (which would have provided retired pay at the rate of 2½ percent of basic pay by 29 (72½) his retired pay was based on total service (not including midshipman service) of 24 years, 8 months, 26 days, resulting in entitlement to retired pay computed at the rate of 2½ percent of basic pay by 25 (62½).

Subsequent to his retirement Commander Berry filed a petition in the Court of Claims (*a*) for certain active duty pay and allowances for service performed prior to his retirement, and (*b*) the difference between the retired pay actually received by him beginning February 1, 1947, computed on the basis of 62½ percent of basic pay at time of retirement pursuant to the provisions of sections 6 and 7 of the act of February 21, 1946, and retired pay computed on the basis of 75 percent of his basic pay at time of retirement under the provisions of paragraph 4 of section 15 of the Pay Readjustment Act of 1942 (which provided that certain officers of the Armed Forces who served on active duty prior to November 12, 1942, would, upon retirement, be entitled to retired pay computed at the rate of 75 percent of basic pay). The Court of Claims allowed him the active duty pay and allowances he had claimed, but denied him his claim for increased retired pay (*Albert G. Berry, Jr.* v. *United States*, Ct. Cl. No. 49288, decided Oct. 7, 1952.)

In March 1959, Commander Berry petitioned the Court of Claims for increased retired pay (72½ percent of basic pay vice 62½ percent) based on the inclusion of his midshipman service as service creditable for pay purposes and on October 13, 1961, a decision was rendered by the court allowing him the increase beginning March 1, 1953. (The Court of Claims may grant retroactive benefits for a period of only 6 years from date of filing of a petition.)

Subsequent to October 13, 1961, Commander Berry filed a claim with the Comptroller General for increased retired pay (72½ percent vice 62½ percent) for the period February 1, 1947, to February 28, 1953. On February 7, 1962, he was paid the increased retired pay for the period October 8, 1952, to February 28, 1953. Since the first Court of Claims decision in his case was rendered on October 7, 1952, and covered a period back to February 1, 1947, the Comptroller General disallowed his claim for increased retired pay prior to October 8, 1952, on the basis of the holding in the case of *Heiser* v. *Woodruff, et al.*, 327 U.S. 726. In that case the Supreme Court held that in general a judgment is res judicata not only as to all matters litigated and decided but also to all relevant issues which could have been, but were not, raised and litigated in the suit.

In the 90th Congress, Private Law 90–151, 81 Stat. 1034, was enacted based on this history. That law provided Commander Berry the difference in the retired pay he received for the period February 1, 1947, through October 7, 1952 (62½ percent of basic pay) and the retired pay he would have received (72½ percent of basic pay) had his midshipman service been properly credited to him originally for retired pay purposes.

As is reflected in the Navy report on the earlier bill H.R. 2757 (H. Rept. 416, 90th Cong., first sess.), it was assumed that only retired pay was involved in the matter. As the bill passed the House on August 15, 1967, the bill would have provided for a computation of the amount of "pay and allowances" denied Commander Berry for failure to properly credit him for his midshipman service. However, relying on the Navy report, the Senate amended the bill on October 16, 1967, to limit the reimbursement to "retired pay," and the House agreed to the Senate amendment on November 7, 1967. It now appears that Commander Berry's claim actually included a claim for losses of the active duty pay referred to in the present bill H.R. 10233. The Navy has indicated that its earlier report was incomplete in explaining this aspect of the matter and stated it has no objection to relief. It is recommended that the bill be considered favorably.

In agreement with the views of the House of Representatives the committee recommends favorable enactment.

WILLIAM E. CARROLL

The bill (H.R. 2835) for the relief of William E. Carroll, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–170), explaining the purposes of the measure.

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

PURPOSE

The purpose of the proposed legislation is to authorize the Postmaster General, on such terms as he deems just, to relieve, in whole or in part, from liability William E. Carroll, for the loss resulting from a burglary at the parcel post station of the Milford, Conn., Post Office on or about April 4, 1968.

STATEMENT

The facts of the case as contained in House Report 92–87 are as follows:

The Post Office Department in its report to the committee on a bill in the 91st Congress recommended relief in the form now provided in H.R. 2835, and stated that it would favor enactment of a bill in that form.

As is stated in the bill, the liability of the postal employees resulted from losses due to a burglary during the night of April 4, 1968, at the parcel post station of the Milford, Conn., Post Office.

An investigation by the Department disclosed that four fixed credit drawers and two compartments in the peeled safe had been jimmied open by the burglars. The burglar resistant chest, in which only money order blanks and registeries were stored, had not been locked. Had stamp stock assigned to Superintendent Carroll been placed in the burglar resistant chest and locked in accordance with postal regulations, it apparently is assumed that the loss would not have occurred.

The Post Office report stated that postal regulations (Postal Manual, pts. 321.21 and 442.22) require that stamp stock and funds be given the best possible protection and that fixed credits be stored in a safe or vault after an employee's tour of duty has ended.

In view of the regulations, the Post Office Department determined that Superintendent Carroll was negligent and liable for the amount of the stamp stock loss of $2,518.22.

In its report, the Post Office Department stated that under existing law, the Department has no alternative but to charge losses of this character to the postmaster and/or other employees whose negligence contributed to the loss. The Department admitted that this practice is not in accord with current viewpoints on enlightened personnel management. Although liability is expressed in terms of compensating the Government for its loss, it must be looked upon realistically as a punishment and its enforcement as a deterrent against future negligence. The assessment of liability as punishment is actually capricious and unequal in its application. Accordingly, the Department stated it believed some relief should be granted to employees in cases of this kind. It stated that consideration should also be given to the fact that the employee was negligent. For the foregoing reason, the Department concluded the bill in the 91st Congress should be amended to provide that the Postmaster General, upon a determination that it is appropriate to do, is authorized to relieve the employee named on such terms as the Postmaster General deems just and expedient of liability in whole or in part with respect to the transaction involved.

The committee agrees that the language recommended by the Post Office Department provides the most practical means for reaching a just result in this case. It will enable the Postmaster General to grant relief in a manner which will recognize the interest of the Government and the interest of the employee. In this connection it should be noted that the recently enacted revision of the postal laws which will take effect in the future provides similar authority for relief of employees in section 2601 of revised title 39 of the United States Code. In view of these considerations and the recommendation of the Department, it is recommended that the bill H.R. 2835 be considered favorably.

In agreement with the views of the House of Representatives the committee recommends favorable enactment.

SGT. JOHN E. BOURGEOIS

The bill (H.R. 3748) for the relief of Sgt. John E. Bourgeois was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–171), explaining the purposes of the measure.

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

PURPOSE

The purpose of the proposed legislation is to relieve Sgt. John E. Bourgeois, U.S. Marine Corps, retired, of Pineville, La., of liability to the United States in the amount of $251.45 for overpayments of pay and allowances paid to him through no fault of his own by the U.S. Marine Corps while he was on active duty. The bill would authorize the payment of any amounts paid or withheld by reason of the liability.

STATEMENT

In its favorable report the Committee on the Judiciary of the House of Representatives said:

The Department of the Navy in its report to the committee on a similar bill in the 91st Congress indicated that it would support the bill's enactment. The Comptroller General in his report questioned relief. Sergeant Bourgeois was severely wounded in action in Vietnam on February 28, 1967. His injuries included fragmentation wounds to the lower abdomen, right arm and left leg, and amputation of the left arm above the elbow. Sergeant Bourgeois was treated at the Station Hospital in Danang and medically evacuated to the USS *Repose*. He was then air evacuated to the U.S. Air Force Hospital, Clark Air Force Base, Philippines, and finally air evacuated to the U.S. Naval Hospital, Pensacola, Fla. Sergeant Bourgeois injuries were determined to be 80 percent disabling and he was retired for physical disability on February 29, 1968.

At the time of his retirement Sergeant Bourgeois was paid in the amount of $517.39. This represented $446.55 for 39 days' unused leave and $70.84 for pay and allowances accrued to the date of retirement. However, it was discovered that an allotment of $20 per month had been paid on Sergeant Bourgeois' behalf for 12 months from March 1966 through February 1967 without a corresponding reduction in his pay. Additionally, at the time of retirement Sergeant Bourgeois had 38 days' unused leave but was paid for 39 days, an overpayment of $11.45. This latter overpayment, coupled with the $240 allotment overpayment, gives rise to Sergeant Bourgeois' debt to the United States in the amount of $251.45.

In its report the Navy stated that its investigation had disclosed no indication that the overpayment in this case was the result of any fault or negligence on the part of Sergeant Bourgeois. The Navy expressly stated that, on the contrary, it appears that the overpayment resulted solely from administrative error on the part of disbursing personnel in failing to note a reduction in his pay for allotments made in Sergeant Bourgeois' behalf. The committee is impressed by the fact that during at least a portion of the period in which the overpayments were made, Sergeant Bourgeois was in a combat environment. Under such conditions, it would not be unusual for a service member to be unfamiliar with each transaction concerning his pay. As is also noted by the Navy, the amount of $20 a month would probably not be such a significant figure that an error would be readily detected. The committee agrees that for these reasons, it is understandable that Sergeant Bourgeois did not discover the error in his pay.

There is another factor in this situation that the committee feels bears upon the question of equitable relief. The Navy notes that Public Law 90–616 authorized the head of an executive agency or the Comptroller General to waive the claims of civilian employees of the Federal Government who have been overpaid where the claim would be against equity and good conscience and not in the best interest of the United States. The Navy notes that the case of Sergeant Bourgeois appears to be an analogous situation involving overpayment of military pay. A public bill of the 91st Congress, H.R. 13582, was reported by this committee and passed the House in that Congress. The Navy refers to this bill which would have provided for equal treatment of military personnel, however, that bill was not acted upon in the Senate.

In view of the facts and circumstances outlined above and in the report of the Department of the Navy, it is recommended that the amended bill be considered favorably.

The committee believes the bill is meritorious and recommends it favorably.

ROBERT L. STEVENSON

The bill (H.R. 4327) for the relief of Robert L. Stevenson was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–172), explaining the purpose of the measure.

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

PURPOSE

The purpose of the proposed legislation is to authorize the Postmaster General, on such terms as he deems just, to relieve in whole or in part, from liability Robert L. Stevenson, a postal carrier of Shawnee Mission, Kans., for the loss resulting from the robbery on November 4, 1968, of a postal truck assigned to him.

STATEMENT

The facts of the case as contained in House Report 92–78 are as follows:

The Post Office Department in its report to the committee on the bill in the 91st Congress recommended relief in the form now provided in H.R. 4327.

As is stated in the bill, the liability of the postal employee resulted from losses due to the robbery of a postal truck on November 4, 1968. At approximately 6:30 on that date, Robert L. Stevenson, then a substitute carrier with less than 3 months' experience, parked his mailtruck in a drugstore in Merriam, Kans. He turned off the engine, left the keys in the ignition, left the right-hand (curb-side) door of the vehicle open, and went into the contract branch to pick up the pouch containing the official remittance register and other mail which had been deposited at the branch.

Mr. Stevenson returned to his mailtruck in less than a minute, in time to see it move away from the curb and proceed down the street. He immediately gave chase, at first on foot, and then with the aid of a private citi-

zen in his automobile, but to no avail. When the truck was located by police a short time later it was determined that a Government cash loss of $2,948 had resulted from the theft.

A post office investigation disclosed that Mr. Stevenson failed to follow postal regulations, parts 345.433(a) and 352.81 of the Postal Manual. These regulations require that a postal employee remove the ignition key and lock a vehicle containing mail when it is stopped or parked, unless the opened door or doors are in complete sight and can be reached quickly if a theft is attempted. It is clear from Mr. Stevenson's statement that he did not have the opened door of his vehicle in complete sight throughout the time when he was in the branch collecting mail. Also, he was several feet inside the building and could not reach the vehicle quickly enough to prevent the theft. In its report the Post Office Department stated that there is also reason to believe that Mr. Stevenson had been instructed during the course of the orientation training he had recently received, always to lock his vehicle when he parked on the street and left the vehicle to enter a station or branch.

While the Post Office Department stated it was its view that the above facts demonstrate a clear case of negligence on the part of Mr. Stevenson, it also stated that there are mitigating circumstances. Mr. Stevenson was an inexperienced carrier, with less than 3 months' employment at the time of the theft. He was a short distance away from his vehicle and was gone only for a matter of seconds. In addition, he made every effort possible to stop the thief when he saw the truck moving down the street.

On the basis of the above facts and circumstances, the Department concluded the postal employee was entitled to relief as in accordance with the discretionary authority now provided for in the bill H.R. 4327. In this connection, the Department stated:

"The Department believes, in view of the above facts, that the bill should be amended to provide that the Postmaster General, upon a determination that it is appropriate to do so, is authorized to relieve the employee named on such terms as the Postmaster General deems just and expedient of liability in the whole or in part with respect to the transaction involved."

The committee agrees that the language recommended by the Post Office Department and contained in H.R. 4327 provides the most practical means for reaching a just result in this case. It will enable the Postmaster General to grant relief in a manner which will recognize the interest of the Government and the interest of the employee. In this connection it should be noted that the recently enacted revision of the postal laws which will take effect in the future, provides similar authority for relief of employees in section 2601 of revised title 39 of the United States Code. In view of these considerations and the recommendation of the Department, it is recommended that the bill be considered favorably.

In agreement with the views of the House of Representatives the committee recommends favorable enactment.

EMINENT-DOMAIN POOL ALLOTMENTS

The bill (S. 1545) to amend section 378(a) of the Agricultural Adjustment Act of 1938, as amended, to remove certain limitations on the establishment of acreage allotments for other farms owned by persons whose farms have been acquired by any Federal, State, or other agency having the right of eminent domain was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States in Congress assembled, That the second sentence of section 378(a) of the Agricultural Adjustment Act of 1938, as amended, is amended by striking out the material preceding the proviso and inserting in lieu thereof the following: "Upon application to the county committee, within three years after the date of such displacement, any owner so displaced shall be entitled to have allotments established for other farms owned by him, taking into consideration the land, labor, and equipment available on such other farms for the production of the commodity, crop-rotation practices, and the soil and other physical factors affecting the production of the commodity:"

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–178), explaining the purposes of the measure.

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

The Committee on Agriculture and Forestry, to which was referred the bill (S. 1545) to amend section 378(a) of the Agricultural Adjustment Act of 1938, as amended, to remove certain limitations on the establishment of acreage allotments for other farms owned by persons whose farms have been acquired by any Federal, State, or other agency having the right of eminent domain, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

SHORT EXPLANATION

This bill would repeal the existing requirement that allotments established from the eminent domain pool be "comparable with allotments determined for other farms in the same area."

BACKGROUND

Section 378 of the Agricultural Adjustment Act of 1938 provides that the allotment determined for any commodity for any land from which the owner is displaced because of acquisition of the land for any purpose, other than for the continued production of allotted crops, by any Federal, State or other agency having the right of eminent domain shall be placed in an allotment pool and shall be available only for use in providing allotments for other farms owned by the owners so displaced. Any owner so displaced shall be entitled to have established for other farms owned by him allotments "which are comparable with allotments determined for other farms in the same area which are similar except for the past acreage of the commodity," taking into consideration the land, labor and equipment available for the production of the commodity, crop rotation practices and the soil and other physical factors affecting the production of the commodity. The bill would strike out the language shown in quotation marks. Under existing law and under the bill the acreage used from the pool to establish or increase the allotments for such other farm could not exceed the allotment most recently established for the farm acquired from the applicant and placed in the pool. This section is applicable to acreage allotments for extra long staple cotton, peanuts, rice, and tobacco, farm base acreage allotments for upland cotton and domestic allotments for wheat. The Department of Agriculture points out that a displaced owner may now elect to transfer his upland cotton base acreage allotment or his extra-long staple cotton allotment under the sale, lease and transfer provisions of section 344a or section 347(f) without being subject to this comparability limitation and that enactment of the bill will provide for uniform treatment.

COST ESTIMATE

The Department of Agriculture advises that the proposed legislation would not require additional funds, and the committee agrees with this estimate.

DISPOSAL OF INDUSTRIAL DIAMOND CRUSHING BORT

The bill (S. 751) to authorize the disposal of industrial diamond crushing bort from the national stockpile and the supplemental stockpile was considered, ordered for a third reading, read the third time, and passed, as follows:

S. 751

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately eighteen million nine hundred and twelve thousand carats of industrial diamond crushing bort now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 456, as amended by 73 Stat. 607). Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–180), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

This bill would grant congressional consent to the disposal of approximately 18,912,000 carats of industrial diamond crushing bort from the national and supplemental stockpiles and waive the 6 month waiting period normally required before such disposal could be started.

EXPLANATION OF THE BILL

Why congressional action is required

Under existing law, congressional approval is required for disposal of materials in the national and supplemental stockpiles except when the proposed disposal action is based on a determination that the material has become obsolescent for use in time of war.

The proposed disposal of industrial diamond crushing bort from the national and supplemental stockpiles is based on a determination that the quantity of this material is excess to requirements and not because the industrial diamond crushing bort has become obsolescent for use in time of war. Consequently, express congressional approval for the disposal is required.

Moreover, the bill would authorize an immediate start on the disposal of this material by waiving the statutory requirement for a 6-month waiting period after notice of the proposed disposal is published in the Federal Register.

Why disposal is proposed

The industrial diamond crushing bort is excess to stockpile needs. The total inventory of this material in the national and supplemental stockpiles was 42,611,479 carats as of October 31, 1970. The stockpile objectives as of March 4, 1970, is 23,700,000 carats, leaving an excess of 18,911,479 carats. This bill covers disposal of the excess.

Disposal procedure

Industry representatives expressed concern that sizable sales of the stockpile excesses would be disruptive to their normal markets. It was agreed that GSA's annual rate of sales should not exceed 10 percent of domestic and foreign consumption of natural industrial diamond bort. Industry representatives currently estimate that sales should be at a rate of about 600,000 carats for domestic consumption and 1 million carats for foreign consumption. It was understood that any sales abroad would preclude reimport into the United States. It was also agreed that the GSA offerings could be adjusted upward if there was evidence of increased domestic and foreign consumption. Any revision by GSA in the disposal rates would be preceded by discussion and approval of the industrial diamond working group.

Information on industrial diamond crushing bort

Estimated world production of natural and synthetic crushing bort in 1969 totaled 32,150,000 carats compared with 27 million carats in 1967 and 18 million carats in 1966. There is no domestic production of natural crushing bort. One U.S. firm produced in 1969 approximately 13 million carats of a synthetic diamond crushing bort able to satisfy many of the industrial uses of the natural variety. U.S. imports of natural crushing bort decreased from 9.9 million carats in 1966 (includes U.S. stockpile requirements of 2.2 million carats in 1966), to 5.8 million carats in 1969. Imports of synthetic crushing bort have increased from 1.6 million carats in 1966 to 2.8 million carats in 1969. U.S. consumption of natural, synthetic and reclaimed crushing bort together has increased from 14 million carats in 1966 to 16.1 million carats in 1969. U.S. exports of natural and synthetic crushing bort have increased from 3.5 million carats in 1966 to 8.3 million carats in 1969.

Method of disposal

Section 2 of the bill sets forth the method of disposal of this material, and reads as follows:

SEC. 2. (a) Disposals of the material covered by this act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to request received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

FISCAL DATA

The average acquisition cost of the crushing bort in the national stockpile and the supplemental stockpile is approximately $2.19 per carat. The present average market value of crushing bort is reported to be from $2.25 to $2.80 per carat.

DISPOSAL OF VEGETABLE TANNIN EXTRACTS

The bill (S. 752) to authorize the disposal of vegetable tannin extracts from the national stockpile, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 752

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately the following quantities of vegetable tannin extracts: five thousand five hundred and fifteen long tons of chestnut, thirty-five thousand two hundred and eighty-seven long tons of quebracho, and five thousand four hundred and sixty-one long tons of wattle now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h). Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States:

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–181), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

This proposal is a part of the legislative program of the General Services Administration for 1971. It would grant congressional consent to dispose of approximately 5,515 long tons of chestnut, 35,287 long tons of quebracho, and 5,416 long tons of wattle, now held in the national stockpile. It would further waive the 6-month waiting period normally required before such disposal could be started.

EXPLANATION OF THE BILL

Why congressional action is required

Under existing law, congressional approval is required for disposal of materials in the national and supplemental stockpiles except when the proposed disposal action is based on a determination that the material has become obsolescent for use in time of war.

The disposal of vegetable tannin extracts is based on a determination that the quantity of the material in the national and supplemental stockpiles is excess to requirements and not because the material is obsolescent for use in time of war. Consequently, express congressional approval for the disposal is required.

Moreover, the bill would authorize an immediate start on the disposal of this material by waiving the statutory requirement for a 6-month waiting period after notice of the proposed disposal is published in the Federal Register.

Why disposal is proposed

The material to be disposed of is excess to stockpile needs. The following tabulation reflects the total inventories of these materials as of September 30, 1970, as well as the stockpile objectives established January 17, 1969. It is to be noted that the excess materials over and above that covered by this bill are available for sale under the authority of prior legislation.

	Long tons
Chestnut:	
National stockpile	27,519
Stockpile objective	9,500
Total excess	[1] 18,019
Quebracho:	
National stockpile	190,926
Stockpile objective	50,600
Total excess	[2] 140,326
Wattle:	
National stockpile	35,798
Stockpile objective	9,500
Total excess	[3] 26,298

[1] 12,504 remain available for sale by authority of Public Law 89–245.

[2] 105,039 remain available for sale by authority of Public Law 89–245.

[3] 20,837 remain available for sale by authority of Public Law 89–245.

Method of disposal

Section 2 of the bill sets forth the method of disposal of this material and reads as follows:

SEC. 2. (a) Disposals of the material covered by this act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that

methods of disposal, other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Information on vegetable tannin extracts

Chestnut extract and wattle extract are used almost entirely for tanning the heavier type of leather such as sole and belting. About 70 percent of domestic consumption of quebracho extract is used in tanning leather, while about 25 percent is used as an additive in petroleum well drilling muds to control viscosity, and about 5 percent is used for treating boiler water and for metallurgical, pharmaceutical and miscellaneous uses. The United States does not produce any of these tannin extracts.

FISCAL DATA

The average acquisition cost of the vegetable tannin extracts in the national stockpile was $279.19 per long ton for chestnut, $247.41 per long ton for quebracho and $252.02 per long ton for wattle. The current market price for standard commercial types of tannins are estimated to be $255.36 per long ton for chestnut, $268.80 per long ton for quebracho, and $257.60 per long ton for wattle.

DISPOSAL OF THORIUM

The bill (S. 753) to authorize the disposal of thorium from the supplemental stockpile was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 753

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately two hundred and ten short tons (thorium oxide content) of thorium nitrate now held in the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954, 68 Stat. 456, as amended by 73 Stat. 607. Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided*, That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–182), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

This bill is a part of the legislative program of the General Services Administration for 1971. It would grant congressional consent to dispose of approximately 210 short tons (thorium oxide content) of thorium nitrate from the supplemental stockpile and waive the 6-month waiting period normally required before such disposal could be started.

EXPLANATION OF THE BILL

Why congressional action is required

Under existing law, congressional approval is required for disposal of materials in the national and supplemental stockpiles except when the proposed disposal action is based on a determination that the material has become obsolescent for use in time of war.

The disposal of thorium nitrate is based on a determination that the quantity of the material in the national and supplemental stockpiles is excess to requirements and not because the thorium nitrate is obsolescent for use in time of war. Consequently, express congressional approval for the disposal is required.

Moreover, the bill would authorize an immediate start on the disposal of this material by waiving the statutory requirement for a 6-month waiting period after notice of the proposed disposal is published in the Federal Register.

Why disposal is proposed

The thorium nitrate to be disposed of is excess to stockpile needs. The total inventory of this material in the supplemental stockpile was 1,832 short tons (thorium oxide equivalent) as of September 30, 1970. The stockpile objective, established January 17, 1969, is 40 short tons, leaving an excess of 1,792 short tons. While this bill would authorize the disposal of only 210 short tons, the remainder, 1,582 short tons, was previously authorized for disposal by Public Law 89–421 of May 11, 1966.

Information on thorium

Thorium is used with tungsten or nickel in electrodes in gas-discharge lamps and in conversion of fissionable uranium. It is also used to make incandescent (Welsbach) type gaslight mantles. Some of its compounds are used in luminous paints, flashlight powders, and with nickel to produce a high temperature alloy.

U.S. production statistics on thorium are company confidential and hence are not published. Imports of thorium ores and concentrates, chiefly monazite, were 504,000 pounds of thorium oxide content in 1969, a decrease of 20,000 pounds from 1968. Of the total imports 59 percent came from Australia, 37 percent from Malaysia, and 4 percent from Hong Kong.

Method of disposal

Section 2 of the bill sets forth the method of disposal of this material and reads as follows:

SEC. 2. (a) Disposals of the material covered by this act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

FISCAL DATA

The acquisition cost of the thorium nitrate (thorium oxide content) in the supplemental stockpile was $9,003.55 per short ton. The current estimated market price for standard commercial type of thorium nitrate (thorium oxide content), is $8,301 per short ton.

DEPARTMENTAL POSITION

There is set forth below and made a part of this report a letter dated February 2, 1971 from the Assistant Administrator of the General Services Administration, indicating that the executive branch recommends enactment of this measure.

DISPOSAL OF SILICON CARBIDE

The bill (S. 754) to authorize the disposal of silicon carbide from the national stockpile and the supplemental stockpile was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 754

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately one hundred sixty-six thousand four hundred fifty-three short tons of silicon carbide now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954, 68 Stat. 456, as amended by 73 Stat. 607. Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided*, That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No.

92–183), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

This bill would grant congressional consent to the disposal of approximately 166,453 short tons of silicon carbide from the national and supplemental stockpiles and would waive the 6-month waiting period normally required before such disposal could be started.

EXPLANATION OF THE BILL

Why congressional action is required

Under existing law, congressional approval is required for disposal of materials in the national and supplemental stockpiles except when the proposed disposal action is based on a determination that the material has become obsolescent for use in time of war.

The disposal of silicon carbide is based on a determination that the quantity of the material in the national and supplemental stockpiles is excess to requirements and not because the silicon carbide is obsolescent for use in time of war. Consequently, express congressional approval for the disposal is required.

Moreover, the bill would authorize an immediate start on the disposal of this material by waiving the statutory requirement for a 6-month waiting period after notice of the proposed disposal is published in the Federal Register.

Why disposal is proposed

The silicon carbide to be disposed of is excess to stockpile needs. The General Services Administration proposes to make the excess material available for commercial sale over a period of years. The total inventory of this material in the National and Supplemental stockpiles as of September 30, 1970 was 196,453 short tons. The stockpile objective established April 2, 1964 is 30,000 short tons. The total excess is covered by this bill.

Information on silicon carbide

Abrasive grain is processed from crude silicon carbide and is used in the manufacture of grinding wheels, coated sheets, belts, and disks. Silicon carbide is preferred for grinding stone, materials that are hard or brittle or of low tensile strength, such as cast iron, brass, aluminum, and leather. Silicon carbide does not soften or melt at temperatures below 4,550° C. and is used for metallurgical refractory, but is less resistant to molten steel and basic slags. It is not attacked by most acids and is used in the chemical industries.

Canada is the principal producer of this material and accounts for 60 percent of the free world production, with the United States producing 30 percent. Imports during 1969 were 108,400 short tons. Canada supplied 91 percent, Norway, 5 percent, and West Germany, 2 percent.

Method of disposal

Section 2 of the bill sets forth the method of disposal of this material and reads as follows:

SEC. 2. (a) Disposals of the material covered by this act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

FISCAL DATA

The average acquisition cost of the material in the national stockpile was $176.12 per short ton and in the supplemental stockpile $203.36 per short ton. The current estimated market price is $217 per short ton.

DEPARTMENTAL POSITION

There is set forth below and made a part of this report a letter dated February 2, 1971 from the Assistant Administrator of the General Services Administration, indicating that the executive branch recommends enactment of this measure. It is a part of the legislative program of the General Services Administration for 1971.

DISPOSAL OF SHELLAC

The bill (S. 755) to authorize the disposal of shellac from the national stockpile was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 755

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately two million nine hundred thousand pounds of shellac now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h). Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against available loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–184), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The proposal is a part of the legislative program of the General Services Administration for 1971 and would authorize the disposal of approximately 2.9 million pounds of shellac from the national stockpile, and would waive the 6-month waiting period normally required before such disposal could be started.

EXPLANATION OF THE BILL

Why congressional action is required

Under existing law, congressional approval is required for disposal of materials in the national and supplemental stockpiles except when the proposed disposal action is based on a determination that the material has become obsolescent for use in time of war.

The disposal of shellac on a determination that the quantity of the material in the national and supplemental stockpiles is excess to requirements and not because the shellac is obsolescent for use in time of war. Consequently, express congressional approval for the disposal is required.

Moreover, the bill would authorize an immediate start on the disposal of this material by waiving the statutory requirement for a 6-month waiting period after notice of the proposed disposal is published in the Federal Register.

Why disposal is proposed

The material to be disposed of is excess to stockpile needs. The total inventory of uncommitted shellac in the stockpile as of September 30, 1970, was 7,481,589 pounds, and the stockpile objective established March 4, 1970, is 1 million pounds, leaving an excess of 6,481,589 pounds. The difference between the total excess and the proposed disposal was previously authorized for disposal by Public Law 91–324.

Information on shellac

Shellac is used for surface coating; as a binder for abrasives and mica; as an insulator in electric components; and numerous miscellaneous industrial applications. The largest present use is in self-polishing floor and furniture waxes. World production of shellac in 1969 is estimated at 72.5 million pounds produced principally in India and Thailand. India has maintained its position as the leading producer with an estimated 42.5 million pounds, and Thailand in second place with a production rate estimated at 30 million pounds. As a nonproducer of shellac, the United States imported in 1969, 67 percent of its requirements from Thailand, 29 percent from India, and 3 percent from West Germany. U.S. consumption has increased from 21 million pounds in 1966 to approximately 24 million pounds in 1969.

Method of disposal

Section 2 of the bill sets forth the method of disposal of this material and reads as follows:

SEC. 2 (a) Disposals of the material covered by this act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual market; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

FISCAL DATA

The average acquisition cost of the shellac in the inventory is 50 cents per pound. The current estimated market price for standard

commercial shellac ranges from 38 to 42 cents per pound, depending on grade of material.

DISPOSAL OF QUARTZ CRYSTALS

The bill (S. 756) to authorize the disposal of quartz crystals from the national stockpile and the supplemental stockpile was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 756

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately three hundred and thirty thousand pounds of quartz crystals now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954, 68 Stat. 456, as amended by 73 Stat. 607. Such disposition may be made without regard to the requirement of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–185), explaining the purpose of the measure.

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

PURPOSE OF THE BILL

The proposed bill is a part of the legislative program of the General Services Administration for 1971 and would authorize the disposal of approximately 330,000 pounds of quartz crystals from the national stockpile and the supplemental stockpile. In addition, it would waive the 6-month waiting period normally required before such disposal could be started.

EXPLANATION OF THE BILL

Why congressional action is required

Under existing law, congressional approval is required for disposal of materials in the national and supplemental stockpiles except when the proposed disposal action is based on a determination that the material has become obsolescent for use in time of war.

The disposal of quartz crystals is based on a determination that the quantity of the material in the national and supplemental stockpiles is excess to requirements and not because the quartz crystals are obsolescent for use in time of war. Consequently, express congressional approval for the disposal is required.

Moreover, the bill would authorize an immediate start on the disposal of this material by waiving the statutory requirement for a 6-month waiting period after notice of the proposed disposal is published in the Federal Register.

Why disposal is proposed

The material to be disposed of is excess to stockpile needs. The total inventory of uncommitted quartz crystals in the stockpile as of September 30, 1970, was 5,061,632 pounds, and the stockpile objective established January 17, 1969 is 320,000 pounds, leaving an excess of 4,741,632 pounds. The remaining excess above this proposed disposal was previously authorized for disposal.

Information on quartz crystals

Quartz is used in the production of piezoelectric units, optical parts, glass and steel manufacture. There is no U.S. production of natural quartz crystals suitable for electronic and optical purposes. U.S. production of manufactured (artificially cultured) quartz crystals was 125,423 pounds in 1969. Output of manufactured quartz is expected to increase, thus lessening the dependence on imported natural quartz. Total imports were 237,224 pounds in 1969. Brazil is the principal import source of natural quartz. Actual consumption of raw, electronic grade crystals was 246,673 pounds in 1968, and 187,605 pounds in 1969. The U.S. consumption pattern is 74 percent for oscillator plates and the remaining 26 percent for filter and telephone resonator plates, transducer crystal, and miscellaneous items.

Method of disposal

Section 2 of the bill sets forth the method of disposal of this material and reads as follows:

SEC. 2 (a) Disposals of the material covered by this act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

FISCAL DATA

The average acquisition cost of the material in the national stockpile was $12.37 per pound and in the supplemental stockpile, $15.15 per pound. The current estimated market price for standard, commercial type quartz crystals used for piezoelectrical and optical purposes ranges from $2.25 per pound to $50 per pound, depending on size and grade.

DISPOSAL OF IRIDIUM

The bill (S. 757) to authorize the disposal of iridium from the national stockpile was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 757

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately two hundred and fifty-six troy ounces of iridium now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h). Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–186), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

This proposal is a part of the legislative program of the General Service Administration for 1971. It would authorize the disposal of approximately 256 troy ounces of iridium from the national stockpile and waive the 6-month waiting period normally required before such disposal could be started.

EXPLANATION OF THE BILL

Why congressional action is required

Under existing law, congressional approval is required for disposal of materials in the national and supplemental stockpiles except when the proposed disposal action is based on a determination that the material has become obsolescent for use in time of war.

The disposal of iridium is based on a determination that the quantity of the material in the national and supplemental stockpiles is excess to requirements and not because the iridium is obsolescent for use in time of war. Consequently express congressional approval for the disposal is required.

Moreover, the bill would authorize an immediate start on the disposal of this material by waiving the statutory requirement for a 6-month waiting period after notice of the proposed disposal is published in the Federal Register.

Why disposal is proposed

The iridium to be disposed of is excess to stockpile needs. The total inventory in the

stockpile as of September 30, 1970, was 17,256 troy ounces and the stockpile objective established April 2, 1964, is 17,000 troy ounces leaving an excess of 256 troy ounces covered by this disposal.

Information on iridium

Iridium, palladium, and platinum are used separately and in combination with each other and with other metals in the electrical field, for electrodes of all kinds, electrical contact points, thermocouples, resistance thermometers, and resistors; in the chemical field for crucibles and other heat and corrosion resistant vessels, cathodes, Spinerettes for rayon, bushings, for production of glass fiber, burner nozzles, and catalysts; in the dental field, for castings, wrought dentures, pins, anchors, and reinforcements; in jewelry and the decorative arts; and in motors and precision instruments. U.S. refinery output was 2,581 troy ounces in 1968 and 2,820 troy ounces in 1969. For consumption, U.S. imports of iridium in 1968 amounted to 9,443 troy ounces and in 1969 amounted to 14,218 troy ounces. The chief source of imports in 1969 were Canada and the United Kingdom.

Method of disposal

Section 2 of the bill sets forth the method of disposal of this material and reads as follows:

SEC. 2 (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

FISCAL DATA

The average acquisition cost of the iridium in the national stockpile was $177.29 per troy ounce. The current estimated market price for standard, commercial type iridium ranges from $150 to $155 per troy ounce.

DISPOSAL OF MICA

The bill (S. 758) to authorize the disposal of mica from the national stockpile and the supplemental stockpile was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 758

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately one million four hundred twenty-six thousand twenty-five pounds of muscovite block mica; approximately fifty-one thousand eighty-seven pounds of muscovite film mica; approximately three million one hundred ninety-nine thousand eight hundred seventy-five pounds of muscovite mica splittings; and approximately three hundred fifty thousand pounds of phlogopite mica splittings now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954, 68 Stat. 456, as amended by 73 Stat. 607. Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protetcion of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. (a) Disposals of the materials covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–187), explaining the purpose of the measure.

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

PURPOSE OF THE BILL

The proposed disposal is a part of the legislative program of the General Services Administration for 1971. It would authorize the disposal of approximately 5,026,987 pounds of mica from the national and supplemental stockpiles and would waive the 6-month waiting period normally required before such disposal could be started.

EXPLANATION OF THE BILL

Why congressional action is required

Under existing law, congressional approval is required for disposal of materials in the national and supplemental stockpiles except when the proposed disposal action is based on a determination that the material has become obsolescent for use in time of war.

The disposal of mica is based on a determination that the quantity of the material in the national and supplemental stockpiles is excess to requirements and not because the mica is obsolescent for use in time of war. Consequently, express congressional approval for the disposal is required.

Moreover, the bill would authorize an immediate start on the disposal of this material by waving the statutory requirement for a 6-month waiting period after notice of the proposed disposal is published in the Federal Register.

Why disposal is proposed

The material to be disposed of is excess to stockpile needs. The tabulation set forth below reflects the total inventories of the material in the stockpiles.

Mica, Muscovite block, stained and better—Uncommitted Sept. 30, 1970

Inventory:	Pounds
National stockpile	7,076,277
Supplemental stockpile	1,952,350
DPA	5,899,772
Total all inventories	14,928,399
Credited to film objective	840,700
Objective (established Mar. 13, 1964)	6,000,000
Total excess	[1] 8,087,699

[1] This plan applies to approximately 1,426,025 pounds of the excess in the national and supplemental stockpiles. The remaining excess of approximately 6,661,674 pounds was authorized for disposal.

Mica, Muscovite film, first and second qualities—Uncommitted Sept. 30, 1970

Inventory:	Pounds
National stockpile	1,249,745
Supplemental stockpile	116,556
DPA	102,681
840,700 pounds of block credited as film objective	588,525
Total all inventories	2,057,507
Objective (established Mar. 13, 1964)	2,000,000
Total excess	[2] 57,507

[2] This plan applies to approximately 51,087 pounds of the nonstockpile grade excesses in the national and supplemental stockpiles. The remaining excess of approximately 6,420 pounds was previously authorized for disposal.

Mica, Muscovite splittings—Uncommitted Sept. 30, 1970

Inventory:	Pounds
National stockpile	38,641,504
Supplemental stockpile	4,800,782
DPA	0
Total all inventories	43,442,286
Objective (established Jan 17, 1969)	19,000,000
Total excess	[3] 24,442,286

[3] This plan applies to approximately 3,199,875 pounds of the excesses in the national and supplemental stockpiles. The remaining excess of approximately 21,242,411 pounds was previously authorized for disposal.

Mica, Phlogopite splittings—Uncommitted Sept. 30, 1970

Inventory:	Pounds
National stockpile	2,935,827
Supplemental stockpile	1,921,052
DPA	0
Total all inventories	4,856,879
Objective (established Jan. 17, 1969)	950,000
Total excess	[4] 3,906,879

[4] This plan applies to approximately 350,000 pounds of the excesses in the national and supplemental stockpiles. The remaining excess of approximately 3,556,879 was previously authorized for disposal.

Information on mica

Mica is a group name for a number of complex silicate minerals which have a characteristic structure permitting easy separation into thin, tough sheets. It is used in dielectric supporting elements in electron tubes, mica capacitors, as insulation in motors and other electrical apparatus.

Method of disposal

Section 2 of the bill sets forth the method of disposal of this material and reads as follows:

SEC. 2. (a) Disposals of the material covered by this act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

FISCAL DATA

The acquisition cost of muscovite block, stained and better, in the national stockpile was $2.38 per pound and in the supplemental stockpile was $3.44 per pound. The acquisition cost of muscovite film, first and second qualities, in the national stockpile was $5.27 per pound and in the supplemental stockpile was $9.12 per pound. The acquisition cost of muscovite splittings in the national stockpile was $1.01 per pound and in the supplemental, $1.29 per pound. The average acquisition cost of phlogopite splittings in the national and supplemental stockpiles was $1 per pound. The current estimated market price for standard, commercial type micas range from 10 cents per pound to $20 per pound, depending on color, form, grade, size, thickness, and visual quality.

DEPARTMENTAL DATA

As indicated above, this bill is a part of the legislative program of the General Services Administration for 1971 as is indicated by a letter dated February 2, 1971, from the Assistant Administrator of the General Services Administration which is set forth below and made a part of this report.

DISPOSAL OF METALLURGICAL MANGANESE

The bill (S. 759) to authorize the disposal of metallurgical grade manganese from the national stockpile and the supplemental stockpile was considered, ordered to be engrossed for a third reading, 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 the Administrator of General Services is hereby authorized to dispose of approximately four million four hundred and twenty-four thousand and eight hundred and forty short dry tons (manganese ore equivalent) of metallurgical grade manganese now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 456, as amended by 73 Stat. 607). Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual market; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–188), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The proposal is a part of the legislative program of the General Services Administration for 1971 and would authorize the disposal of approximately 4,424,840 short dry tons (manganese ore equivalent) of metallurgical grade manganese from the national stockpile and the supplemental stockpile. In addition, it would waive the 6-month waiting period normally required before such disposal could be started.

EXPLANATION OF THE BILL

Why congressional action is required

Under existing law, congressional approval is required for disposal of materials in the national and supplemental stockpiles except when the proposed disposal action is based on a determination that the material has become obsolescent for use in time of war.

The disposal of metallurgical grade manganese is based on a determination that the quantity of the material in the national and supplemental stockpiles is excess to requirements and not because the metallurgical grade manganese is obsolescent for use in time of war. Consequently, express congressional approval for the disposal is required.

Moreover, the bill would authorize an immediate start on the disposal of this material by waiving the statutory requirement for a 6-month waiting period after notice of the proposed disposal is published in the Federal Register.

Why disposal is proposed

The material to be disposed of is excess to stockpile needs. The tabulation below reflects the total inventories of the metallurgical grade manganese in the stockpiles and the objective established May 13, 1969, followed by a breakdown of types of manganese in the stockpiles.

Manganese, metallurgical grade

(MANGANESE ORE EQUIVALENT, UNCOMMITTED SEPT. 30, 1970

Inventory:	*Short dry tons*
National stockpile	4,950,670
Supplemental stockpile	4,353,017
DPA	2,783,192
Total all inventories	12,086,879
Objective (established May 13, 1969)	4,000,000
Total excess	81,068,737

This plan applies to approximately 4,424,840 short dry tons (manganese ore equivalent) of metallurgical grade manganese in the national and supplemental stockpiles, of which approximately 3,267,859 short dry tons are ore; approximately 576,060 short tons (1,152,120 short tons manganese ore equivalent) are high carbon ferro manganese and approximately 1,944 short tons (4,860 short tons manganese ore equivalent) are electrolytic manganese metal. Additionally, 3,731,884 short dry tons of metallurgical grade manganese ore remain available for disposal under previous authorizations.

Information on metallurgical grade manganese

Metallurgical grade manganese is used in the manufacture of manganese metal ferromanganese, and special manganese alloys, which in turn are used to neutralize the effects of sulfur and to remove oxygen used as an addition to special steels to contribute toughness and resistance to shock and abrasion. U.S. consumption of metallurgical grade manganese ore for 1969 was 2.1 million short tons of which 1,964,535 short tons were imported and only an estimated 6,000 short tons produced domestically. The chief source of imports is Gabon, 28 percent; Brazil, 28 percent; the Republic of South Africa, 12 percent; India, 8 percent; the Congo, 8 percent; Australia, 5 percent; and other countries, 11 percent.

Method of disposal

Section 2 of the bill sets forth the method of disposal of this material and reads as follows:

SEC. 2. (a) Disposals of the material covered by this act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

FISCAL DATA

The acquisition cost of metallurgical grade manganese ore in the national stockpile was $39.60 per short dry ton and in the supplemental stockpile, $43.09 per short dry ton. The acquisition cost for high carbon ferro manganese in the national stockpile was $189.79 per short ton and in the supplemental stockpile, $186.56 per short ton. The acquisition cost of electrolytic manganese metal in the national stockpile was $520.46 per short ton, and in the supplemental stockpile, $610.52 per short dry ton. The current estimated market price for standard, commercial type material is $28 per short dry ton for ore, $151.30 per short ton for high carbon ferro manganese, and $665.00 per short ton for electrolytic manganese metal.

DISPOSAL OF MANGANESE, BATTERY GRADE, SYNTHETIC DIOXIDE

The bill (S. 760) to authorize the disposal of manganese, battery grade, synthetic dioxide from the national stockpile was considered, ordered to be en-

grossed for a third reading, 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 the Administrator of General Services is hereby authorized to dispose of approximately four thousand eight hundred and five short dry tons of manganese, battery grade, synthetic dioxide now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (60 U.S.C. 98–98h). Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–189), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The proposed bill is a part of the legislative program of the General Services Administration for 1971. It would authorize the disposal of approximately 4,805 short dry tons of manganese, battery grade, synthetic dioxide from the national stockpile and waive the 6-month waiting period normally required before such disposal could be started.

EXPLANATION OF THE BILL

Why congressional action is required

Under existing law, congressional approval is required for disposal of materials in the national stockpile except when the proposed disposal action is based on a determination that the material has become obsolescent for use in time of war.

The disposal of manganese, battery grade, synthetic dioxide is based on a determination that the quantity of the material in the national stockpile is excess to requirements and not because the manganese, battery grade, synthetic dioxide is obsolescent for use in time of war. Consequently, express congressional approval for the disposal is required.

Moreover, the bill would authorize an immediate start on the disposal of this material by waiving the statutory requirement for a 6-month waiting period after notice of the proposed disposal is published in the Federal Register.

Why disposal is proposed

The manganese, battery grade, synthetic dioxide to be disposed of is excess to stockpile needs, and GSA proposes to make the excess available for commercial sale over a period of years. The total inventory of uncommitted material as of September 30, 1970, was 21,679 short dry tons. The stockpile objective established March 27, 1969, is 1,900 short dry tons, leaving an excess of 19,779 short dry tons. Of this excess, 3,403 short dry tons remain available from OEP authority of March 4, 1966, and 11,571 short dry tons remain available from Public Law 89–726. The remaining 4,805 short dry tons is covered by this disposal.

Information on manganese, battery grade, synthetic dioxide

Synthetic manganese is used primarily in the manufacture of dry cells for batteries for military use. For such use, it is mixed with natural ore. It is also used in special types of commercial battery cells, such as in hearing aids. For battery use a minimum of 85 percent manganese dioxide is required. U.S. production of synthetic manganese dioxide has been increasing in recent years, rising from about 9,000 short tons in 1966 to an estimated output of 12,000 short tons in 1969. Domestic production results from processing manganese ores from Ghana, Gabon and Mexico. Imports of synthetic manganese dioxide, chiefly from Japan, rose from 888 short tons in 1966 to 2,393 short tons in 1968, but fell back to 1,778 short tons in 1969. Apparent domestic consumption has increased from about 10,000 short tons in 1966 to an estimated 14,000 short tons in 1969.

Method of disposal

Section 2 of the bill sets forth the method of disposal of this material and reads as follows:

SEC. 2. (a) Disposals of the material covered by this act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

FISCAL DATA

The average acquisition cost of the manganese, battery grade, synthetic dioxide in the national stockpile was $145.52 per short dry ton. The current estimated market price for standard, commercial type manganese, battery grade, synthetic dioxide is $490 per short dry ton.

DISPOSAL OF DIAMOND TOOLS

The bill (S. 761) to authorize the disposal of diamond tools from the national stockpile was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 761

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately sixty-four thousand one hundred seventy-eight diamond tools now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h). Such disposition may be made without regard to the requirement of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–190), explaining the purpose of the measure.

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

PURPOSE OF THE BILL

The proposed bill is a part of the legislative program of the General Services Administration for 1971. It would authorize the disposal of approximately 64,178 pieces of diamond tools from the national stockpile and waive the 6-month waiting period normally required before such disposal could be started.

EXPLANATION OF THE BILL

Why congressional action is required

Under existing law, congressional approval is required for disposal of materials in the national stockpile except when the proposed disposal action is based on a determination that the material has become obsolescent for use in time of war.

The disposal of diamond tools is based on a determination that the quantity of the material in the national stockpile is excess to requirements since there is currently no stockpile objective for this material and not because the diamond tools are obsolescent for use in time of war. Consequently express congressional approval for the disposal is required.

Moreover, the bill would authorize an immediate start on the disposal of this material by waiving the statutory requirement for a 6-month waiting period after notice of the proposed disposal is published in the Federal Register.

Why disposal is proposed

The material to be disposed of is excess to stockpile needs. The total inventory of uncommitted diamond tools as of September 30, 1970, was 64,178 pieces and there is no stockpile objective, leaving an excess of 64,178 pieces which is covered by this proposal.

Information on diamond tools

Diamond tools are used for cutting or grinding very hard substances. There are no published statistics pertaining to production or consumption of diamond tools.

Method of disposal

Section 2 of the bill sets forth the method of disposal of this material and reads as follows:

SEC. 2. (a) Disposals of the material covered by this act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by his act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

FISCAL DATA

The average acquisition cost of the diamond tools in the national stockpile was $15.82 per piece. The current estimated market value of the tools is $12 per piece.

DISPOSAL OF CHROMIUM METAL

The bill (S. 762) to authorize the disposal of chromium metal from the national stockpile and the supplemental stockpile was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 762

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately four thousand two hundred thirty eight short tons of chromium metal now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) and the supplemental stockpile established pursuant to section 104 (b) of the Agricultural Trade Development and Assistance Act of 1954, 68 Stat. 456, as amended by 73 Stat. 607. Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–191), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The proposed bill is a part of the legislative program of the General Services Administration for 1971. It would authorize the disposal of approximately 4,238 short tons of chromium metal from the national stockpile and supplemental stockpile and waive the 6-month waiting period normally required before such disposal could be started.

EXPLANATION OF THE BILL

Why congressional action is required

Under existing law, congressional approval is required for disposal of materials in the national and supplemental stockpiles except when the proposed disposal action is based on a determination that the material has become obsolescent for use in time of war.

The disposal of chromium metal is based on a determination that the quantity of the material in the national and supplemental stockpiles is excess to requirements and not because the chromium metal is obsolescent for use in time of war. Consequently, express congressional approval for the disposal is required.

Moreover, the bill would authorize an immediate start on the disposal of this material by waiving the statutory requirement for a 6-month waiting period after notice of the proposed disposal is published in the Federal Register.

Why disposal is proposed

The material to be disposed of is excess to stockpile needs. The total inventory of uncommitted chromium metal as of September 30, 1970, was 8,013 short tons. The stockpile objective as established March 4, 1970, is 3,775 short tons, leaving an excess of 4,238 short tons which is covered by this disposal.

The committee is aware of the fact that the amount of the chromium metal which would be released for sale by this bill exceeds the present annual U.S. consumption rate and that the domestic market is currently in a depressed state. The committee expects the General Services Administration to take these facts fully into account in making its plans for disposal of this material, especially in light of the statutory provisions designed to prevent disruption of normal markets.

Information on chromium metal

Chromium metal, which is hard and brittle, is used in the production of both ferrous and nonferrous alloys. These alloys are used for products requiring such qualities as electrical resistance, ability to withstand high temperatures, of corrosion resistance. It is also used in alloys for nonferrous metal cutting tools, chromium bronzes, hard-facing materials, welding electrode tips, and high-strength aluminum alloys. Production statistics on chromium metal are considered company confidential information and are not published. U.S. consumption was about 5,000 short tons in 1969. Imports of chromium metal amounted to 1,366 short tons (gross weight) in 1968 and 1,491 short tons (gross weight) in 1969. Of the total imports in 1969, 68 percent came from the United Kingdom (including materials received via Canada) with the bulk of the remainder originating in Japan.

Method of disposal

Section 2 of the bill sets forth the method of disposal of this material and reads as follows:

SEC. 2. (a) Disposals of the material covered by this act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

FISCAL DATA

The average acquisition cost of the chromium metal in the national and supplemental stockpiles was $2,200 per short ton. The current estimated market price for standard, commercial type chromium metal is $2,300 per short ton.

DISPOSAL OF ANTIMONY

The bill (S. 765) to authorize the disposal of antimony from the national stockpile and the supplemental stockpile was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 765

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately six thousand short tons of antimony now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954, 68 Stat. 456, as amended by 73 Stat. 607. Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in

the RECORD an excerpt from the report (No. 92–195), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The proposed bill is a part of the legislative program of the General Services Administration for 1971. It would authorize the disposal of approximately 6,000 short tons of antimony from the national stockpile and the supplemental stockpile and waive the 6-month waiting period normally required before such disposal could be started.

EXPLANATION OF THE BILL

Why congressional action is required

Under existing law, congressional approval is required for disposal of materials in the national and supplemental stockpiles except when the proposed disposal action is based on a determination that the material has become obsolescent for use in time of war.

The proposed disposal of antimony is based on a determination that the quantity of this material in the national and supplemental stockpiles is excess to requirements and not because the antimony is obsolescent for use in time of war. Consequently, express congressional approval for the disposal is required.

Moreover, the bill would authorize an immediate start on the disposal of this material by waiving the statutory requirement for a 6-month waiting period after notice of the proposed disposal is published in the Federal Register.

Why disposal is proposed

The material to be disposed of is excess to stockpile needs. The total inventory of this material in the national and supplemental stockpiles as of October 31, 1970, was 46,746 short tons. The stockpile objective established April 8, 1970, is 40,700 short tons.

Information on antimony

Alloys containing antimony expand on cooling and thus produce fine details of a mold. Its chief uses in metals are for lead hardening, solder, battery plates, cable coverings, type metal, and to impart hardness and a smooth surface to soft-metal alloys such as babbitt bearings. Nonmetallic products are ceramic enamels, paints and lacquers, etc. In 1969 United States production from all sources amounted to about 75 percent of the total consumption. Principal import sources for metal are Yugoslavia, United Kingdom, Belgium, and Mexico and for ore, Mexico, Republic of South Africa, and Bolivia.

Method of disposal

Section 2 of the bill which sets forth the method of disposal of this material reads as follows:

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

FISCAL DATA

The average acquisition cost of antimony metal in the national stockpile was $695.46 per short ton and in the supplemental stockpile, $596.32 per short ton. The current market value is estimated to be $2,067.49 per short ton.

DISPOSAL OF ZINC

The bill (S. 766) to authorize the disposal of zinc from the national stockpile and the supplemental stockpile was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 766

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately five hundred and fifteen thousand two hundred short tons of zinc now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954, 68 Stat. 456, as amended by 73 Stat. 607. Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–194), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

This bill would authorize the disposal of approximately 515,200 short tons of zinc from the national stockpile and the supplemental stockpile, which material the Director of the Office of Emergency Preparedness has determined is excess to stockpile requirements. It would also waive the 6-month waiting period normally required before such disposal could be started.

EXPLANATION OF THE BILL

Why congressional action is required

Under existing law, congressional approval is required for disposal of materials in the national and supplemental stockpiles except when the proposed disposal action is based on a determination that the material has become obsolescent for use in time of war.

The disposal of the quantity of zinc covered by this bill is based on a determination that is excess to stockpile requirements and not because it is obsolescent for use in time of war. Consequently, express congressional approval for the disposal is required.

The bill would also authorize an immediate start on the disposal of this material by waiving the statutory requirement for a 6-month waiting period after notice of the proposed disposal is published in the Federal Register.

Why disposal is proposed

The total inventory of zinc in the Government stockpiles is 1,119,985 short tons. The stockpile objective, established December 3, 1969, is 560,000 short tons leaving an excess of 559,985 short tons. While this bill would authorize the disposal of only 515,200 short tons, the balance is available for disposal under authority granted in Public Law 89–9 and Public Law 89–322.

Information on zinc

Zinc, alloyed with copper to form brass, is one of the most workable and generally useful alloys. Its electrolytic chemical properties make it useful in batteries. Its electrogalvanic properties make it useful in protecting steel and iron from corrosion. As die castings, it forms the basis of many automotive parts, some of which are chrome or nickel plated for decorative trim. It is also used in forming dies.

Principal zinc producing countries are Australia, Canada, Japan, Mexico, Peru, U.S.S.R., and the United States.

Method of disposal

The method of disposal is set forth in section 2 of the bill and provides that, unless otherwise authorized by law, disposals may be made only after publicly advertising for bids, except when (1) the material is transferred to a Federal agency, (2) the Administrator of General Services determines that other methods of disposition are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets, or (3) sales are made pursuant to requests received from other Federal agencies in furtherance of authorized program objectives of such agencies.

FISCAL DATA

The average acquisition cost of the zinc in the national and supplemental stockpiles is $278.69 per short ton of metal. The present market value of this zinc is $300 per short ton of metal or 15 cents per pound.

DISPOSAL OF RARE-EARTH MATERIALS

The bill (S. 767) to authorize the disposal of rare-earth materials from the national stockpile and the supplemental stockpile was considered, ordered to be engrossed for a third reading, 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 the Administrator of General Services is hereby authorized to dispose of approximately eight thousand two hundred and thirty-three short tons (rare-earth oxides content) of rare-earth materials now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954, 68

Stat. 456, as amended by 73 Stat, 607. Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–193), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The proposed bill is a part of the legislative program of the General Services Administration for 1971. It would authorize the disposal of approximately 8,233 short dry tons of rare-earth materials from the national stockpile and the supplemental stockpile, and waive the 6-month waiting period normally required before such disposal could be started.

EXPLANATION OF THE BILL

Why congressional action is required

Under existing law, congressional approval is required for disposal of materials in the national and supplemental stockpiles except when the proposed disposal action is based on a determination that the material has become obsolescent for use in time of war.

The proposed disposal of rare-earth materials is based on a determination that the quantity of this material in the national and supplemental stockpiles is excess to requirements since the commodity was removed from the list of strategic and critical materials as of March 4, 1970.

Moreover, the bill would authorize an immediate start on the disposal of this material by waiving the statutory requirement for a 6-month waiting period after notice of the proposed disposal is published in the Federal Register.

Why disposal is proposed

The material to be disposed of is excess of stockpile needs. The total inventory of material as of October 31, 1970, was 13,339 short dry tons and there is no stockpile objective since rare-earth materials were removed from the list of strategic and critical materials on March 4, 1970. The remaining 5,106 short dry tons above the amount proposed in this disposal is available under authority of Public Law 90–152.

Information on rare-earth materials

The largest uses of rare-earth materials are in cracking crystals in petroleum refining and in polishing compounds in the glass industry. The United States produces half of the world's rare-earth oxides in concentrates and is the main market for rare-earth products. Data on domestic production is withheld as individual company confidential information. Imports for consumption were estimated at 4,206 short tons of monalite concentrates in 1969. Industrial consumption of rare-earth oxides was an estimated 8,820 short tons in 1969. The major producers outside the United States are Australia, India, Malaysia, and Brazil.

Method of disposal

Section 2 of the bill sets forth the method of disposal of this material and reads as follows:

"SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

"(b) The material covered by this Act may be disposed of without advertising for bids if—

"(1) the material is to be transferred to an agency of the United States;

"(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

"(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies."

FISCAL DATA

The average acquisition cost (rare-earth oxides content) of rare-earth materials in the national and supplemental stockpiles was $805.88 per short dry ton. The current market value ranges from $45 to $700 per short ton for individual rare-earth materials.

DISPOSAL OF CHEMICAL GRADE CHROMITE

The bill (S. 768) to authorize the disposal of chemical grade chromite from the national stockpile and the supplemental stockpile was considered, ordered to be engrossed for a third reading, 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 the Administrator of General Services is hereby authorized to dispose of approximately three hundred and twenty-four thousand five hundred short dry tons of chemical grade chromite now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954, 68 Stat. 456, as amended by 73 Stat. 607. Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States:

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–192), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The proposed bill is a part of the legislative program of the General Services Administration for 1971. It would authorize the disposal of approximately 324,500 short dry tons of chemical grade chromite from the national stockpile and the supplemental stockpile and waive the 6-month waiting period normally required before such disposal could be started.

EXPLANATION OF THE BILL

Why congressional action is required

Under existing law, congressional approval is required for disposal of materials in the national and supplemental stockpiles except when the proposed disposal action is based on a determination that the material has become obsolescent for use in time of war.

The proposed disposal of chemical grade chromite is based on a determination that tne quantity of this material in the national and supplemental stockpiles is excess to requirements and not because the chemical grade chromite is obsolescent for use in time of war. Consequently, express congressional approval for the disposal is required.

Moreover, the bill would authorize an immediate start on the disposal of his material by waiving the statutory requirement for a 6-month period after notice of the proposal is published in the Federal Register.

Why disposal is proposed

The material to be disposed of is excess to stockpile needs. The total inventory of the material in the national and supplemental stockpiles as of October 31, 1970, was 1,053,960 short dry tons. The stockpile objective established May 13, 1969, is 260,000 short dry tons leaving an excess of 793,960 short dry tons. Of the total excess, 469,460 short dry tons remain available for sale under authority granted by Public Law 89–247.

Information on chemical grade chromite

Chrome materials are used in a wide variety of applications, such as metal protection (plating and anadizing), manufacture of pigments for paint, tannning of leather, chemical and textile industies, and in industrial applications where resistance to wear, corrosion and heat is important (engines, marine equipment, and military items). United States does not produce chemical grade chromtie and obtains its entire supply from the Republic of South Africa. U.S. consumption of chemical grade chromite in 1969 increased 4 percent over that of 1968.

Method of disposal

Section 2 of the bill sets forth the method of disposal of this material and reads as follows:

"SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

"(b) The material covered by this Act may be disposed of without advertising for bids if—

"(1) the material is to be transferred to an agency of the United States;

"(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

"(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies."

FISCAL DATA

The average acquisition cost of the chemical grade chromite in the national and supplemental stockpiles was $19.81 per short dry ton. The present market value of this material is $26.00 per short dry ton.

DISPOSAL OF INDUSTRIAL DIAMOND STONES

The bill (S. 769) to authorize the disposal of industrial diamond stones from the national stockpile and the supplemental stockpile, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 769

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately four million nine hundred and sixty-one thousand carats of industrial diamond stones now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954, 68 Stat. 456, as amended by 73 Stat. 607. Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposal of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–196), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

This bill would authorize the disposal of approximately 4,961,000 carats of industrial diamond stones from the national stockpile and the supplemental stockpile. The Director of the Office of Emergency Preparedness has determined that this quantity is excess to stockpile needs.

It would also waive the 6-month waiting period normally required before such disposal could be started.

EXPLANATION OF THE BILL

Why congressional approval is required

Under existing law, congressional approval is required for disposal of materials in the national and supplemental stockpiles except when the proposed action is based on a determination that the material has become obsolescent for use in time of war.

The disposal of the industrial diamond stones covered by this bill is based on a determination that it is excess to stockpile requirements and not because it is obsolescent for use in time of war. Consequently, express congressional approval for the disposal is required.

The bill would also authorize an immediate start on the disposal of the industrial diamond stones by waiving the statutory requirement for a 6-month waiting period after notice of the proposed disposal is published in the Federal Register.

Why disposal is proposed

The industrial diamond stones covered by this bill are surplus to stockpile requirements.

The total inventory of industrial diamond stones in the national and supplemental stockpiles of of Octiber 31, 1970, was 25,230,386 carats. The stockpile objective established December 3, 1969, is 20 million carats, leaving an excess of 5,230,386 carats. In addition to the amount authorized for disposal by this bill, approximately 269,650 carats remain available for disposal under authority granted in Public Law 89–723.

Disposal procedure

Industry representatives expressed concern that sizable sales of the stockpile excess could disrupt both domestic and foreign markets. It was agreed that sales by GSA should not exceed 10 percent of the domestic and foreign consumption of that particular type of the industrial diamond materials being offered from the Government excesses. Industry representatives currently estimate that sales should be at a rate of about 90,000 carats for domestic consumption and 150,000 carats for foreign consumption. It was understood that any sales abroad would preclude reimport into the United States. It was also agreed that the GSA sales offerings could be adjusted upward if there was evidence of increased domestic or foreign consumption. Any revision made by GSA in the disposal offering rate would be preceded by discussion and approval of the industrial diamond working group.

Information on industrial diamond stones

The two principal uses of industrial diamond stones are in drilling bits and diamond tools, chiefly in grinding wheels. Other uses are in grit tools, wire drawing dies and phonograph needles.

Africa is the only important source of industrial diamonds, the Congo being the principal producer. Minor amounts come from Brazil, Venezuela, and Guyana.

Method of disposal

The method of disposal is set forth in section 2 of the bill and provides that, unless otherwise authorized by law, disposals may be made only after publicly advertising for bids, except when (1) the material is transferred to a Federal agency, (2) the Administrator of General Services determines that other methods of disposition are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets, or (3) sales are made pursuant to requests received from other Federal agencies in furtherance of authorized program objectives of such agencies.

FISCAL DATA

The average acquisition cost of the industrial diamond stones in the national and supplemental stockpile was $11.13 per carat. The present market value is about $3 to $55 per carat.

DISPOSAL OF COLUMBIUM

The bill (S. 770) to authorize the disposal of columbium from the national stockpile and the supplemental stockpile, was considered, ordered to be engressed for a third reading, read the third time, and passed, as follows:

S. 770

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately five million ten thousand seven hundred and sixteen pounds (Cb content) of columbium now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954, 68 Stat. 456, as amended by 73 Stat. 607. Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual market; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–19), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The proposed bill is a part of the legislative program of the General Services Administration for 1971. It would authorize the disposal of approximately 5,010,716 pounds of (Cb content) columbium from the national stockpile and the supplemental stockpile and would waive the 6-month waiting period normally required before such disposal could be started.

EXPLANATION OF THE BILL

Why congressional action is required

Under existing law, congressional approval is required for disposal of materials in the national and supplemental stockpiles except when the proposed disposal action is based on a determination that the material has become obsolescent for use in time of war.

The proposed disposal of columbium is based on a determination that the quantity of this material in the national and supplemental stockpiles is excess to requirements and not because the columbium is obsolescent for use in time of war. Consequently express congressional approval for the disposal is required.

Moreover, the bill would authorize an immediate start on the disposal of this material by waiving the statutory requirement for a 6-month waiting period after notice of the proposed disposal is published in the Federal Register.

Why disposal is proposed

The material to be disposed of is excess to stockpile needs. The total inventory of the material in the national and supplemental stockpiles as of October 31, 1970, was 9,299,029 pounds. The stockpile objective established March 27, 1964, is 1,176,000 pounds, leaving an excess not previously authorized for disposal of 5,010,716 pounds.

Information on columbium

The primary use of columbium is in steel alloys. It also has many new applications in the high temperature field. The United States does not produce columbium. Import sources during 1969 were Brazil, Nigeria, Canada and a small percentage from various other countries. Estimated consumption in the United States during 1969 was 2,918,000 lbs. of columbium metal contained in concentrates.

Method of disposal

Section 2 of the bill sets forth the method of disposal of this material and reads as follows:

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

FISCAL DATA

The average acquisition cost of columbium concentrates in the national and supplemental stockpiles was $3.97 per pound of contained columbium. The current estimated market price for standard, commercial type columbium concentrates ranges from $1.65 to $1.73 per pound of contained columbium. The average acquisition cost of columbium carbide powder, columbium oxide powder, and ferro-columbium in the national stockpile was $10.14 per pound, $7.85 per pound, and $4.35 per pound respectively. The current estimated market prices for these forms are respectively, $14, $2.60, and $5.78 per pound of contained columbium for standard, commercial type material.

DISPOSAL OF SELENIUM

The bill (S. 771) to authorize the disposal of selenium from the national stockpile and the supplemental stockpile was considered, ordered to be engrossed for a third reading, 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 the Administrator of General Services is hereby authorized to dispose of approximately four hundred and seventy-five thousand pounds of selenium now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954, 68 Stat. 456, as amended by 73 Stat. 607. Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided*, That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–198), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The proposed bill is a part of the legislative program of the General Services Administration for 1971. It would authorize the disposal of approximately 475,000 pounds of selenium from the national stockpile and the supplemental stockpile and waive the 6-month waiting period normally required before such disposal could be started.

EXPLANATION OF THE BILL

Why congressional action is required

Under existing law, congressional approval is required for disposal of materials in the national and supplemental stockpiles except when the proposed disposal action is based on a determination that the material has become obsolescent for use in time of war.

The proposed disposal of selenium is based on a determination that the quantity of this material in the national and supplemental stockpiles is excess to requirements since the commodity was removed from the list of strategic and critical materials on March 4, 1970.

Moreover, the bill would authorize an immediate start on the disposal of this material by waiving the statutory requirement for a 6-month waiting period after notice of the proposed disposal is published in the Federal Register.

Why disposal is proposed

The material to be disposed of is excess to stockpile needs. The total inventory of material as of February 28, 1970, was 474,774 pounds and there is no stockpile objective since selenium was removed from the list of strategic and critical materials on March 4, 1970.

Information on selenium

Selenium is used in the manufacture of rectifiers, photo-electric cells and exposure meters, cathode ray tubes, photo-synthesized goods and xerography, in stainless steels, in glass making, in paints and rubber, and in the manufacture of biologicals, cortisone, and niacin, in lubricants and other petroleum products. Primary production of selenium in the United States in 1969 was 1,229,000 pounds. Imports for consumption increased from 286,000 pounds in 1966 to 546,000 pounds in 1969. Apparent consumption and exports in 1969 were 1,957,000 pounds. Of the total imports for 1969, 98 percent came from Canada and the remainder from Japan and West Germany.

Method of disposal

Section 2 of the bill sets forth the method of disposal of this material and reads as follows:

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

FISCAL DATA

The average acquisition cost of selenium in the national and supplemental stockpiles was $5.78 per pound. The present estimated market value of this material is $8 per pound.

DISPOSAL OF CELESTITE

The bill (S. 772) to authorize the disposal of celestite from the national stockpile and the supplemental stockpile was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 772

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately twelve thousand two hundred and seventy short dry

tons of celestite now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) and the supplemental stockpile established pursuant to section 104 (b) of the Agricultural Trade Development and Assistance Act of 1954, 68 Stat. 456, as amended by 73 Stat. 607. Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided*, That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–199), explaining the purpose of the measure.

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

PURPOSE OF THE BILL

The proposed bill is a part of the legislative program of the General Services Administration for 1971. It would authorize the disposal of approximately 12,270 short dry tons of celestite from the national and supplemental stockpiles and waive the 6-month waiting period normally required befor such disposal could be started.

EXPLANATION OF THE BILL

Why congressional action is required

Under existing law, congressional approval is required for disposal of materials in the national and supplemental stockpiles except when the proposed disposal action is based on a determination that the material has become obsolete for use in time of war.

The proposed disposal of celestite is based on a determination that the quantity of this material in the national and supplemental stockpiles is excess to requirements since the commodity was removed from the list of strategic and critical materials on June 8, 1970.

Moreover, the bill would authorize an immediate start on the disposal of this material by waiving the statutory requirement for a 6-month waiting period after notice of the proposed disposal is published in the Federal Register.

Why disposal is proposed

The material to be disposed of is excess to stockpile needs. The total inventory of material as of October 31, 1970, was 25,849 short dry tons and there is no stockpile objective since celestite was removed from the list of strategic and critical materials on June 8, 1970. Approximately 13,580 short dry tons nonstockpile grade remain that was previously authorized for disposal by House Concurrent Resolution 473, 87th Congress, agreed to June 21, 1962.

Information on celestite

Celestite is used as the principal source of strontium in the production of strontium chemicals. Strontium or strontium compounds are used in pyrotechnics, such as tracer bullets, distress signal rockets and flares, fireworks, and in ceramics, depilatories, some alloys, greases, luminous paint, plastics, and rubber filler. A greatly increased usage of strontium carbonate in the manufacture of television picture tubes is now occurring because this material provides a better radiation shield than the barium carbonate now used. There is no domestic production of strontium minerals. Free world production of strontium minerals in 1969 was estimated at approximately 30,265 short tons, a significant increase over previous years. U.S. imports in 1969 were 27,803 short tons, of which 77 percent came from Mexico and the remainder from the United Kingdom and Spain.

Method of disposal

Section 2 of the bill sets forth the method of disposal of this material and reads as follows:

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

FISCAL DATA

The average acquisition cost of celestite in the national stockpile was $48.67 per short dry ton and in the supplemental stockpile was $43.91 per short dry ton. The present estimated market value of the celestite is $33.40 per short dry ton for stockpile grade and about $20 per short dry ton for nonstockpile grade.

DISPOSAL OF VANADIUM

The bill (S. 774) to authorize the disposal of vanadium from the national stockpile was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 774

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately one thousand two hundred short tons of vanadium (V content) now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h). Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided*, That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–200), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The proposed bill is a part of the legislative program of the General Services Administration for 1971. It would authorize the disposal of approximately 1,200 short tons of vanadium (V content) from the national stockpile and waive the 6-month waiting period normally required before such disposal could be started.

EXPLANATION OF THE BILL

Why congressional action is required

Under existing law, congressional approval is required for disposal of materials in the national stockpile except when the proposed disposal action is based on a determination that the material has become obsolescent for use in time of war.

The proposed disposal of vanadium (V content) is based on a determination that the quantity of this material in the national stockpile is excess to requirements and not because the vanadium is obsolescent for use in time of war. Consequently, express congressional approval for the disposal is required.

Moreover, the bill would authorize an immediate start on the disposal of this material by waiving the statutory requirement for a 6-month waiting period after notice of the proposed disposal is published in the Federal Register.

Why disposal is proposed

The material to be disposed of is excess to stockpile needs. The total inventory of this material as of October 31, 1970, was 3,306 short tons. The stockpile objective established March 4, 1970, is 540 short tons, leaving an excess of 2,766 short tons. The balance between the disposal proposed and the excess remains available for sale under authority granted by Public Law 89–424.

Information on vanadium

Approximately 95 percent of all vanadium consumed by the steel industry in the manufacture of high strength structural steels, tool steels, wear resistant cast iron and related products, and in combination with other alloying materials such as nickel, aluminum, boron and manganese. Production of ferro-vanadium in 1969 is estimated at 11,550,000 pounds. U.S. exports of ferro-vanadium increased from 440,000 pounds in 1965 to 556,000 pounds in 1968 and are estimated at 1,288,000 pounds in 1969. Consumption of ferro-vanadium in 1965 increased from 9,022,000 pounds (contained vanadium) to 9,424,000 pounds in 1968 and is estimated

at 10,386,000 pounds in 1969. Imports of ferro-vanadium totaled 898,000 pounds in 1969, compared with 1,252,000 pounds in 1968. Major import sources are Austria, West Germany, Belgium, Sweden, and United Kingdom.

Method of disposal

Section 2 of the bill sets forth the method of disposal of this material and reads as follows:

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

FISCAL DATA

The average acquisition cost of the ferrovanadium (V content) in the national stockpile was $4,798 per short ton. The present estimated market value of the ferrovanadium is $8,240 per short ton (V content).

DISPOSAL OF MAGNESIUM

The bill (S. 775) to authorize the disposal of magnesium from the national stockpile, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 775

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately seventy-eight thousand short tons of magnesium now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h). Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(b) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized programs objectives of such agencies.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–201), explaining the purpose of the measure.

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

PURPOSE OF THE BILL

The proposed bill is a part of the legislative program of the General Services Administration for 1971. It would authorize the disposal of approximately 78,000 short tons of magnesium from the national stockpile and waive the 6-month waiting period normally required before such disposal could be started.

EXPLANATION OF THE BILL

Why congressional action is required

Under existing law, congressional approval is required for disposal of materials in the national stockpile except when the proposed disposal action is based on a determination that the material has become obsolescent for use in time of war.

The proposed disposal of magnesium is based on a determination that the quantity of this material in the national stockpile is excess to requirements since the commodity was removed from the list of strategic and critical materials as of March 4, 1970.

Moreover, the bill would authorize an immediate start on the disposal of this material by waiving the statutory requirement for a 6-month waiting period after notice of the proposed disposal is published in the Federal Register.

Why disposal is proposed

The material to be disposed of is excess to stockpile needs. The total inventory of this material as of October 31, 1970, was 99,954 short tons and there is no stockpile objective since magnesium was removed from the list of strategic and critical materials on March 4, 1970. In addition to the 78,000 short tons to be disposed of under this proposal, 21,954 short tons remain available for disposal under Public Law 90–604 and Public Law 91–321.

Information on magnesium

Magnesium is used in aircraft, chiefly in structural forms and sheet, in alloys of iron, zinc, and aluminum, in castings, forgings, and extrusions, and in other metallurgical processes. U.S. production of primary magnesium was 99,886 short tons in 1969. The demand is increasing at a very substantial rate due to commercial uses. Increased production is planned but a tight supply situation may exist for the next several years. Consumption of magnesium in the United States in 1969 was 95,057 short tons, of which 3,515 tons was imported. Major import sources are Canada, United Kingdom, and West Germany.

Method of disposal

Section 2 of the bill sets forth the method of disposal of this material and reads as follows:

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

FISCAL DATA

The average acquisition cost of the magnesium in the national stockpile was $726 per short ton. The present market value is about $733 per short ton.

DISPOSAL OF ABACA

The bill (S. 776) to authorize the disposal of abaca from the national stockpile, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 776

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately twenty-five million pounds of abaca now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h). Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–242), explaining the purpose of the measure.

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

PURPOSE OF THE BILL

The proposed bill is a part of the legislative program of the General Services Administration for 1971. It would authorize the disposal of approximately 25 million pounds of abaca from the national stockpile and waive the 6-month waiting period normally required before such disposal could be started.

EXPLANATION OF THE BILL

Why congressional action is required

Under existing law, congressional approval is required for disposal of materials in the national and supplemental stockpiles except when the proposed disposal action is based on a determination that the material has become obsolescent for use in time of war.

The proposed disposal of abaca is based on a determination that the quantity of this

material in the national stockpile is excess to requirements and not because abaca is obsolescent for use in time of war. Consequently, express congressional approval for the disposal is required.

Moreover, the bill would authorize an immediate start on the disposal of this material by waiving the statutory requirement for a 6-month waiting period after notice of the proposed disposal is published in the Federal Register.

Why disposal is proposed

The material to be disposed of is excess to stockpile needs. Likewise, under National Stockpile Special Instructions issued by the Office of Emergency Preparedness, this material is overaged for retention in the stockpile. The total inventory of this material as of October 31, 1970, was 77,212,042 pounds. The stockpile objective established April 8, 1970, is 25 million pounds, leaving an excess of 52,212,042 pounds. The balance remains available for sale under authority granted by Public Law 89–279.

Information on abaca

Abaca fiber (Manila hemp) is the strongest of the vegetable fibers, soft but resilient, fungus resistant, not deteriorated by salt water, and not stiff when wet. It is a most valuable fiber for marine cordage, guy ropes, and construction uses. The Philippines account for approximately 95 percent of world production of abaca. Philippine production, as well as exports, has been declining because of growing competition from synthetic cordage fibers, such as nylon polypropylene and terylene. U.S. consumption has dropped from 85 million pounds during 1968 to 75 million pounds in 1969.

Method of disposal

Section 2 of the bill sets forth the method of disposal of this material and reads as follows:

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

FISCAL DATA

The average acquisition cost of the abaca in the national stockpile was $0.25 per pound. The present estimated average market value of this material is $0.24 per pound.

DISPOSAL OF SISAL

The bill (S. 777) to authorize the disposal of sisal from the national stockpile, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 777

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately one hundred million pounds of sisal now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h). Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual market; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–203), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The proposed bill is a part of the legislative program of the General Services Administration for 1971. It would authorize the disposal of approximately 100 million pounds of sisal from the national stockpile and would waive the 6-month waiting period normally required before such disposal could be started.

EXPLANATION OF THE BILL

Why congressional action is required

Under existing law, congressional approval is required for disposal of materials in the national and supplemental stockpiles except when the proposed disposal action is based on a determination that the material has become obsolescent for use in time of war.

The proposed disposal of sisal is based on a determination that the quantity of this material in the national stockpile is excess to requirements and not because the sisal is obsolescent for use in time of war. Consequently, express congressional approval for the disposal is required.

Moreover, the bill would authorize an immediate start on the disposal of this material by waiving the statutory requirement for a 6-month waiting period after notice of the proposed disposal is published in the Federal Register.

Why disposal is proposed

The material to be disposed of is excess to stockpile needs. The total inventory of sisal in the national stockpile on October 31, 1970, was 199,550,253 pounds and the stockpile objective established April 8, 1970, is 100 million pounds, leaving an excess of 99,550,253 pounds. Under National Stockpile Special Instructions issued by the Office of Emergency Preparedness, this material is overaged for retention in the stockpiles.

Information on sisal

Sisal fibers, though not as long or as strong as abaca, can be substituted for abaca in many uses, and the major ones in addition to rope are for baler, binder and wrapping twine, upholstery and padding, wire rope centers and reinforcement for paper and plastics. The United States does not produce sisal and over the past year world production has dropped from approximately 1.275 billion pounds in 1969 to 1.250 billion pounds in 1970. Brazilian production has been increasing, however, challenging Tanzania for the lead. In order to prevent price erosion, major sisal producing nations have agreed to cut production. Major import sources are Brazil, Tanzania, and Haiti.

Method of disposal

Section 2 of the bill sets forth the method of disposal of this material and reads as follows:

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

FISCAL DATA

The average acquisition cost of the sisal in the national stockpile was $0.135 per pound. The present estimated average market value of this material is $0.087 per pound.

DISPOSAL OF KYANITE-MULLITE

The bill (S. 778) to authorize the disposal of kyanite-mullite from the national stockpile was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 778

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately four thousand eight hundred twenty short dry tons of kyanite-mullite now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h). Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–204), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The proposed bill is a part of the legislative program of the General Services Administration for 1971. It would authorize the disposal of approximately 4,820 short dry tons of kyanite-mullite from the national stockpile and waive the 6-month waiting period normally required before such disposal could be started.

EXPLANATION OF THE BILL

Why congressional action is required

Under existing law, congressional approval is required for disposal of materials from the national stockpile except when the proposed disposal action is based on a determination that the material has become obsolescent for use in time of war.

The proposed disposal of kyanite-millite is based on a determination that the quantity of this material in the national stockpile is excess to requirements since the commodity was removed from the list of strategic and critical materials as of March 4, 1970.

Moreover, the bill would authorize an immediate start on the disposal of this material by waiving the statutory requirement for a 6-month waiting period after notice of the proposed disposal is published in the Federal Register.

Why disposal is proposed

The material to be disposed of is excess to stockpile needs. The total inventory of material as of October 31, 1970, was 4,820 short dry tons, and there is no stockpile objective since kyanite-mullite was removed from the list of strategic and critical materials on March 4, 1970.

Information on kyanite-mullite

Kyanite is a natural silicate of aluminum, which is important to the refractories industry. Mullite of any desired purity is produced synthetically. Kyanite-mullite is used in glass melting furnaces, for melting high-copper brasses, and some steels and alloys, the manufacture of ceramics, glass, high-quality porcelain, etc. The United States produces kyanite and synthetic mullite production statistics on kyanite are considered company confidential information. Output of synthetic mullite was 48,588 short tons in 1969. Apparent consumption of kyanite-mullite for the period of 1965 through 1969 was more than 10,000 short tons per year. Imports of kyanite decreased to 2,088 short tons in 1969. India accounted for half of the imports in 1969, and other suppliers were Republic of South Africa, Canada, and Mozambique. Exports amounted to 10,200 short tons in 1965, and increased to 19,696 short tons in 1969.

Method of disposal

Section 2 of the bill sets forth the method of disposal of this material and reads as follows:

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

FISCAL DATA

The average acquisition cost of the kyanite-mullite in the national stockpile was $86.45 per short dry ton. The present estimated market value of this material ranges from $75 per short dry ton for natural Indian kyanite to $132 per short ton for electrically fused synthetic mullite.

DISPOSAL OF AMOSITE ASBESTOS

The Senate proceeded to consider the bill (S. 763) to authorize the disposal of amosite asbestos from the national stockpile and the supplemental stockpile, which had been reported from the Committee on Armed Services with an amendment on page 1, in line 4, strike out "eleven thousand two hundred and thirty-nine" and insert in lieu thereof "thirty-two thousand eight hundred and thirty-nine so as to make the bill read:

S. 763

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately thirty-two thousand eight hundred and thirty-nine short tons of amosite asbestos now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954, 68 Stat. 456, as amended by 73 Stat. 607. Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–205), explaining the purposes of the measure.

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

PURPOSE OF THE AMENDMENT

After the bill was submitted, the Office of Emergency Preparedness revised the stockpile objective for this material downward from 40,000 short tons to 18,400 short tons, resulting in an increase of 21,600 short tons of the material that is excess to stockpile needs. The amendment will permit the disposal of the entire amount that is now excess.

PURPOSE OF THE BILL

The proposed bill is a part of the legislative program of the General Services Administration for 1971. It would authorize the disposal of approximately 32,839 short tons of amosite asbestos from the national stockpile and the supplemental stockpile and waive the 6-month waiting period normally required before such disposal could be started.

EXPLANATION OF THE BILL

Why congressional action is required

Under existing law, congressional approval is required for disposal of materials in the national and supplemental stockpiles except when the proposed disposal action is based on a determination that the material has become obsolescent for use in time of war.

The disposal of amosite asbestos is based on a determination that the quantity of the material in the national and supplemental stockpiles is excess to requirements and not because the amosite asbestos is obsolescent for use in time of war. Consequently, express congressional approval for the disposal is required.

Moreover, the bill would authorize an immediate start on the disposal of this material by waiving the statutory requirement for a 6-month waiting period after notice of the proposed disposal is published in the Federal Register.

Why disposal is proposed

The material to be disposed of is excess to stockpile needs. The total inventory of uncommitted material as of January 31, 1970, was 60,444 short tons. The stockpile objective established February 9, 1971, is 18,400 short tons, leaving an excess of 42,044 short tons. Of the excess, 9,205 short tons remain available for disposal from a previous authorization, the remainder being covered by this disposal.

Information on amosite asbestos

The principal use of amosite asbestos is as a thermal insulating material. It is characterized by long, coarse, resilient fibers, difficult to spin, and is felted for use on steam boilers and machinery and molded for pipe coverings on ships of the Navy, Coast Guard and Maritime Commission. No substitute materials of equal cost have comparable physical, chemical and insulating qualities for the same weight per unit of insulating surface. There is no production of amosite asbestos in the U.S. Domestic consumption in 1969 amounted to 14,619 short tons. U.S. imports in 1969 were 15,000 short tons. The Republic of South Africa supplied virtually all amosite asbestos imports to the United States in 1969 and is the only known commercial source of this material.

Method of disposal

Section 2 of the bill sets forth the method of disposal of this material and reads as follows:

SEC. 2. (a) Disposals of the material covered by this act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

FISCAL DATA

The average acquisition cost of the amosite asbestos in the national stockpile was $225.35 per short ton and in the supplemental stockpile, $249.79 per short ton. The current estimated market price for standard commercial type amosite asbestos is $211.80. Stockpile material may or may not be of the same quality or grade as the material quoted above.

AMENDMENT OF THE RAILROAD RETIREMENT ACT TO PROVIDE AN INCREASE IN ANNUITIES

The Senate proceeded to consider the bill (H.R. 6444) to amend the Railroad Retirement Act of 1937 to provide a 10-percent increase in annuities which had been reported from the Committee on Labor and Public Welfare with amendments on page 3, in line 2, after the word "section" insert "5";

On page 4, in line 13, strike out "December 31, 1971" and insert in lieu thereof "June 30, 1972";

In line 21, strike out "December 31, 1971" and insert in lieu thereof "June 30, 1972";

On page 5, at the end of line 11, strike out "1972" and insert in lieu thereof "1973";

At the end of line 12, strike out "1972" and insert in lieu thereof "1973";

At the beginning of line 14, strike out "1972" and insert in lieu thereof "1973"; and

After line 17, add the following new language:

(c) Section 6 of Public Law 91-377 is amended by striking out "June 30, 1972" each time that date appears and inserting in lieu thereof "June 30, 1973".

Mr. CRANSTON. Mr. President, as chairman of the Subcommittee on Railroad Retirement of the Labor and Public Welfare Committee, and as the author of the Senate version of this measure, S. 1304, it is a great pleasure to urge Senators to support this measure in the same unanimous spirit that has characterized its consideration in subcommittee and full committee. For the information of my colleagues, I would like to explain the bill, H.R. 6444, which amends the Railroad Retirement Act of 1937 to provide a 10-percent increase in annuities.

The bill, as amended, was unanimously reported by the Subcommittee on Railroad Retirement to the full committee, and the Committee on Labor and Public Welfare has unanimously reported it to the Senate with the recommendation that it pass.

The bill as reported would: first, provide a temporary 10-percent increase in railroad retirement benefits retroactive to January 1, 1971; second, extend by 1 year, from July 1, 1971, to June 30, 1972, the date by which the Commission on Railroad Retirement must submit its report to Congress and the President; and third, terminate the proposed 10-percent increase and the present temporary 15-percent increase on June 30, 1973, 1 year after the Commission has made its report and recommendations.

BENEFIT INCREASE

In recent years, benefit increases in social security and railroad retirement have been linked, with a comparable railroad retirement increase following closely behind each social security increase. This 10-percent increase contained in H.R. 6444 is necessary and desirable in order to keep pace with the recent 10-percent increase in social security benefits containd in Public Law 92-5, approved by the President on March 17, 1971, and made retroactive to January 1, 1971.

The railroad retirement system is an extremely important income maintenance program to the 980,000 current beneficiaries, and to the approximately 620,000 active railroad men and women who are now contributing to the system and are relying on its future stability at such time as they will qualify for benefits.

In my own State of California, there are some 68,000 railroad pensioners, and approximately 42,000 active railroad employees.

I am acutely aware of the needs of our retired citizens—who have already contributed their productive lives to the economic strength of this Nation—to be able to live with dignity and with reasonable assurance of an adequate retirement income in their later years.

The need to increase the benefits of railroad retirees is based upon the continually rising cost of living. This inflation has had perhaps its greatest impact on retired persons living on fixed incomes. Congress already has recognized the compelling need to provide a measure of relief from inflationary pressures for social security retirees, and equitable treatment requires a comparable increase for railroad retirees.

The proposed 10-percent increase would apply to all railroad retirement annuities and pensions except those already increased by operation of the so-called social security guarantee provision of the railroad retirement program. This provision establishes a floor under the benefit structure and assures that railroad workers and their survivors receive at least 110 percent of what they would be entitled to had they been covered under the social security system. Thus, the recent social security increase in Public Law 92-5 had the effect of increasing by 10 percent the railroad retirement benefits of approximately 281,000, or 29 percent of current railroad retirement beneficiaries. The remaining 722,000 who make up 71 percent of the beneficiaries must await the enactment of this legislation for comparable treatment. These pensioners are generally those whose entitlement is based upon longer career service in the industry.

COMMISSION ON RAILROAD RETIREMENT

The need to increase railroad retirement benefits to keep pace with the rising cost of living is great, but such increases place a potentially serious strain on a retirement system facing substantial problems. Perhaps the most serious problem has been the steadily declining level of employment in the railroad industry. Railroad employment has declined from approximately 1½ million full-time employees in 1947 to about 620,000 employees today.

The latest actuarial report on the railroad retirement system indicated that it is operating at a deficit, but there is sharp controversy over the validity of the actuarial assumptions made in this determination. In addition, serious questions have been raised concerning the investment policy of the fund—which is limited to Government securities—and whether the investment policy should be changed to obtain more favorable interest rates than are currently being paid.

In view of the serious nature of these problems and the lack of adequate information on which to base long-term solutions, Congress established an independent Commission on Railroad Retirement last year in Public Law 91-377, approved August 12, 1970. The Commission was charged to conduct a thorough study of the railroad retirement system and to make such recommendations to the Congress and the President as might be necessary to provide adequate levels of benefits on an actuarially sound basis. In addition, the Commission is directed to inquire into specific areas, including the level of benefits, the possibility of changes in the financing system, and the desirability of partial or complete merger of the railroad retirement system with social security.

It was intended in the original legislation that the Commission have a year to conduct the study and make its recommendations by July 1, 1971, with Congress thereafter having a year to study the recommendations and to take necessary legislative action prior to the expiration of the temporary 15-percent increase in benefits provided in the same law, scheduled to terminate on June 30, 1972.

However, the organization of the Commission was delayed and it did not meet until January 20, 1971. The Commission realized that it would be impossible to conduct the thorough study anticipated by Congress by July 1, 1971, and requested that its reporting date be extended for a full year. The administration strongly supports the extension of the Commission's life.

The task of the Commission is too important to expect satisfactory completion without sufficient time for a full study, and therefore the committee amended the bill to give the Commission the full year's extension it requested, rather than the 6-month's extension contained in the bill as passed by the other body.

TERMINATION DATE OF TEMPORARY INCREASES

The reason the increase in this bill is made temporary in nature is that the

added costs, when combined with the costs of the 15-percent increase enacted last year, would impose a serious potential drain upon the railroad retirement system. If the increases were made permanent and no additional financing were provided, it is estimated that the railroad retirement fund—which contained approximately $4.1 billion as of May 1, 1971—would be exhausted in 20 years.

Railroad employees are now contributing 9.95 percent on the first $650 of each month's pay to the retirement program, and the wage base will increase to $750 in January 1972. Along with the social security tax rate increase the railroad retirement tax rate will increase to 10.4 percent in January 1973. Each employee's contribution is matched by his employer. It is clear that these sources of financing are already seriously strained.

A better answer is needed, and Congress expects the Commission to provide such alternatives for consideration. Thus, the solution to the financing issue must await the Commission's report on June 30, 1972.

Along with the extension of the Commission's reporting date, the committee amended H.R. 6444 to extend the termination date of the 10-percent increase to June 30, 1973, rather than June 30, 1972. Last year's 15-percent increase is scheduled to terminate June 30, 1972, and the committee amendments propose that that increase be extended to June 30, 1973.

This schedule will provide Congress a full year to consider the recommendations of the Commission—as was originally contemplated when it was established—before the temporary increases expire. Realistically, the termination date sets a deadline for congressional action, and in all likelihood the increases will be made permanent along with legislation to correct the railroad retirement system's long-term financial situation.

EXPEDITIOUS CONSIDERATION OF PROPOSED INCREASE

Mr. President, I would like to mention the expeditious consideration which this measure has received. The 10-percent increase in social security benefits was signed by the President on March 17, 1971. Immediately thereafter, I introduced S. 1304 to provide the same increase for railroad retirees. The other body held hearings on the proposed increase on March 30, 1971, and passed H.R. 6444 on April 28, 1971.

H.R. 6444 was received by the Senate on April 29, and hearings were held on May 13 before the Subcommittee on Railroad Retirement, which I chair, of the Labor and Public Welfare Committee. The subcommittee reported the bill, with amendments, to the full committee on May 21, and the full committee ordered it reported with these amendments to the Senate on June 16. The report was filed on June 17, and the Senate is considering it today at the earliest possible time, and will, I hope, act upon it favorably.

In view of the serious problems faced by the railroad retirement system which required thorough consideration, I feel that our action on this measure has been expeditious but not precipitous, and I wish to thank the ranking minority member of the Railroad Retirement Subcommittee, the Senator from Pennsylvania (Mr. SCHWEIKER), and all members of the Subcommittee for their excellent cooperation and assistance on this bill. The members of the Committee on Labor and Public Welfare, so ably led by the distinguished Senator from New Jersey (Mr. WILLIAMS), are also due praise for their thorough study and prompt action on H.R. 6444.

Mr. President, I would like to take this opportunity also to recognize the assistance and cooperation of the distinguished Senator from Vermont (Mr. PROUTY), with whom I have the pleasure of serving on the Labor and Public Welfare Committee.

One of the bills considered at the hearings on the proposed 10-percent increase, S. 1473, was authored by Mr. PROUTY. His sponsorship of this measure is another of a long line of initiatives which demonstrate his great concern for retired citizens, whether they depend on the railroad retirement system for some other program.

Senator PROUTY's bill differed from the measure reported primarily in a provision to assist those railroad retirees who also receive veterans' pensions. In testimony at the hearings and in discussion in the full committee, he indicated his great concern for those receiving veterans' pensions and his desire that the impact of the proposed increase to reduce some of their veterans' benefits be taken into consideration. I share that concern.

In discussions, we concluded that although his proposal to assist these veterans deserves the most careful study and consideration, the potential jurisdictional problems in dealing with a provision more directly within the jurisdiction of the new Veterans' Affairs Committee and the effect of exempting railroad retirement and not social security and civil service benefit increases might create some delay in the prompt enactment of the railroad retirement increase.

A bill with a provision similar to that in Senator PROUTY's bill is now pending before the Veterans' Affairs Committee. That bill is S. 1597, sponsored by the distinguished chairman of the Veterans' Affairs Committee (Mr. HARTKE) and the ranking minority member of that committee, the distinguished Senator from South Carolina (Mr. THURMOND).

As a member of the Veterans' Affairs Committee, I will join with Senator PROUTY to urge the prompt consideration of S. 1597 by the Subcommittee on Compensation and Pensions, headed by the distinguished Senator from Georgia (Mr. TALMADGE).

I wish to thank the distinguished Senator from Vermont (Mr. PROUTY) for his cooperation in facilitating the Senate's consideration of H.R. 6444 and avoiding any potential delay in this and the other body.

CONCLUSION

Mr. President, in closing, I wish to urge Senators to join me in support of this measure today.

It is my hope that the other body will give the most serious consideration to the Senate amendments, and come to the same conclusion that led to our amendments—that the Commission on Railroad Retirement must be given adequate time to study and make recommendations to insure that the railroad retirement system will continue to provide an adequate level of benefits on an actuarially sound basis.

The unanimous agreement of the experts who testified at our hearings established the need for the extension of the life of the commission, and the administration has strongly urged the extension both in its report on the bill and in testimony at the hearings.

If the other body will agree to the Senate amendments, the measure can be sent to the President and the checks containing this increase retroactive to January 1, 1971, can be on their way to the deserving beneficiaries in a very short time.

Mr. President, I ask unanimous consent that there be printed in the RECORD pertinent excerpts from the report on the bill, Senate Report No. 92–206, on H.R. 6444, as amended.

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

PRINCIPAL PURPOSE OF BILL

As passed by the House, the bill would:

(1) provide a temporary 10-percent increase in railroad retirement benefits retroactive to January 1, 1971;

(2) extend by six-months, from July 1, 1971, to December 31, 1971, the date by which the Commission on Railroad Retirement is to submit its report to Congress and the President; and

(3) terminate the temporary increase on June 30, 1972, the same date of expiration as the temporary 15-percent increase enacted in 1970.

The Committee amendments would:

(1) extend by one year, to June 30, 1972, rather than six months, the date by which the Commission must submit its report; and

(2) terminate the proposed 10-percent increase and the present 15-percent increase on June 30, 1973, one year after the Commission reports.

The reason the increase in the bill is temporary in nature is that the added costs (estimated at $118 million a year if the increase were permanent) when added to the costs of the 15-percent increase enacted last year (estimated at $147 million per year on a permanent basis) will impose a serious potential drain upon the railroad retirement system requiring further congressional consideration of the financing of the system, after receiving the recommendations of the Commission.

* * * * *

Enactment of Public Law 92–5 on March 17, 1971, had a substantial impact on the financial condition of the program and provided benefit increases to roughly one-third of the railroad retirement beneficiaries. Enactment of H.R. 6444 would provide corresponding increases to the other two-thirds of the railroad retirement beneficiaries. Exhibit A below shows the numbers of beneficiaries affected by Public Law 92–5 and those who will be affected by enactment of this bill. It also shows the average increases in benefit amounts and the total additional benefit outlays which the railroad retirement program would have for calendar year 1971 as a result of each of these bills.

EXHIBIT A.—EFFECTS OF PUBLIC LAW 92-5 AND H.R. 6444 ON RAILROAD RETIREMENT BENEFIT PAYMENTS IN CALENDAR YEAR 1971

Item	Total	Retired employees	Wives	Aged widows	Other survivors
Number receiving increase for January 1971 (thousands) [1]	[2 3] 979	444	[2] 212	276	51
By virtue of Public Law 92-5	[2] 281	30	[2] 31	172	48
By virtue of H.R. 6444	[2 3] 722	414	[2] 205	104	3
Average amount of increase: [4]					
By virtue of Public Law 92-5		$19	$8	$12	$11
By virtue of H.R. 6444		19	9	7	6
Additional benefits accruing in 1971 (millions) [5]	$170				
By virtue of Public Law 92-5	42	$7	$3	$26	$6
By virtue of H.R. 6444	128	97	22	9	(6)

[1] Excludes annuities withheld or pending.
[2] Figures include about 24,000 wives who will receive increases as a result of both bills. Duplications excluded from effects of both bills combined.
[3] Total excludes 4,000 duplication for female annuitants who also receive spouses' or aged widows' benefits.
[4] For individuals receiving increase.
[5] Includes allowances for new accessions and reinstatements.
[6] Less than $500,000.

* * * * *

Exhibit B indicates the effects of Public Law 92-5 and also those of this bill on the actuarial condition of the railroad retirement program.

EXHIBIT B.—EFFECTS ON THE RAILROAD RETIREMENT SYSTEM OF PUBLIC LAW 92-5 AND H.R. 6444

	Level annual amounts in millions if 15 and 10 percent increases are—	
	Temporary	Permanent
Actuarial deficiency of railroad retirement program as of Dec. 31, 1970	$43.0	$147.0
Effects of social security legislation of Public Law 92-5:		
Additional railroad retirement tax collection	84.8	84.8
Additional railroad retirement benefit payments	−78.5	−81.5
Additional gains from financial interchange	+41.8	+41.8
Net reduction in actuarial deficiency	+48.1	+45.1
Actuarial deficiency or surplus as of Dec. 31, 1970 after recognizing social security legislation of Public Law 92-5	[1] 5.1	[2] 101.9
Additional benefits due to 10 percent increase in H.R. 6444	[2 3] 15.0	117.6
Additional benefits due to extending 15 percent increase to June 30, 1973	[4] 6.7	----------
Actuarial deficiency as of Dec. 31, 1970 after both Public Law 92-5 and H.R. 6444	[2] 16.6	[2] 219.5

[1] Surplus.
[2] Deficiency.
[3] The total outlays for the 2½ years from Jan. 1, 1971 through June 30, 1973 will be $324,000,000 and the figure in the table is the interest which the account will lose because this money will have been paid.
[4] Extending the 15 percent increase of Public Law 91-377 through June 30, 1973 will require an additional expenditure of $144,000,000 in fiscal year 1973 and the figure in the table is the interest which the account will lose because this money will have been paid.

In summary, if the bill as reported is enacted, the actuarial deficiency of the railroad retirement program will be less than $17 million per year, and this is considered within the limits of actuarial tolerance.

* * * * *

COSTS

The estimated cost of the additional benefits which would be provided by the bill as amended is $193 million during fiscal year 1972. This includes $62 million for the payment of the 10-percent increase retroactively to January 1, 1971 through June 30, 1971. During fiscal year 1973, the estimated cost would total $275 million: $131 million for the 10-percent increase, and $144 million for the one-year extension of the 15-percent increase.

The Committee estimate is based upon the Railroad Retirement Board's estimate that the 10-percent increase will require additional benefit outlays of $324 million for the 2½ years from January 1, 1971, through June 30, 1973. The Board estimates that extending the expiration date of the 15-percent increase from June 30, 1972, to June 30, 1973, will require an additional outlay of $144 million.

The bill would entail no expenditures beyond fiscal year 1973.

Mr. BEALL. Mr. President, as a member of the Railroad Retirement Subcommittee, I support H.R. 6444, which provides for a 10-percent increase in railroad retirement benefits retroactive to January 1 of this year.

Throughout the history of the railroad retirement system, railroad retirement benefits and social security benefits have been increased in comparable percentages. Earlier this year the Congress enacted legislation providing for a 10-percent increase in social security benefits, also retroactive to January 1, 1971. Elementary equity demands that the Congress now extend similar treatment to our railroad retirees.

Railroad retirees, like social security recipients and others living on fixed incomes, are having difficulties coping with the rising cost of living. They badly need this increase. There are many railroad retirees in my State. Many have written to me, and I have talked personally to a number of them about the importance of this increase to them and the urgency for early action by the Congress on the increase.

I also support the extension for the deadline of the Commission on Railroad Retirement's report. This Commission, created by Public Law 91-377, had a mandate to make a complete study of the railroad retirement system with a purpose of recommending to the Congress changes that are needed in the present railroad retirement system in order to provide adequate benefit levels on a sound actuarial basis.

In summary, this measure is one that is greatly needed, and I, therefore, hope that a resolution of the differences between the measure the Senate is passing today and the bill passed earlier by the House will occur quickly so that the increase in benefits will be reflected in the retirees' pension at the earliest possible date.

The amendments were agreed to.

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

The bill was read the third time, and passed.

COUNTY COMMITTEES

The Senate proceeded to consider the bill (S. 1670) to amend the Soil Conservation and Domestic Allotment Act, as amended, which had been reported from the Committee on Agriculture and Forestry with amendments on page 1, after line 8, strike out the following:

(2) by deleting the words "elect annually" in the seventh sentence, and inserting in lieu thereof the words "each three years, beginning with the first election held after the effective date of this Act, elect".

On page 2, in line 3, strike out "(3)" and insert in lieu thereof "(2)";

In line 10, strike out "(4)" and insert in lieu thereof "(3)";

In line 11, strike out "(5)" and insert in lieu thereof "(4)";

In line 12, strike out "(6)" and insert in lieu thereof "(5)";

In line 17, strike out "(7)" and insert in lieu thereof "(6)";

In line 22, strike out "(8)" and insert in lieu thereof "(7)";

On page 3, in line 19, after the period, insert the following new language:

The Secretary shall by regulation make such provision as may be necessary to assure that at least one member of each consolidated county committee is elected from among the farmers in each of the counties included in whole or in part in the consolidated county area, including provision for additional members if the consolidated county area includes parts of more than three counties.

And on page 4, in line 6, strike out "(9)" and insert in lieu thereof "(8)"; so as to make the bill read:

S. 1670

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (b) of section 8 of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)), as amended, is amended as follows:

(1) by deleting the period at the end of the sixth sentence and inserting "except areas designated by the Secretary as a consolidated county area."

(2) by amending the eighth sentence to read as follows: "The members of the local committees shall meet annually in a county convention, or consolidated county convention, and nominate and elect a county committee, or consolidated county committee, which shall consist of three members who are farmers in the county, or consolidated county area."

(3) by deleting the twelfth sentence,

(4) by deleting the thirteenth sentence.

(5) by amending the fourteenth sentence to read as follows: "County agricultural extension agents in a county, or consolidated county area, shall be ex officio members of the county committee, or consolidated county committee."

(6) by amending the sixteenth sentence to read as follows: "In any county, or consolidated county area, in which there is only one local committee, the local committee shall be the county committee, or consolidated county committee."

(7) by inserting the following after the sixteenth sentence: "The Secretary may designate a consolidated county area consisting of more than one county or parts of counties, which shall be served by a consolidated county committee, where the Sec-

retary determines that establishment of such consolidated county area will result in a more efficient and economical operation. A consolidated county committee shall have within its area the same power and jurisdiction as a county committee has in its county. When a consolidated county area is established or changed by the Secretary, a consolidated county committee shall be elected to serve the consolidated county area. The terms of office of incumbent county committeemen serving such area shall expire when the consolidated county committee is elected. At the first consolidated county convention held after the Secretary establishes or changes a consolidated county area, one member shall be elected for a term of one year; one member shall be elected for a term of two years; and one member shall be elected for a term of three years. Thereafter, each member of a consolidated county committee shall be elected for a term of three years. The Secretary shall by regulation make such provision as may be necessary to assure that at least one member of each consolidated county committee is elected from among the farmers in each of the counties included in whole or in part in the consolidated county area, including provision for additional members if the consolidated county area includes parts of more than three counties. No member of a consolidated county committee shall be elected for more than three consecutive terms (exclusive of any term which began prior to the establishment of the consolidated county area)."

(8) by amending the nineteenth sentence to read as follows: "The ex officio members of the county, consolidated county, and State committees shall be in addition to the number of members of such committee hereinbefore specified."

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–207), explaining the purposes of the measure.

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

SHORT EXPLANATION

This bill would amend section 8(b) of the Soil Conservation and Domestic Allotment Act, which provides for the election of county and community committees to—

(1) Permit the Secretary of Agriculture to consolidate counties or parts of counties for administrative purposes where such consolidation will result in a more efficient and economical operation; and

(2) Eliminate provision for secretaries for county and community committees.

When a consolidated county area is established, a new consolidated county committee would be elected to replace the county committee then serving. The Secretary would be required to make such provision as might be necessary to assure that at least one farmer from each county would be elected to the consolidated county committee. The Secretary would be expected in all cases to consult with the State committee before designating a consolidated county area.

COMMITTEE AMENDMENTS

The Committee amendments would—

(1) Maintain the present practice of annual elections for community committeemen, and

(2) Require the Secretary to provide, by regulation, for the election of at least one consolidated county committee member from each of the counties in the consolidated area.

The committee felt that triennial election of community committeemen might result in the entrenchment of members who might favor their own interest, and that continued annual election of community committee members would be best for the program. The committee also felt that since the farmers in different counties might have different interests, the differing interests might be best represented by requiring that at least one consolidated county committee member be elected from each county.

FLORE LEKANOF

The bill (S. 47) for the relief of Flore Lekanof was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 47

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of subsection (a)(1) of section 5723 of title 5, United States Code, or any regulations promulgated thereunder, the Secretary of the Interior is authorized to receive, consider, determine, and approve any claim filed under such section, within six months after the date of enactment of this Act, by Flore Lekanof, of the District of Columbia, for reimbursement of expenses incurred by him in moving from Anchorage, Alaska, to the District of Columbia, for the purpose of accepting civilian employment with the Department of the Interior, the said Flore Lekanof having been assured by Government officials prior to his accepting such employment that the provisions for reimbursement for travel and moving expenses of new appointees, authorized by such section, would apply to that employment.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–208), explaining the purposes of the measure.

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

PURPOSE

The purpose of the proposed legislation is to provide that, notwithstanding the provisions of subsection (a)(1) of section 5723 of title 5, United States Code, or any regulations promulgated thereunder, the Secretary of the Interior is authorized to receive, consider, determine, and approve any claim filed under such section, within 6 months after the date of enactment of this Act, by Flore Lekanof, of the District of Columbia, for reimbursement of expenses incurred by him in moving from Anchorage, Alaska, to the District of Columbia, for the purpose of accepting civilian employment with the Department of the Interior.

STATEMENT

The Civil Service Commission has advised this committee that it has no objection to favorable consideration of S. 47.

Records of the Civil Service Commission disclosure that Mr. Lekanof was hired by the Department of the Interior for the position of Deputy Director of Community Services in the Bureau of Indian Affairs. Mr. Lekanof was told by administrative personnel that since his position was in a manpower shortage category he was eligible for reimbursement for the expenses involved in moving him and his family from Anchorage, Alaska, to Washington, D.C. Travel orders were subsequently issued authorizing such expenses and he was required to sign an employment agreement. When he later submitted a claim of reimbursement, however, Mr. Lekanof was informed that his position was not in a manpower shortage category and that his claim for reimbursement could not be allowed.

On December 22, 1970, the authorized certifying officer for the Bureau of Indian Affairs requested a decision on Mr. Lekanof's claim from the Comptroller General. On February 26, 1971, in decision No. B–171592, the Assistant Comptroller General ruled that since the United States was not bound by the unauthorized acts of its officers and employees, the fact that Mr. Lekanof was informed that his expenses would be paid did not constitute any basis for allowance of his claim.

In its report to this committee, the Civil Service Commission stated in part as follows: accepted the position of Deputy Director of Community Services he did so with the belief that he would be reimbursed for his moving expenses as stated in his travel orders. A new employee being hired by the Government for the first time could not be expected to know all the technicalities of the travel, transportation, and appointment regulations. To require Mr. Lekanof to bear the full cost of the move under these circumstances would impose an unfair and unnecessary burden on him."

The Department of the Interior, in reporting to this committee on the merits of this bill, takes the position that because this claimant acted on the erroneous advice of Interior Department officials on whom he could be reasonably expected to rely on matters of this nature, this Department recommends that this legislation be enacted.

The committee is in agreement with the views expressed by the Civil Service Commission and the Department of the Interior that this legislation should be favorably considered. Accordingly, the committee recommends favorable consideration of S. 47 without amendment.

KYUNG JO MIN AND KYUNG SOOK MIN

The bill (S. 108) for the relief of Kyung Jo Min and Kyung Sook Min was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 108

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, section 204(c) of that Act, relating to the number of petitions which may be approved in behalf of children, shall be inapplicable in the case of a petition filed in behalf of Kyung Jo Min and Kyung Sook Min by Mr. and Mrs. Marvin Buck, citizens of the United States. The natural brothers and sisters of the said Kyung Jo Min and Kyung Sook Min shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–209), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of the bill is to facilitate the entry into the United States in an immediate relative status of two alien children to be adopted by citizens of the United States, notwithstanding the fact that the prospective adoptive parents have previously had the maximum number of petitions approved.

MANUELA C. BONITO

The bill (S. 119) for the relief of Manuela C. Bonito was considered, ordered to be engrossed for a third read-

ing, 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, for the purposes of the Immigration and Nationality Act, Manuela C. Bonito shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by one number, during the current fiscal year or the fiscal year next following, the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under paragraphs (1) through (8) of section 203(a) of the Immigration and Nationality Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–210), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Manuela C. Bonito. The bill provides for the payment of the required visa fee and for an appropriate visa number deduction.

PARK JUNG OK

The bill (S. 1489) for the relief of Park Jung Ok was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1489

Be it enacted by the Senate and House of Representative of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, section 204(c) of that Act, relating to the number of petitions which may be approved in behalf of children, shall be inapplicable in the case of a petition filed in behalf of Park Jung Ok by Mr. and Mrs. Harold David, citizens of the United States. The natural brothers and sisters of the said Park Jung Ok shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–211), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of the bill is to facilitate the entry into the United States in an immediate relative status of an alien child to be adopted by citizens of the United States, notwithstanding the fact that the prospective adoptive parents have previously had the maximum number of petitions approved.

LEONARDA BUENAVENTURA OCARIZA AND LUCILA B. OCARIZA

The bill S. 1759 for the relief of Leonarda Buenaventura Ocariza and her daughter, Lucila B. Ocariza was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1759

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Leonarda Buenaventura Ocariza and her daughter, Lucila B. Ocariza, shall be held and considered to be within the purview of section 203(a)(2) of that Act and the provisions of section 204 of that Act shall not be applicable in these cases.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–212), explaining the purpose of the measure.

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

PURPOSE OF THE BILL

The purpose of the bill is to preserve second preference status in behalf of the widow and child of a lawful permanent resident of the United States.

FOO YING YEE

The Senate proceeded to consider the bill S. 60 for the relief of Foo Ying Yee which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert:

That, notwithstanding the provisions of section 212(a)(19) of the Immigration and Nationality Act, Foo Ying Yee may be issued a visa and be admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that Act: *Provided,* That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–213), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of the bill as amended is to waive the excluding provision of existing law relating to one who has attempted to obtain a passport by misrepresentation in behalf of the son of a lawful permanent resident of the United States. The bill has been amended to correct an error in drafting.

MARIA DE LOURDES MOITOSO MOTA

The Senate proceeded to consider the bill (S. 361) for the relief of Maria de Lourdes Moitoso Mota which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert:

That, for the purposes of the Immigration and Nationality Act, Maria de Lourdes Moitoso Mota shall be held and considered to be within the purview of section 203(a)(2) of that Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–214), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to enable the beneficiary to qualify for second preference status. The bill has been amended in accordance with established precedents.

NG KWOK KWEN

The Senate proceeded to consider the bill (S. 59) for the relief of Ng Kwok Kwen which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert:

That, notwithstanding the provisions of section 212(a)(19) of the Immigration and Nationality Act, Kwok Kwen Ng may be issued a visa and be admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that Act: *Provided,* That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read "A bill for the relief of Kwok Kwen Ng."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–215), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of the bill as amended is to waive the excluding provision of existing law relating to one who made misrepresentations in connection with a prior passport application in behalf of Kwok Kwen Ng. The bill has been amended to correct errors in drafting.

FUNG YUT MA

The Senate proceeded to consider the bill (S. 624) for the relief of Fung Yut Ma, which had been reported from the Committee on the Judiciary with an amendment on page 1, at the beginning of line 5, strike out "Fung Yut Ma (Mar)" and insert "Fung Yut Ma, also known as Ma Yut Fung"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of paragraph (19) of section 212(a) of the Immigration and Nationality Act, Fung Yut Ma, also known as Ma Yut Fung, may be issued an immigrant visa and admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of such Act. This Act shall apply only to the grounds for exclusion under such paragraph known to the Secretary of State or the

Attorney General prior to the date of the enactment of this Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended, so as to read:

A bill for the relief of Fung Yut Ma, also known as Ma Yut Fung.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–216), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of the bill as amended is to waive the excluding provision of existing law relating to one who made misrepresentations in connection with his application for a visa in behalf of Fung Yut Ma, also known as Ma Yut Fung. The bill has been amended in accordance with the suggestion of the Commissioner of Immigration and Naturalization to correct the beneficiary's name.

CONSENT OF CONGRESS TO THE ADDITION OF LAND TO THE STATE OF TEXAS, ET CETERA

The bill (H.R. 1729) giving the consent of Congress to the addition of land to the State of Texas, and ceding jurisdiction to the State of Texas over a certain parcel or tract of land heretofore acquired by the United States of America from the United Mexican States was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–217), explaining the purposes of the measure.

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

PURPOSE

The purpose of this bill is to give the consent of Congress to consider the land, acquired by the United States as a result of the Convention Between the United States and the United Mexican States for the Solution of the Problem of the Chamizal, to be a geographical part of the State of Texas and that that State shall have civil and criminal jurisdiction over the land.

STATEMENT

H.R. 1729, passed by the House of Representatives, is identical to S. 730 introduced in the Senate by Hon. John G. Tower and Hon. Lloyd M. Bentsen.

In its favorable report on the bill, the Committee on the Judiciary of the House of Representatives said:

H.R. 1729, the bill reported herein, declares as a geographic part of the State of Texas a 193-acre tract adjacent to the territory of that State. The bill also cedes civil and criminal jurisdiction over this tract to the State of Texas. The tract was acquired by the United States by virtue of the Convention Between the United States of America and the United Mexican States for the Solution of the Problem of the Chamizal, signed August 29, 1963, and ratified with the consent of the U.S. Senate on December 20, 1963. The convention became effective on January 23, 1964, upon exchange of the instruments of ratification.

The convention settled a boundary dispute which had disturbed relations for almost 100 years. Under the terms of the convention, the two Governments relocated at Rio Grande in the vicinity of El Paso, Tex. The centerline of the relocated river channel became the international boundary. In the relocation of the river, the United States received from Mexico a 193-acre tract adjacent to El Paso. This land borders no State except the State of Texas and its only other boundary is its international border with Mexico. The land involved is privately owned.

The measure reported herein seeks to eliminate any ambiguity concerning the status of civil and criminal jurisdiction over this tract. The State of Texas already has recognized the necessity of clarifying this status and, according to the sponsor of the legislation, Hon. Richard C. White, legislative action has been taken by the Texas State Legislature to accept the area in question as a geographical part of the State of Texas under its civil and criminal jurisdiction.

In the 91st Congress a similar bill, H.R. 8539, passed the House of Representatives on December 7, 1970.

The Department of State, the Department of Justice, and the Department of the Interior express no opposition to the enactment of this measure. Accordingly, the committee favorably recommends enactment of H.R. 1729.

The Committee on the Judiciary believes the bill is meritorious and recommends it favorably.

GHEORGHE JUCU AND AURELIA JUCU

The bill (H.R. 3929) for the relief of Gheorghe Jucu and Aurelia Jucu was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–218), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of the bill is to enable Gheorghe Jucu and Aurelia Jucu to file petitions for naturalization notwithstanding the fact they are persons whose naturalization is prohibited for a period of 10 years subsequent to termination of membership in a proscribed organization under the provisions of section 313 of the Immigration and Nationality Act.

EXTENSION OF PROVISIONS FOR THE JUVENILE DELINQUENCY PREVENTION AND CONTROL ACT OF 1968

The Senate proceeded to consider the bill (S. 1732) to amend title 18 of the United States Code relating to the Federal Juvenile Delinquency Act and to extend the provisions of the Juvenile Delinquency Prevention and Control Act of 1968, which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert:

That this Act may be cited as the "Juvenile Delinquency Prevention and Control Act Amendments of 1971".

REHABILITATIVE SERVICES

SEC. 2. (a) Section 112 of the Juvenile Delinquency Prevention and Control Act of 1968 is amended by striking out "60 per centum" and inserting in lieu thereof "75 per centum",

(b) Section 113(a) of such Act is amended by inserting "or by a nonprofit private agency or organization," after "other public agency or combination thereof," the first time it appears in such section.

AUTHORIZATION

SEC. 3. Section 402 of the Juvenile Delinquency Prevention and Control Act of 1968 is amended by striking the word "and" before "$75,000,000" and by inserting before the period a comma and the following: "and $75,000,000 for the fiscal year ending June 30, 1972".

COORDINATION

SEC. 4. Section 407 of the Juvenile Delinquency Prevention and Control Act of 1968 is amended to read as follows:

"(a) There shall be established an Interdepartmental Council whose function shall be to coordinate all Federal juvenile delinquency programs.

"(b) The Council shall be composed of the Attorney General, the Secretary of Health, Education, and Welfare, or their respective designees, and representatives of such other agencies as the President shall designate.

"(c) The Chairman of the Council shall be appointed by the President, and its first meeting shall occur not later than thirty days after the enactment of this legislation.

"(d) The Council shall meet a minimum of six times per year and the activities of the Council shall be included in the annual report as required by section 408(4) of this title."

EFFECTIVE DATE

SEC. 5. The amendments made by this Act shall be effective with respect to appropriations for the fiscal year beginning on July 1, 1971.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended, so as to read:

A bill to amend and extend the provisions of the Juvenile Delinquency Prevention and Control Act of 1968, and for other purposes.

Mr. MANSFIELD. Mr. President, for the record, I submit a statement on this measure prepared by the Senator from Indiana (Mr. BAYH). I ask that it be printed at this point in the RECORD.

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

EXTENSION OF THE JUVENILE DELINQUENCY PREVENTION AND CONTROL ACT OF 1968

Mr. BAYH. Mr. President, juvenile crime has risen to unprecedented heights in this country. During the last decade, there has been 148% increase in juvenile crime, with the 10–17 year old group accounting for 48% of the arrests for major serious crimes. The fact there is 75% recidivism for persons under age 21 is evidence of the need for a new approach to this problem. There is every indication that the rate of juvenile delinquency will continue to rise unless we take immediate and effective action to meet this crisis situation.

As Chairman of the Subcommittee to Investigate Juvenile Delinquency, I plan to have the Subcommittee make an intensive study of the situation during the next several months to determine just what is necessary to provide effective Federal leadership to assist the States in meeting this serious social problem.

Although the Juvenile Delinquency Prevention and Control Act of 1968 has been underfunded, I am nevertheless urging passage of S. 1732, which provides for a one-year extension of this program. This will provide an opportunity for the Department of Health, Education, and Welfare to show its intent and capability in this field.

A number of factors have influenced my thinking in support of this extension.

The Department of Health, Education, and Welfare and the Department of Justice have agreed to work closely together to coordinate all present efforts to combat juvenile delinquency. In addition, the Secretary of HEW has initiated a study of all programs within the Department regarding juvenile delinquency in order to develop better coordination and linkage between the programs concerned. As an initial step in this direction, the Secretary has appointed the Commissioner of the Youth Development and Delinquency Prevention Administration as his manager to coordinate juvenile delinquency-related activities within the Department.

If the Act is extended, as it should be, the YDDPA in the Department of Health, Education, and Welfare will focus its efforts on the improvement on the juvenile justice system through the funding of programs and the dispensing of technical assistance to divert young people from the juvenile court and juvenile correctional facilities. Alternatives to the traditional judicial and correctional procedures must be sought, particularly for those youngsters who are arrested for noncriminal offenses such as, truancy, running away from home, curfew and loitering, who today all too often end up in a traditional training school which only furthers their knowledge of crime, rather than help them.

There is ample evidence in the Subcommittee's record that the juvenile justice system alone cannot meet the problem of delinquency. Unless we can, through prevention and rehabilitation projects, extend and strengthen the capacity of our socially deprived and handicapped youth, we will fail to make any effective impact in combatting delinquency. Thus, it is vitally important to draw on the funds and expertise of the Department of Health, Education and Welfare to effect change for the better.

It is also extremely important that the program for supporting preventive and rehabilitative services outside of the traditional juvenile justice system be adequately funded. If we support services in the traditional juvenile justice field and neglect those outside of the field, the natural result will be to draw more children into the traditional system—a system which has already demonstrated its inability to correct and which, as indicated previously, may even aggravate the problem it was originally designed to alleviate.

I believe that through the intensive work of this Subcommittee during the next few months we can come up with a legislative program which will provide an effective base for Federal leadership in this field.

However, in the interim there is a need for the provisions of the 1968 Act, and I urge its extension through the enactment of S. 1732.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-220), explaining the purposes of the measure.

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

PURPOSE

The committee bill is designed to extend for 1 year the Juvenile Delinquency Prevention and Control Act of 1968, which expires on June 30, 1971, and to strengthen its operation by making the Federal share of funding for juvenile rehabilitation projects uniform for all activities in title I of the act and consistent with funding in the Omnibus Crime Control and Safe Streets Act of 1968, by authorizing grants to assist juvenile rehabilitation projects sponsored by nonprofit, private agencies and by providing adequate fiscal authorization.

The extension will serve two purposes. It will allow the Congress to complete its overview of the program administered by the Department of Health, Education, and Welfare under the act, to identify the reasons for failure of the act to fulfill its original mandate, and to formulate ways in which to improve the effectiveness of the act in combatting juvenile delinquency. This 1-year extension will also indicate to the administrators of the act that their performance is being evaluated.

The other amendments will enable the administrators of the act to provide a balanced program of preventive and rehabilitative services, and will insure formal coordination among Federal agencies responsible for juvenile delinquency prevention and control through an interdepartmental council. Further extension of the act cannot be justified unless the Department of Health, Education, and Welfare shows a marked improvement in its efforts to provide national leadership and coordination in dealing with the problems of juvenile delinquency.

In view of the need to expedite consideration of the proposed extension of the act, the committee will consider the amendments to the Federal Juvenile Delinquency Act in title 18, which sets forth the procedures for handling juveniles in the U.S. district courts, stricken from this bill, to be considered as a separate bill at a later date.

BACKGROUND

The Juvenile Delinquency Prevention and Control Act was enacted by Congress in 1968 to help States and local communities strengthen their juvenile justice programs. This assistance was to be broad in scope including courts, correctional systems, police agencies, law enforcement, and other agencies which deal with juveniles, and was to encompass a wide range of preventive and rehabilitative services to delinquent and predelinquent youth. The act also provided for the training of personnel employed or about to be employed in the area of juvenile delinquency prevention and control, and for comprehensive planning, development of improved techniques and information services in the field of juvenile delinquency. The act strongly emphasized the importance of the community-based approach in prevention, rehabilitation, and training programs.

The report accompanying the act clearly sets forth the congressional intent that the act be administered as part of an integrated network of antipoverty, antislum, and youth programs. The report states that the legislation should not be just another categorical program that is administered in relative isolation from much larger efforts such as the community action program, model cities, and the Manpower Development and Training Act. Moreover, the committee amendment requires effective coordination with Justice Department programs in the delinquency area. Thus, the legislation intended that the programs administered under the act serve to coordinate all Government efforts in the area of juvenile delinquency and to provide national leadership in developing new approaches to the problems of juvenile crime.

Unfortunately, this promise has not been fulfilled. The annual report of the Youth Development and Delinquency Prevention Administration released in March 1971, acknowledges that the administration of the Juvenile Delinquency Prevention Control Act has largely been a failure. The report concludes that there is:

"Little coherent national planning or established priority structure among the major programs dealing with the problems of youth development and delinquency prevention * * *. The present array of programs demonstrates the lack of priorities, emphasis, and direction in the Federal Government's efforts to combat delinquency."

The agency charged with the administration of the act has conceded its own failure to implement the goals set forth by Congress. Therefore, the act's lack of any significant success lies, to a great extent, not in the conception and design of the act, but rather, in its inadequate administration. Only a small proportion of the amounts authorized by Congress has ever been appropriated. Even more significant is that the Department of Health, Education, and Welfare, charged with the responsibility of administering the act, has failed to request anywhere the full authorization for each fiscal year.

NEED FOR LEGISLATION

The problem of juvenile crime in this country has skyrocketed in the past decade. During the 1960's, violent crime by children under 18 has increased by 148 percent. Property crimes, such as burglary, larceny, and auto theft, have increased by 85 percent.

Despite all the efforts being made to curtail delinquency, the recidivism rate for offenders under the age of 20 is 74 percent. While children between the ages of 10 to 17 make up only 16 percent of the national population, they account for more than 48 percent of all arrests for major serious crimes. This was the largest percentage of any age group in the entire country.

Juvenile crime takes an enormous toll each year. Last year alone, the material cost was more than $4 billion. Even more costly was the immeasurable losses in human terms by both the victims of juvenile crimes and by juveniles themselves. The intangible effects in terms of public fear and private despair are even greater.

In response to the growing crisis of juvenile crime, Congress enacted the Juvenile Delinquency Prevention and Control Act in 1968. The act provided a sound structure for a coordinated Federal approach; its relative ineffectiveness in its 3 years of operation has been a result of weakness in administration rather than of faulty conception.

The Secretary of Health, Education, and Welfare and the Attorney General apparently acknowledged their failure to coordinate the Federal effort directed at the problem of juvenile delinquency. Consequently, they have agreed that HEW will concentrate its efforts on children who are outside or who have been diverted from the traditional juvenile justice system and LEAA will focus its efforts on programs administered by the traditional juvenile justice system. It is intended that such a realinement of emphasis will avoid past duplication and facilitate a coordinated Federal response to the problem.

In addition a structured coordinating mechanism is provided for by one of these amendments. It would establish an interdepartmental council consisting of representatives of Federal agencies involved in the area of juvenile delinquency. The council will meet on a regular basis to review the efforts of the various agencies in combating juvenile delinquency and make certain the overall Federal effort is coordinated and efficient.

Congress has a responsibility to see that the act is made to work as it was intended, and to take whatever steps are necessary to insure that it operates successfully in the future. By extending the act for 1 year, Congress will be able to review carefully the operation of the act, assess the roles of HEW and LEAA, and make whatever changes appear necessary to insure its effectiveness. Extension of the act beyond the 1-year period will depend on actual performance rather than on mere good intentions.

EXPANSION OF AGRICULTURAL EXPORTS

The bill (H.R. 1161) to amend section 402 of the Agricultural Trade Develop-

ment and Assistance Act of 1954, as amended, in order to remove certain restrictions against domestic wine under title I of such act was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–219), explaining the purposes of the measure.

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

EXPLANATION

The purpose of H.R. 1161 is to remove a restriction in present law which prevents the American wine industry from participating in export promotion activities under the Agricultural Trade Development and Assistance Act of 1954, as amended (Public Law 83–480, as amended).

Section 402 of Public Law 480 specifically excludes all alcoholic beverages as "agricultural commodities" that are eligible for the benefits of the program. This provision has been construed by the U.S. Department of Agriculture not only to prohibit alcoholic beverages from being eligible for concessional sales and donations under the act, but also as prohibiting the display or advertising of American wines at overseas trade fairs and market promotion activities sponsored by the Department.

This bill would merely remove the restriction on foreign market promotion activities for domestic wine. Under the bill, wine as well as all other alcoholic beverages would continue to be ineligible for title I concessional sales (either for dollars or for foreign currency) and for donation programs under title II of the act.

NEED FOR LEGISLATION

The committee feels that the expansion of all agricultural exports is clearly in the national interest. The development of new foreign markets for American wine would improve the U.S. balance of trade and balance-of-payments position, create new jobs and employment opportunities within the United States and permit U.S. farmers to produce for an expanded market.

The committee also feels that unless the domestic wine industry is able to display and promote its products at trade fairs and other foreign market development events, it will be seriously and unnecessarily handicapped in its efforts to capture new and greater markets throughout the world.

It should also be noted that prior to the 1966 amendments to section 402 of Public Law 480, the present restrictions on cooperative market promotion activities were not in effect.

PREVIOUS SENATE ACTION

Last year, on December 9, 1970, an identical bill, H.R. 14169, was reported favorably by the Senate Committee on Agriculture and Forestry.

On December 17, 1970, H.R. 14169 passed the Senate with a non-germane amendment relating to land-grant colleges being established in Guam and the Virgin Islands. Due to the lateness of the action of the Senate, a conference was not held.

H.R. 1161 is identical to H.R. 14169 as introduced and passed in the House of Representatives in the 91st Congress, and reported by the Senate Committee on Agriculture and Forestry.

DEFINITION OF "DOMESTIC WINE"

The House Agriculture Committee's report on the bill indicates that (1) the term "domestic wine" as used in this bill shall mean wine prepared from grapes and all other fruits, as well as from other agricultural or horticultural plants, such as, for example, berries and peaches; (2) such products as sparkling burgundy, champagne, and brandy would be within the purview of the phrase "domestic wine"; and (3) other alcoholic beverages, such as, for example, whisky or beer would not be included within the definition of the term "domestic wine."

The Senate Committee on Agriculture and Forestry agrees with that intent.

COST ESTIMATE

It is the estimate of the committee that the enactment of H.R. 1161 would not materially increase Government costs in the current or 5 subsequent fiscal years. This is consistent with the estimate contained in the report from the Department of Agriculture which is attached hereto.

AUTHORIZATION FOR THE PRINTING OF THE REPORT ENTITLED "STUDY MISSION TO CENTRAL AND EAST AFRICA" AS A SENATE DOCUMENT

The Senate proceeded to consider the resolution (S. Res. 129) to authorize the printing of a Senate document of a report entitled "Study Mission to Central and East Africa", which had been reported from the Committee on Rules and Administration with an amendment in line 4, after the word "that", strike out "twenty" and insert "eleven"; so as to make the resolution read:

Resolved, That there be printed, as a Senate document, a report entitled "Study Mission to Central and East Africa", submitted by Senator Gale W. McGee to the Senate Committee on Appropriations and that eleven thousand additional copies be printed for the use of that committee.

The amendment was agreed to.

The resolution, as amended was agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–221), explaining the purposes of the measure.

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

Senate Resolution 129 as referred would provide (1) that there be printed as a Senate document the report entitled "Study Mission to Central and East Africa," submitted by Senator Gale W. McGee to the Senate Committee on Appropriations; and (2) that there be printed 20,000 additional copies of such document for the use of that committee.

The Committee on Rules and Administration has amended Senate Resolution 129 by reducing the number of additional copies from 20,000 to 11,000, the maximum obtainable under the statutory $1,200 limitation on simple resolutions.

The printing-cost estimate, supplied by the Public Printer, is as follows:

Printing-cost estimate

To print as a document (1,500 copies)	$863
11,000 additional copies, at $109 per thousand	1,199
Total estimated cost, S. Res. 129	2,062

AUTHORIZATION FOR THE COMMITTEE ON VETERANS' AFFAIRS TO EMPLOY ADDITIONAL CLERICAL ASSISTANTS—MOTION TO RECONSIDER ENTERED

The Senate proceeded to consider the resolution (S. Res. 100) authorizing the Committee on Veterans' Affairs to employ additional clerical assistants which had been reported from the Committee on Rules and Administration with amendments in line 2, after the word "authorized", strike out "until otherwise provided by law" and insert "through February 29, 1972"; and in line 3, after the word "employ", strike out "five" and insert "three"; so as to make the resolution read:

Resolved, That the Committee on Veterans' Affairs is authorized, through February 29, 1972, to employ three additional clerical assistants, to be paid from the contingent fund of the Senate at rates of compensation to be fixed by the chairman in accordance with the provisions of section 105 of the Legislative Branch Appropriation Act, 1968, as amended.

The amendments were agreed to.

The resolution, as amended, was agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–222), explaining the purposes of the measure.

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

Senate Resolution 100, as referred, would authorize the Committee on Veterans' Affairs, until otherwise provided by law, to employ five additional clerical assistants, to be paid from the contingent fund of the Senate at rates of compensation to be fixed by the chairman in accordance with the provisions of section 105 of the Legislative Branch Appropriations Act, 1968, as amended.

Pursuant to section 202 of the Legislative Reorganization Act of 1946, as amended, each standing committee of the Senate (other than the Committee on Appropriations) is authorized to appoint as a permanent staff not more than six professional staff members and not more than six clerical assistants. The five additional clerical assistants which Senate Resolution 100 would authorize, would increase the permanent clerical staff of the Committee on Veterans' Affairs to eleven.

The Committee on Rules and Administration has amended Senate Resolution 100(1) by reducing the additional clerical assistants for the Committee on Veterans' Affairs from five to three, and (2) to provide that such additional clerical assistants shall be temporary (through February 29, 1972), rather than permanent.

Justification for the proposed increase in clerical staff is expressed in letters addressed to Senator B. Everett Jordan, chairman of the Committee on Rules and Administration, by Senator Vance Hartke, chairman of the Committee on Veterans' Affairs, which letters are as follows:

U.S. SENATE,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, D.C., April 21, 1971.

Hon. B. EVERETT JORDAN,
Chairman, Committee on Rules and Administration, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: The Committee on Veterans' Affairs has reported Senate Resolution 100, requesting authorization to employ additional clerical assistants and the resolution is now pending before your committee. This request was made in order to supplement the staff of the committee, which by reason of its activities and character, is called upon to respond to the interests and needs of a veteran population of over 27 million.

This newly constituted committee must be responsive to almost 48 percent of the Nation's population, either directly to the vet-

eran, and to his surviving dependents or indirectly to the veterans' family members.

The Veterans' Affairs Committee's areas of legislative concern and responsibility are: veterans' measures generally, pensions, life insurance, compensation, vocational rehabilitation and education, hospitals, soldiers and sailors civil relief, readjustment and national cemeteries. These extremely important veterans' matters generate masses of inquiries and communications from veterans and persons vitally concerned in pending and proposed legislation affecting them.

The committee or its subcommittees will be conducting hearings and investigations on extremely important questions and issues concerning the quality and quantity of benefits, care and treatment, economic ills and the readjustment and education of veterans of all wars and the returning Vietnam veteran. One such urgent matter is the proposed reduction of hospital beds in Veterans' Administration facilities.

The magnitude of these areas of concern requires expansion of the committee's capacity, to function effectively and efficiently. The committee clerical staff as presently constituted consists of a chief clerk, assistant chief clerk and technical advisor, office manager, fiscal clerk, bills and records clerk and minority secretary. There is no staff available to fulfill the stenographic and typing requirements of the committee. These additional funds are requested in order that the committee's responsibility to the Senate may be met and to assure that our Nation's veterans receive the consideration they so greatly deserve.

Sincerely,

VANCE HARTKE,
Chairman.

Mr. ELLENDER subsequently said: Mr. President, I am aware that the Senate had before it for consideration this morning Calendar Order No. 216, Senate Resolution 100, a resolution authorizing the Committee on Veterans' Affairs to employ additional clerical assistants. I wish to move to reconsider the action by which the resolution was agreed to.

The Committee on Veterans' Affairs, a standing committee of the Senate, has, under the rules, six professional and six clerical members of its staff. I understand that the committee is not organized yet. Nevertheless, it has asked for three more clericals. I think that we ought to look into that request a little further.

As I stated in the early part of the year, this committee was created to take over some of the work of the Committee on Labor and Public Welfare and the Committee on Banking, Housing and Urban Affairs. It strikes me that we ought to have looked into the request a little further before the resolution was agreed to. Therefore, I enter a motion to reconsider.

The PRESIDING OFFICER (Mr. BYRD of Virginia). The motion will be entered.

SPECIAL SUPPLEMENTARY EXPENDITURES BY THE COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS

The Senate proceeded to consider the resolution (S. Res. 109) authorizing special supplementary expenditures by the Committee on Banking, Housing and Urban Affairs for an inquiry and investigation pertaining to the securities industry, which had been reported from the Committee on Banking, Housing and Urban Affairs with amendments, and from the Committee on Rules and Administration, with amendments.

The amendments of the Committee on Banking, Housing and Urban Affairs are as follows:

On page 2, line 10, after the word "from", strike out "such date" and insert "the date this resolution is agreed to"; in line 12, after the word "exceed", strike out $333,240" and insert "the sum of $257,400"; and in line 15, after the word "United", strike out "States and such committee having been unable to offer an annual authorization resolution within the period of time prescribed by section 133(g) of the Legislative Reorganization Act of 1916 because the committee had not been able to determine by the end of that period the scope of, and the total amount of expenditures required by, such study. Of such $333,240, not to exceed $33,240 may be expended for the procurement of individual consultants or organizations thereof." and insert "States. Such sum is in addition to the amount specified in section 2 of Senate Resolution 29, Ninety-second Congress, agreed to March 1, 1971, and was not included in that resolution because at the time at which that resolution was considered there was insufficient information to determine the scope of, and the total amount of expenditures required by, the study to be undertaken pursuant to this resolution.

The amendments of the Committee on Rules and Administration are as follows:

On page 2, line 12, after the word "of", strike out "$257,400" and insert "$166,700"; so as to make the resolution read:

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Banking, Housing and Urban Affairs, or any subcommittee thereof, is authorized from the date this resolution is agreed to, through February 29, 1972, for the purpose stated and within the limitations imposed by the following sections, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The Committee on Banking, Housing and Urban Affairs, or any subcommittee thereof, is authorized from the date this resolution is agreed to through February 29, 1972, to expend not to exceed the sum of $166,700 to examine, investigate, and make a complete study of any and all matters pertaining to the securities industry and the securities markets of the United States. Such sum is in addition to the amount specified in section 2 of Senate Resolution 29, Ninety-second Congress, agreed to March 1, 1971, and was not included in that resolution because at the time at which that resolution was considered there was insufficient information to determine the scope of, and the total amount of expenditures required by, the study to be undertaken pursuant to this resolution.

SEC. 3. The committee shall report its finding, together with such recommendations for legislation as it deems advisable with respect to the study or investigation for which expenditure is authorized by this resolution, to the Senate at the earliest practicable date, but not later than February 29, 1972.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

The amendments were agreed to.

The resolution, as amended, was agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-223), explaining the purposes of the measure.

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

Senate Resolution 109 as referred would authorize the Committee on Banking, Housing and Urban Affairs, or any subcommittee thereof, from the date of its approval through February 29, 1972, to expend not to exceed $257,400 to examine, investigate, and make a complete study of any and all matters pertaining to the securities industry and the securities markets of the United States. These funds would be in addition to the $330,000 authorized for use by that committee by section 2 of Senate Resolution 29, agreed to March 1, 1971.

The Committee on Rules and Administration has further amended Senate Resolution 109 by reducing the requested amount from $257,400 to $166,700, a reduction of $90,700.

Pursuant to the requirement stipulated in section 133(g) of the Legislative Reorganization Act of 1946, Senate Resolution 109 contains the following statement of the reason why authorization for the expenditures described therein could not have been sought at the time of the submission by such committee of an annual authorization resolution this year:

"Such sum * * * was not included in that resolution because at the time at which that resolution was considered there was insufficient information to determine the scope of, and the total amount of expenditures by, the study to be undertaken pursuant to this resolution."

Additional information relative to the purposes of Senate Resolution 109 is contained in a letter addressed to Senator B. Everett Jordan, chairman of the Committee on Rules and Administration, by Senator John Sparkman, chairman of the Committee on Banking, Housing and Urban Affairs, which letter (with accompanying budget) is as follows:

U.S. SENATE, COMMITTEE ON
BANKING, HOUSING AND URBAN AFFAIRS,
Washington, D.C., April 28, 1971.

Hon. B. EVERETT JORDAN,
Chairman, Committee on Rules and Administration, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I am requesting your committee's consideration of the resolution unanimously reported from the Committee on Banking, Housing and Urban Affairs to authorize additional expenditures to carry out an in-depth study and investigation of the problems and issues pertaining to the securities industry and the securities markets of the United States.

The committee through its Securities Subcommittee will undertake a thorough study of the financial structure of our Nation's securities industry and the adequacy of the self-regulatory scheme under which that industry is regulated.

Included in the study will be the topics of minimum capital requirements for broker-dealers, the withdrawal of capital by partners in brokerage firms with little or no notice, the public ownership of broker-dealers, the Stock Exchange commission rate structure, institutional membership on the New York Stock Exchange, free credit balances held by the broker-dealers, and the

hypothecation or customers' securities and the question of automation in the securities industry.

Also to be included is the unique regulatory scheme under which the securities industry currently operates. Under this scheme primary jurisdiction in the areas of capital rules, broker-dealer inspections, Stock Exchange membership, commission rates, and in many cases the antifraud sections of the Securities Exchange Act are vested in various industry self-regulatory bodies such as the New York Stock Exchange and the National Association of Securities Dealers with Securities and Exchange Commission oversight.

During hearings held by the Securities Subcommittee prior to the passage of Public Law 91-598, it was found that the New York Stock Exchange in particular had been most lax in fulfilling its self-regulatory obligations and that the SEC had not provided sufficient governmental oversight. Therefore, the subcommittee intends to examine the entire self-regulatory framework of the industry in depth.

In making its study the subcommittee will attempt to develop a comprehensive program along with legislative recommendations which will update our Securities Acts to meet the needs of the coming decade.

The committee's request for additional funds was not submitted within the period of time prescribed by section 133(g) of the Legislative Reorganization Act of 1946 because the committee was unable to form its objectives and goals within the prescribed time.

At the committee's organizational meeting on February 9, 1971, it was agreed that the Securities Subcommittee of which Senator Harrison A. Williams, Jr., of New Jersey is chairman would conduct a study of the securities industry. During the ensuing period of time, specific functions, goals, and objectives were established for the subcommittee. Members of the committee staff worked together with Senator Williams and myself to determine the scope of the study and its objectives. On April 27, 1971, the full committee agreed to the enclosed budget request for additional funds.

As you know, the staff of the Senate Committee on Banking, Housing and Urban Affairs is one of the smaller staffs of any standing committee of the Senate. Therefore, the committee determined that additional staff assistance would be needed for the ambitious role of the Securities Subcommittee study. In addition, the Securities Acts, the securities industry, and its regulatory scheme are extremely complex.

In order to undertake the study the committee plans to hire nine full-time staff members, all of whom would have particular expertise in the field of securities. I would expect that these staff members would come from the academic community, from the securities industry and from the Securities and Exchange Commission. The committee does not wish to build up a highly paid professional staff on a permanent basis and would therefore only request the employment of these additional staff members for the duration of the study.

It is the intention of the committee to seek out for employment on this basis the best talent and the most expert advice that is available in the field of securities. Hopefully the committee will be able to engage the services of people who have done creative and productive thinking concerning the best methods to solve the problems which now beset the securities industry.

Total administration expenses in the committee budget are $35,590. Of this amount the largest single item is $8,500 for reimbursement payments to agencies. It was thought that at some point the committee would wish to engage the services of an experienced employee of the General Accounting Office to analyze various accounting and bookkeeping procedures used in the securities industry. Of course, it would be necessary to reimburse the General Accounting Office for the extended use of such an employee.

It is the objective of the committee to conduct a thorough study and investigation of the securities industry. Hopefully, the gathering of data, hearings and intensive staff analysis can point to solutions to some of the problems now besetting that industry and our Nation's securities market. Also, it is hoped that the committee's experiences will enable it to make meaningful recommendations to the Congress. It is expected that many of these recommendations will take the form of proposed legislation.

With every good wish, I am,

Sincerely,

JOHN SPARKMAN,
Chairman.

Mr. MANSFIELD subsequently said: Mr. President, during consideration of the call of the calendar today, the Senate passed Senate Resolution 109. The amendments to Senate Resolution 109 were considered en bloc. There was one place in the resolution where there was an amendment to an amendment.

In order to clarify the action of the Senate, I ask unanimous consent that the amendment to substitute $166,700 for the figure $257,400 be the prevailing figure rather than that which was adopted by the Senate.

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

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, that concludes the call of the calendar. For the information of the Senate, and with the consent of the Senate, if the opportunity arises later in the day, it is the hope of the joint leadership to proceed to the consideration of Calendar No. 218, H.R. 8825, and if it is not possible today, at the latest, hopefully, tomorrow evening.

WHAT IS A MONTANAN?

Mr. MANSFIELD. Mr. President, the people of Montana are extremely proud of the Big Sky Country and, occasionally, a fine statement about what Montana means comes to my attention. Just recently, I received a copy of Norma Beatty Ashby's essay, "What Is A Montanan?" Mrs. Ashby is active in Montana's television industry and journalism and has captured in words what the Treasure State really means to its residents.

I ask unanimous consent to have this essay printed in the RECORD at the conclusion of my remarks.

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

WHAT IS A MONTANAN?

(By Norma Beatty Ashby)

What is a Montanan? You might say he's a special breed of man.

He's stubbornly honest. He's sincere. He's generous.

A Montanan is on an oasis removed from the drastic social problems of our time. And yet the Montanan cares about these problems.

A Montanan is unimpressed with pretense.

He's a proud man who resents outsiders telling him how to run things.

But he enjoys showing his state to visitors.

A Montanan is one of the friendliest men you'll ever meet.

He's a family man.

He's a sportsman. A fisherman, a hunter, a skier, a swimmer, a golfer, a backpacker.

A Montanan delights in exploring this big country he calls home.

You'll find him on the most remote mountain peak, on the lake, the stream, and on the prairie.

A Montanan knows the land. The joy of planting crops and seeing their successful yield.

He knows livestock and the satisfaction that comes with a good price at market.

The elements have not been kind to the Montanan. The strong winds, the long winters, the hot scorching sun have brought lines to his face and gray to his hair too soon.

And yet they have not daunted his appreciation for the seasons.

A Montanan enjoys animals. He has an enormous variety of them within the boundaries of his state, from chipmunks and squirrels and marmots to moose and elk and deer and grizzly bear.

He is an historian who is fascinated with his state's heritage.

A Montanan is a writer, a poet, an artist, an architect, a musician, a sculptor, a potter, who is inspired by his environment to create beauty.

A Montanan is a character who has a funny story to tell.

He is a soldier, a sailor, a marine, an airman who is willing to serve his country whenever he's called.

A Montanan is a young person eager to have his say.

He is a businessman who realizes his profits might be bigger someplace else but prefers his way of life in Montana to finding riches elsewhere.

For the Montanan knows wealth is not measured in gold and silver but in peace with his Creator and harmony with his fellow man.

The true Montanan believes that along with the state's mountains, sky, streams, forests, minerals, air and wildlife, the human beings who live there with him have the potential to become Montana's greatest natural resource.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order, the Senator from Alaska (Mr. GRAVEL) is now recognized for not to exceed 15 minutes.

Mr. GRAVEL. Mr. President, I ask unanimous consent to vacate that order.

The PRESIDENT pro tempore. Is there objection?

Mr. MANSFIELD. Mr. President, what was the request?

The PRESIDENT pro tempore. To vacate the previous order recognizing the Senator from Alaska for 15 minutes.

Without objection, it is so ordered.

Under the previous order, the Senator from New York (Mr. JAVITS) is recognized for 15 minutes.

REPORT ON THE MEETING OF THE INTERNATIONAL LABOR ORGANIZATION

Mr. JAVITS. Mr. President, in deference to the views of the leadership, I shall do my best to shorten my remarks.

Mr. MANSFIELD. No; the Senator should use his full 15 minutes.

Mr. JAVITS. Mr. President, I have asked for this time this morning because the Senate designated me as its observer at the 56th Annual Conference of the International Labor Organization; and, while I could not be there more than 2 days, I did have my assistant, Mr. Eugene Mittleman, minority counsel of the Labor and Public Welfare Committee, there; and I deeply believe, Mr. President, between him and myself, we have a very good rundown on the situation.

While in Geneva, I had the opportunity to meet with Mr. Wilfred Jenks, the Director-General of the ILO, and with the tripartite U.S. delegation. The chief U.S. Government delegates are Assistant Secretary of State Samuel De Palma and Deputy Under Secretary of Labor George Hildebrand; the U.S. worker delegate is Rudolph Faupl; the U.S. employer delegate is Edwin Nielan. These delegates, and their advisers, are distinguished Americans, highly competent to represent the United States at this difficult juncture in our relationship with the ILO.

Mr. President, this is a matter of high importance, for this reason: Notwithstanding an effort here, the Senate denied the payment of dues which were legitimately due from the United States to the ILO last fall. I myself handled the amendment on the floor, so I am intimately familiar with it. The result was very considerable embarrassment to the United States and the world, but the Senate, and apparently the House of Representatives as well, felt that the grievances which we had against the ILO operation were so profound that we really had to indicate our displeasure in the way which I have stated.

My own opinion is that it was an unwise method by which to indicate our displeasure, but nonetheless, it was done, and I had to cope, when I was there, with an accomplished fact rather than a theory.

Most responsible opinion, including those who oppose the payment of dues, is that we should pay our dues and not withdraw from the ILO. Great nations cannot engage in these maneuvers. You either get out and do not pay your dues or you stay in and fight like a tiger, and I recommend the latter. The purpose of my report is to indicate that it can be done effectively, and I hope very much that it will be done effectively.

Our problems with the ILO have been much discussed in the past year, and clearly we are now at the crossroads concerning our relationship with the organization. Our decision to cut off funds from the ILO last year has already had a serious impact on the organization. Any further withholding of our dues would force permanent cutbacks in ILO operations, with the most serious ramifications, especially in the developing countries of the world. It is my judgment that if we continue to withhold our dues the ILO would simply contract its operations, assume we were out, and its whole character would take on a very serious Communist-oriented quality, which I think would be very deleterious to the whole desire of the United States for greater freedom in the world.

There has been some talk about our serving a notice of withdrawal in order to give them notice that we will get out unless they behave. This is playing "dog in the manger," and I do not think it is the right way to do it, either.

In this report, I shall attempt to analyze the difficulties which have arisen for the United States in the ILO and explain why I believe we should pay our dues and fight like tigers, as I have said, within the ILO to solve our problems—the problems are real; I would not beg that question for a minute—rather than to withdraw from the ILO.

Some of our complaints are very well founded and need to be remedied. But many of them have sprung from the inescapable facts of modern international life—we have great competition in the world—and the rest are attributable to our own failure to devote sufficient time, energy, and resources to matters of concern to us within the ILO.

Most of our difficulties with the ILO stem from the apparent willingness of the members of the ILO and the International Labor Office—the Office functions as the Secretariat of the ILO under the Director-General—to make certain concessions to the Soviet Union and other Communist nations on questions which the United States, or at least some members of our delegation, believe involve matters of basic principle. It is alleged that in far too many cases a "double standard" has been applied within the ILO whenever the activities of Communist countries have been questioned; that too often the Office or the members of the organization have either looked the other way where the Communists are concerned, or have bowed to direct pressure from the Soviet Union and its Eastern European satellites.

THE APPOINTMENT OF A RUSSIAN AS AN ASSISTANT DIRECTOR-GENERAL

The episode which precipitated the current controversy was the appointment by Mr. Jenks, just after his election as the new Director-General, of a Soviet national, Pavel Astapenko, as one of the five Assistant Director-Generals on the third tier of the Office hierarchy—there are three Deputy Director-Generals above the Assistants. The appointment was made in response to U.S.S.R. insistence and against the known position of the United States. This was a bad error in judgment on Mr. Jenks' part, and I questioned him sharply about it.

Prior to the Astapenko appointment, the U.S.S.R. had long complained about the absence of any citizen of a Communist nation from the top levels of the Office hierarchy, and the appointment of such a person as one of the Assistant Director-Generals was a simmering issue in the ILO for a number of years. The United States has always opposed such an appointment, and prior to his election Mr. Jenks was informed by the United States that the appointment of a Soviet citizen as an Assistant Director-General would be a matter of the most serious concern to the United States.

Mr. Jenks was elected as Director-General in May 1970, after the resignation of David Morse, the distinguished American who served as Director-General of the ILO for over 20 years. U.S. support was critical to his election; he won by only two votes.

Despite this history, in June 1970 Mr. Jenks simply informed the U.S. delegation that he had already decided to appoint Mr. Astapenko as an Assistant Director-General and invited the United States to submit names of qualified candidates for appointment to another Assistant Director-General post. For obvious reasons, we did not accept this offer; indeed, we were so shocked by Mr. Jenks' action in appointing Mr. Astapenko under these circumstances without even consulting us that we began to reconsider our whole relationship with the ILO. The immediate result was the refusal by Congress to appropriate funds to pay our ILO dues for the last half of 1970.

Insofar as the merits of the Astapenko appointment are concerned, there is a reasonable argument to be made that at least one citizen of a Communist country should be included among the top officers of the ILO; for example, they hold similar positions in other specialized U.N. agencies. Undoubtedly the U.S.S.R. felt as strongly about the appointment, from their point of view, as we did from ours; indeed, many observers believe that the appointment was inevitable, given the merits of the Soviet argument, and the certainty that sooner or later the U.S.S.R. and her allies would withdraw from the ILO if the appointment was not made. Thus, Mr. Jenks may well have believed that to delay the appointment was merely to postpone the inevitable, and that he was better off to get the matter over and done with at the outset of his term of office. That is, in fact, the impression he conveyed to me during our meeting. Certainly there is no evidence to suggest that Mr. Jenks acted out of any ideological convictions in favor of the U.S.S.R. or against the United States.

Regardless of Mr. Jenks' motives, however, there is no escaping the fact that the timing of the appointment, and Mr. Jenks' failure to consult the United States about it—rather than merely inform us—constituted almost a deliberate affront to the United States. Even more important, it evidenced a serious misapprehension on his part of the depth of U.S. dissatisfaction with the trend of events in the ILO in recent years. In that connection, it deserves emphasis that the dispute over the Astapenko appointment is really only a surface issue. All other things being equal, we probably would not have opposed the appointment of a Soviet citizen to a high post within the Office; and the current dispute over the Astapenko appointment should not be permitted to obscure the underlying reasons for our disenchantment with the ILO. If our legitimate complaints can be resolved satisfactorily, and I believe many of them can be, then our rightful disaffection over the Astapenko appointment should not prevent us from continuing as a member of the ILO, and paying our dues. To these other complaints I now turn.

THE USE OF THE ILO AS A FORUM FOR ANTI-U.S. PROPAGANDA

The most nettlesome problem for the United States in the ILO in recent years has been that the Office and the members of the ILO have permitted ILO meetings to be used as forums for anti-American diatribes on subjects wholly irrelevant to the business of the ILO. We, of course, have replied in kind to these attacks, but that is not the main point. For the use of the ILO as a forum for propaganda subverts its whole purpose and, on occasion, has seriously disrupted its normal work; yet despite our repeated protests, until last year the rule for debate at the ILO conferences seemed to be "anything goes." During many recent annual conferences dozens of anti-American tirades were heard during debate in plenary sessions and in discussions in working committees.

We must, of course, expect a certain amount of polemics in any international organization, particularly one such as the ILO which deals with sensitive economic and social issues. Indeed, freedom of speech is essential to the proper function of international organizations like the ILO.

It is clear, however, that the anti-American harangues delivered by various delegates from Communist nations in recent years at ILO meetings have exceeded all legitimate bounds of debate on the issues with which the ILO is concerned. We should and do recognize the right of other nations to argue about the issues of concern to the ILO, even if that involves criticism of the United States; but we are not bound to acquiesce to efforts to subvert the worthy purposes of the ILO by turning it into a vehicle for spreading anti-American propaganda.

The responsibility for limiting debate in the ILO rests primarily with the officers of the conferences and the committees, who are elected by the delegates, but employees of the International Labor Office, which furnishes the key staff assistance to the officers, also play an influential role in controlling debate. Until last year, neither the officers of the conference nor the employees of the Office evidenced any real concern over attempts by delegates from the U.S.S.R. and her allies to turn ILO meetings into propaganda forums.

Fortunately, during the past year this policy seems to have changed. At the maritime and metal trades conferences last fall the chairman's gavel finally began to fall to cut off irrelevant polemics. Also, the official memorandum for the current annual conference, prepared by the Office, emphasizes the need to limit debate to issues on the Conference agenda and in the Director-General's report. The same point was made at the outset of the current conference by Mr. Simeon Olujimi Koku, the chairman of the governing body, and by the Director-General in his report. So far these admonitions appear to have been heeded in the current Conference.

A related problem, on which progress also seems to have been made, is the occasional inclusion in ILO periodicals of articles amounting to Soviet propaganda. Particularly egregious was the publication of an article in the International Labor Review entitled "Lenin and Social Progress" which holds up the revolution of the proletariat as the best road to social progress. The American delegation has strongly protested this misuse of ILO publications and has been assured that in the future their editorial content will be much more carefully scrutinized by the Office to insure that no propaganda is included.

THE EROSION OF TRIPARTISM

The ILO is unique among international organizations in that it has a tripartite structure: governments, workers, and employers participate and vote—independently—in all aspects of ILO deliberations. This basic concept of tripartism is one of the great strengths of the ILO, and it is the focal point for many of the questions which have been raised concerning the treatment of the Communists within and by the ILO.

The heart of the tripartite principle in the ILO is the independence of the employer and worker groups from government control. Under the ILO, member governments appoint employer and worker delegates selected by the most representative organizations of employers and workers, respectively, in each country. Thereafter the employer and worker delegates have the right and are expected to act and vote independently of their governments.

The tripartite principle is reflected fully in the ILO conference structure. Each group—government, employer, and worker, is organized autonomously at the various Conferences held by the ILO. In each conference committee the three groups are represented equally, by delegates selected by each group acting autonomously. Each group also elects its own officers. Similarly, the governing body of the ILO, analagous to a board of directors, consists of 24 government delegates, 12 employer delegates, and 12 worker delegates, elected by their own groups, respectively.

Believing as we do in America in full freedom of association and independence for employers and trade unions, from our point of view the ILO concept of tripartism is wholly consistent with the fundamental political and economic principles upon which we operate; accordingly we have, since joining the ILO in 1934, always sought to maintain the tripartite principle, and have resisted attempts to weaken it.

The Soviet Union, and its satellites in Eastern Europe, on the other hand, do not operate on the tripartite system—under communism there are no employers independent of the government and the party; nor do Communist trade unions enjoy the independence and autonomy taken for granted in America and most other non-Communist countries.

This lack of true freedom of association within the Communist countries raises two critical issues within the ILO. The first is whether the ILO should apply its own Freedom of Association Convention—No. 87—to the Soviet Union, which has ratified it; the second is the status which should be accorded to worker and employer delegates to the ILO from Communist countries if they are merely agents of their governments.

APPLICATION OF THE FREEDOM OF ASSOCIATION CONVENTION TO THE SOVIET UNION

The Freedom of Association Convention is generally regarded as one of the most important of all the ILO Conventions. Its key provision is article 2, which provides:

> Workers and employers, without distinction whatsoever, shall have the right to establish and, subject only to the rules of the organization concerned, to join organizations of their own choosing without previous authorization.

In 1962 and in previous years the Committee of Experts on the Application of ILO Conventions and Recommendations, an independent quasi-judicial body which investigates and reports on the extent to which ILO Conventions have been complied with, specifically reported the Soviet Union to be in violation of the Convention. Among other things, the Committee of Experts found that provisions of the Soviet labor code which require unions to register with the Soviet All-Union Central Council of Trade Unions violated the provisions of the convention which guarantee workers and employers the right to form organizations of their own choosing, without the need for previous authorization.

Normally, in the case of a serious violation of an important ILO Convention found by the Independent Committee of Experts, the matter is taken up by the ILO Conference Committee on the Application of Conventions and Recommendations, and if the Conference committee is not satisfied that appropriate steps have been taken to bring the offending nation into compliance, the name of the offending nation is included on a special list of nations not in compliance with conventions. Other steps may follow.

In the case of the Soviet Union, in 1962 and previous years, although the Conference committee did file reports approving the reports of the Committee of Experts, which were adopted by the full ILO conference in plenary session, the Communists, by filibustering the question in committee, blocked action to include the U.S.S.R. on the list of serious violators of ILO Conventions. In 1962, after several years of acrimonious, but inconclusive debate, the employer and worker delegates on the Conference committee agreed, apparently at the suggestion of the office, simply to drop the matter, at least until some change occurred in law or practice in the U.S.S.R. Since it was obviously futile to press the issue, the American delegation had to go along, and there the matter has stood since 1962.

There is, however, a reasonable likelihood that this important issue will be reopened in the near future. This year, the Committee of Experts has reviewed its earlier findings in the light of the enactment of a new Soviet labor code. The committee found that nothing in the new code is sufficient to alter its previous conclusion that the Freedom of As-

sociation Convention is not being observed in the Soviet Union.

THE STATUS OF COMMUNIST WORKER AND EMPLOYER DELEGATES

When the U.S.S.R. and other Communist states were readmitted to the ILO in 1954, issues immediately arose concerning the recognition of Communist "worker" and "employer" delegates by their non-Communist counterparts. The non-Communist employer delegates simply refused to recognize employer delegates from Communist countries as true employers, rather than mere agents of their respective governments. Initially, this policy was carried to the point of excluding Communist "employer" delegates from any assignments to ILO conference committees where, as in our Congress, much of the real work is done.

Communist worker delegates also had difficulty finding acceptance by their non-Communist counterparts. They were not excluded from committees, the way the Communist employer delegates were, but for years not a single Communist worker delegate was elected to serve as one of the 12 worker members of the governing body.

Communist government delegates have naturally experienced less difficulty in being fully accepted, but for many years no Communist government delegate was elected as president—presiding officer—of the annual conference or as the worker or employer vice president of an annual conference. The president is usually a government delegate and by custom is selected from a specific geographic area on a rotation basis; there are three vice presidents; workers, employer, and government.

All of this has gradually changed during the past 10 years, sometimes with the consent of the American delegates directly involved, but sometimes over their objection.

Thus, through a series of compromise arrangements the non-Communist employers—with at least tacit American consent—have agreed to allocate two seats to Communist employer delegates on most of the conference committees. Similarly the inability of the Communists to win election to the presidency of the ILO annual conference or to the worker or employer vice presidency, led to the custom of selecting a Communist as the government vice president. In 1966, however, this tradition was shattered when a Communist government delegate was elected to the presidency of the annual conference by one vote over a Dutch candidate, resulting in the walkout of the American worker delegation. It has been alleged that the office helped swing the election to the Communists, but the crucial factor seems to have been the opposition of many African delegates to any Dutch candidate because of another matter completely unrelated to the ILO.

Also in 1966, for the first time a Communist worker delegate—U.S.S.R.—was elected by his colleagues to serve on the governing body; he was reelected in 1969. Our worker delegate opposed his candidacy. To this day no Communist employer delegate has been elected to the governing body.

This increasing recognition of Communist worker delegates is partially attributable to a change in the membership of the ILO, parallel to that which has occurred in other U.N. agencies, which has given a greater voice to the developing countries, many of which are neutralist in the East-West struggle. It also reflects a change in attitude by many free trade unions toward Communist unions which has led them to seek greater detente with the Communists through exchanges, et cetera. This change in attitude is not shared by our AFL–CIO, which has now withdrawn from the International Confederation of Free Trade Unions, at least partially over this issue. Needless to say, this withdrawal has not made it any easier for us to marshal support for our positions in the ILO.

THE FUTURE OF TRIPARTISM AND THE AMERICAN ROLE IN THE ILO

It is apparent from the foregoing that significant changes have taken place in the ILO since the readmission of the Soviet Union in 1954. One cannot help but understand the frustration of our American delegation as it has witnessed the enhancement of the status and influence of the Communists in an organization whose basic principles are directed against any form of totalitarianism.

Yet, we must also place some of these changes in their proper perspective. The ILO should not be used as a forum for anti-American propaganda, and its Conventions should be applied to Communists and non-Communists alike. But neither can the ILO be expected to serve as some kind of bastion of anti-Communism. Having granted full membership to the Soviet Union and other Communist nations—with U.S. acquiescence—clearly the ILO cannot expect them to accept an inferior status within the organization.

Communist trade unions are not free, and the managers of factories in Communist nations do not have comparable independence to private employers in non-Communist countries, but they perform functions which are in many ways similar to their non-Communist counterparts. Many of the arguments raised against Communist employer delegates could also be raised against employers from non-Communist countries with many socialized enterprises, yet the credentials of such employers have never been questioned. Thus, the participation of Communist "employer" and worker representatives on a "functional basis" is not necessarily totally irreconcilable with the proper functioning of the ILO. Indeed, there may be significant value in exposing such representatives to the reality of tripartism in other areas of the world.

It bears emphasis, in this connection, that aside from the propaganda during debate, which as I have indicated must be stopped, the Communists seem to have had no success whatever in insinuating their ideology into the substantive work of the ILO. No Convention or Recommendation adopted by the ILO bears a Communist stamp, and none of the ILO's numerous technical assistance or manpower training projects have ever been criticized on ideological grounds.

Furthermore, despite their success in blocking full action on the issue of Soviet noncompliance with the Freedom of Association Convention, there is no question but that the Convention and other key ILO conventions dealing with trade union rights and free collective bargaining have been the source of considerable embarrassment for the Communists. The Report of the Independent Committee of Experts speaks for itself.

Certainly, it is better for us to have the Communists in the ILO, where we can raise hob with them about the injustices to the workers and the fact that their status is completely state-regulated, rather than to have them outside, where they can pretend to be a workers' government, without being exposed in front of the whole world, including the Communist nations, and perhaps get away with it.

The same is true of the employer delegates. Obviously, there are no employers in the Communist countries. All employers are state operatives. So it is kind of a fiction to admit them to the employers' deliberations. But there we have the same thing. Do we expose them in the world forum, where all nations, including the African and Asian nations—so many brand new—can see what is going on and gradually learn the facts of international life, or do we let them engage in their propaganda free of the glare of the cynicism and the inquiry of the free world's delegates and let them get away with the pretension, the fraud, that they are really the workers' friend?

Unquestionably, we would have preferred the ILO to have faced the issue of freedom of association squarely, as it in fact has done in the case of violations of the same basic convention by Spain and Greece. But it is also important to note that the United States bears part of the responsibility for what has occurred. Thus, we have not ratified the Freedom of Association Convention ourselves, which puts us in an awkward position to complain about its violation by another nation, and makes it impossible for us to lodge an official complaint with the governing body.

Moreover, our delegates have not pursued vigorously the procedures available to them under article 26 of the ILO Constitution to raise the question of Soviet noncompliance with the convention in the governing body. Under article 26, any delegate may file a complaint with the governing body of the ILO alleging noncompliance with an ILO convention by a nation bound by it, even though his own country has not ratified it. Upon the filing of the complaint, the governing body may establish a commission of inquiry to investigate the alleged violation—this was done in the case of Greece and Spain. A finding of a violation by such a commission is considered the ultimate sanction which can be imposed by the ILO, and the decision of such a commission is appealable to the International Court of Justice.

Under these circumstances, it is extremely difficult to blame the office for

what has occurred. The most the office seems to have done is what the leadership of the Senate often does on matters of great controversy on which no definitive action is possible—suggest they be put aside so that other important matters can be taken up. We cannot expect the office to do our work for us in the ILO on devisive issues; it is up to us to devote the time and energy necessary to marshal the votes on critical questions.

This is really the heart of the matter insofar as many of our complaints about the ILO are concerned. The fact is that we have not taken the ILO seriously enough over the years and, as a result, have not devoted to it the kind of time, effort, and resources which would enable us to match the Communists. Our delegations to ILO conferences have been composed of able and dedicated men and women, but they have frequently lacked essential backup support, coordination, and clearly defined objectives.

The administration, I am pleased to note, has acknowledged these shortcomings on our own part. Its own recently issued "backgrounder" states, among other things:

In the heat of indignation about U.S. grievances, it has been easy to disregard some very real faults of our own, deficiencies that must account in part of the problem itself: the lack of enough funds to support adequate and well-balanced U.S. delegations; lack of a consistent and firm strategy on behalf of U.S. interests in ILO over the years; and a failure of the participating government agencies and private organizations to accord consistently high priority to the U.S. involvement in the Organization.

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In this context, then, the basic question for the U.S. is whether it wishes to pay the price necessary for achieving an acceptable internal equilibrium within the International Labor Organization. The price involved for the U.S. is basically not one of money. Rather it concerns the amount of effort and resources we are prepared to devote to achieve a balance of forces within ILO, the degree to which we are prepared to be forthcoming toward new programs, and the extent to which we are prepared to seek a necessary accommodation with both the East Bloc and the detenteminded West Europeans—an accommodation consistent with the Constitution of the ILO.

The administration is not implying, and neither am I, that if the United States tries a little harder, we will always get our way in the ILO. If the ILO is to be maximally effective it must be universal, and that means that it cannot afford to drive either the United States or the Communist countries out. Some compromises are therefore inevitable, but they need not necessarily involve such violations of the basic principles in which we believe as to make it impossible for us, in conscience, to remain a member of the ILO.

For whatever problems we may have with the ILO today—and I do not want to minimize them—the organization itself is far from being Communist dominated. Indeed, its whole orientation is in many ways completely antithetical to the basic tenets of communism.

Thus, its overriding purpose is to promote progress without revolution by bringing together governments, workers, and employers in an effort to establish, through international law, a means of helping workers throughout the world obtain social and economic justice. As the Director-General states in his current annual report, the function of the ILO is to provide through dialog "a rational alternative to violence in coping with the present frustrations of society." This is the antithesis of Communist doctrine, which holds that revolution is the only method of achieving these ends. This is of the most supreme importance.

The very notion of tripartism, that is, of cooperation among workers, employers, and governments, is a continuing refutation of the inevitability of the class struggle. Whatever gains the Communists have made within the ILO, the principle of tripartism is still the heart and soul of the ILO in the eyes of the overwhelming majority of its members. I witnessed this myself at the opening of the current Conference when, for the first time, an employer was elected President of the Conference, over the objections of Communist delegates who argued that only a government delegate should serve as President. The speeches made on that occasion demonstrate the profound importance tripartism continues to have within the ILO, and I ask unanimous consent that a portion of the provisional record of the opening day of the current ILO Conference be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

THE IMPORTANCE OF THE ILO TO THE WORLD

Mr. JAVITS. Mr. President, the importance of the ILO to the rest of the world is not generally appreciated in the United States. The fact is, as the administration backgrounder notes:

Within the critically important field of manpower development, ILO is the foremost multilateral agency in the world, with lengthy experience, much expertise, and a going worldwide organization.

The ILO has made a major effort on technical assistance for the developing countries—not only to raise standards of living but also to lay a basic infrastructure of skills necessary for the industrialization of those countries. Hundreds of the ILO's vocational training and management development projects throughout the developing world have greatly improved the capacity of these countries to build up their industry and agriculture for development.

The ILO has also recently embarked on the world employment program with the full support of the U.S. Government, to attempt to raise levels of employment and thereby to remove one of the basic causes of social unrest in these countries. Many developing countries place major, or even sole, reliance on the ILO for these projects; any cutback in ILO activities would have the severest repercussions in the developing world.

The ILO's influence in the developing countries has not, as far as I am aware, in any way served to enhance Communist influence in these countries. It has, on the contrary, aimed to lay the basis for greater political and social stability by strengthening labor ministries, by helping in the education of trade unions and trade union leaders, by promoting and supporting the growth of free trade unions and collective bargaining. It has thus helped to create a favorable climate in many countries for investment.

In addition to its manpower projects, the ILO's 134 conventions and 142 recommendations have had demonstrable effects on legislation in both developed and developing countries in such diverse areas as human rights, labor administration, minimum wages, occupational health and safety, and social security. While the results of these minimum standards cannot be precisely measured, there has been an impressive improvement in workers' living standards, and the ILO has played a major role in keeping narrower the gap—already very troublesome—between countries with high living standards and high labor costs and those with low labor costs.

This is one area in particular to which the United State might devote a great deal more effort, given the current controversy over our foreign trade policy. It may well be possible for the ILO, working in conjunction with GATT, OECD, and UNCTAD to develop a body of minimum international fair labor standards to serve as a foundation for judging whether or not there is unfair competition from a given exporter nation.

We have already recognized the validity of this approach in the maritime industry by ratifying some of the ILO maritime conventions. These are the only ILO Conventions we have acted on. In my judgment, we ought to reassess our policy toward ratifying ILO Conventions and that is one of the initiatives that, as a member of both the Foreign Relations and Labor Committees, I intend to undertake. But whether or not we ratify any additional ILO Conventions, there is much that we can do to encourage the ILO to move strongly into the field of minimum standards. I was extremely pleased to find that this is a subject in which the Director-General of the ILO is most interested.

THE PRESENT U.S. POLICY TOWARD THE ILO

The administration has pointed out four very cogent reasons why we should not withdraw from the ILO at this time, as follows:

First. Withdrawal by the United States would leave the Soviet Union as the dominant power in the organization, affording it significant opportunity to exploit the ILO as a means of enlarging its own influence—at the sacrifice of the ILO's badly needed technical work around the world. The United States should not hand the U.S.S.R. this advantage but rather should stay in the organization and work to make it adhere to its constitutional objectives.

Second. U.S. withdrawal would work against President Nixon's objective of shifting more of U.S. aid and technical assistance to the international agencies. Within the critically important field of manpower development, ILO is the foremost multilateral agency in the world, with great experience, much expertise, and a going worldwide organization.

Third. If the United States withdraws from the ILO, we are very unlikely to

gain either friendship or understanding abroad. Instead the United States would be condemned for attacking an organization of service to working people everywhere, for resorting to cold war politics, for returning to naive isolationism or for acting from pure spite. If the object of foreign policy is to maintain or even increase a nation's influence abroad in directions that it desires, it makes little sense to take an action that clearly would decrease that influence.

Fourth. U.S. withdrawal from the ILO could well threaten our eventual participation in the whole UN system. The United States has various complaints against other organizations. If it withdraws from one, then the way will become open for those who want to get us out to press for quitting them as well. Is it to the interest of the United States and particularly its foreign policy, to initiate a course of action toward ILO that carries so great an additional risk?

Clearly, our withdrawal from the ILO would have drastic consequences for us and for the ILO, and hence we should not withdraw unless and until we are absolutely convinced that no other alternatives exist. As I have tried to show above, we have certainly not reached that stage at this point. We have much to gain from staying within the ILO, and at the very least, we should not leave without making a real effort to solve our problems within the organization.

It also has been suggested that we remain in the ILO but continue to withhold our dues until we are convinced that the trend of recent events in the ILO leading to the enhancement of Communist status and influence has been reversed. Whatever advantages this tactic may have gained for us during the past year—and there have been some important improvements—it is clear that we stand to lose a lot more than we have to gain if we continue to withhold our dues any longer. This was the unanimous view of the members of the U.S. delegation with whom I spoke while in Geneva.

Our refusal to appropriate the funds has already had a substantial impact upon the operations of the ILO, but so far most of it has been absorbed by administrative belt-tightening. If our funds are withheld much longer, projects already underway will have to be terminated and key personnel employed by the ILO would have to be laid off. The ill will which would surely be generated by these events would undoubtedly more than wipe out whatever grudging respect we may have earned within the Organization by our protest action last year in refusing the last half of our 1970 dues.

I have already indicated some of the important changes which have occurred during the past year, particularly in limiting propaganda. Equally important has been the general change in attitude toward the United States by the members of the ILO reported to me by the U.S. delegation—we are no longer taken for granted, and there is genuine fear that we will withdraw from the ILO and of the consequences that would ensue. We would be unwise indeed if we permitted this new respect to turn to bitterness.

Finally, we have a binding international obligation to pay our dues to the ILO. For years we have been criticizing the U.S.S.R. in the U.N. for failing to pay their assessments for peacekeeping obligations. Our action with respect to the ILO undercuts our position on this issue in the U.N.

Thus, in my judgment, there are compelling reasons why we should not withdraw from the ILO at this time, and why we should honor our current and past dues obligations. We should, however, exercise continuing scrutiny of events within the ILO, and we should intensify our own efforts within the organization.

In that connection, I recommend that we require an annual report to the Congress on the ILO by the entire U.S. delegation. Such a requirement will serve to emphasize our concern over the course of events in the ILO, by giving our worker and management delegates as well as our Government delegation a chance to express themselves and thus encouraging a close legislative oversight by the Congress over the ILO.

Mr. President, I deeply believe that we should not withdraw from the ILO. We should pay our dues and fight our battles within the ILO. I believe we can win them. I believe the ILO is a unique forum available to us to demonstrate to the world what freedom means and what communism does not mean because there is no other area where we face the Communists directly on as sensitive an issue as what happens to workers. I feel very strongly that we should not forego this opportunity by, as it were, distorting the situation for ourselves through the rather niggling attitude of not paying our dues.

For all these reasons, Mr. President, I shall do my utmost to help to get us to see that the right path is to pay our dues, as I said when I began, and to fight like tigers to see that the potential of the ILO is fully realized.

Mr. President, I ask unanimous consent that the following material be printed in the RECORD at the conclusion of my remarks: a portion of the provisional record of the opening session of the current ILO conference on June 2, 1971, an article in the June 12, 1971, edition of the AFL–CIO News relating to the election of an employer delegate as president of the conference over the objection of the Communists, and an article in the June 1971 issue of the International Operating Engineer on the recent World Congress on the Prevention of Occupational Risks, of which the ILO was one of the chief sponsors, which demonstrates the manner in which it promotes international cooperation in the important area of occupational health and safety.

The PRESIDENT pro tempore. Without objection, so ordered.

EXHIBIT 1

INTERNATIONAL LABOUR CONFERENCE: PROVISIONAL RECORD

(Fifty-sixth session, Geneva, first sitting Wednesday, 2 June, 1971, 10 a.m.)

Presidents: Mr. Koku, Chairman of the Governing Body of the International Labour Office, and Mr. Waline

OPENING OF THE SESSION

Mr. KOKU (*Chairman of the Governing Body of the International Labour Office*)—On behalf of the Governing Body of the International Labour Office, I have the honour to declare open the 56th Session of the International Labour Conference.

I should like to welcome the ministers attending this session, especially those attending the Conference for the first time. The impressive number of ministers present is an eloquent testimony to the vitality and continuing relevance of our Organisation in seeking acceptable solutions to the social and economic problems of the world today. I should also like to accord a warm welcome to all the representatives and to the observers of the United Nations, the specialised agencies and the non-governmental organisations who have reassured the ILO of their continued interest in its activities by their presence in this hall today. I have pleasure in greeting the representatives of the Republic and Canton of Geneva who are honouring this inaugural sitting of the Conference with their presence.

Before proceeding to present the agenda of this session, I should like, with your permission, to draw attention to major areas of ILO activities and achievements in the past year. The last twelve months witnessed a further consolidation of ILO principles and practices, in spite of the grave financial difficulties with which the Organisation has had to grapple. The tripartite structure which gives strength, confidence and vitality to the Organisation was evident in many meetings held during the year.

The 55th (Maritime) Session of the Conference, held in October 1970 against a background of rapid change in the maritime industry, can confidently be described as the greatest event of the past twelve months. Marking a half century of achievement in ILO work for seafarers, the Maritime Conference adopted two Conventions and six Recommendations without any opposition or abstentions and thus considerably enriched the International Seafarers' Code. The Conference has been generally acknowledged as the most successful maritime session ever held since the first session in Genoa in 1920.

A month before the Maritime Conference, the 14th Session of the Asian Advisory Committee of the ILO was held in Bandung, Indonesia, in September 1970. That Committee adopted conclusions covering the whole range of ILO activities in relation to the most pressing problems now facing Asia, and laid down guidelines for the Asian Manpower Plan. The Ninth Session of the Metal Trades Committee held in January 1971 considered, within the framework of a particular industry, some newly topical subjects with which the ILO can be expected to be increasingly concerned, namely multinational corporations and evaluation of the working environment, in addition to the problems of adjustment, income maintenance and training.

In addition to these meetings there were other smaller meetings which are worth mentioning, particularly the First Session of the Joint Committee on the Public Service, an entirely new form of ILO machinery, which was held in March-April of this year; the May 1971 Meeting of Consultants on Workers' Education, which was intended to strengthen the Workers' Education Programme and whose fundamental purpose is, in the words of the Director-General when he declared the meeting open, to "convert the freedom of the human spirit from the privilege of the few into the birthright of all"; and, lastly, in January there was the Meeting of Experts on Fiscal Policy for Employment Promotion, the report of which is currently receiving the active consideration of the Governing Body. It is significant that all these meetings have been held despite the financial crisis which has had some impact on the programming of meetings during the past year. I am, however, happy to report that all meetings postponed from 1970 have

been held in the first half of 1971, with the exception of the Sixth Session of the Plantations Committee, which is scheduled to be held from 20 September to 1 October 1971.

The ILO is a dynamic institution which adapts itself positively to changes in economic and social conditions. It nevertheless believes in the high efficiency value of continuity and that it is possible to secure continuity without sacrificing its dynamic character. In conformity with this principle of continuity, other ILO activities during the period under review covered its basic preoccupations of which standard-setting, development of human resources and social institutions, and the improvement of conditions of work and life constitute important components. In standard-setting, about 140 new ratifications of international labour Conventions have been registered from all parts of the world since June 1970. It is particularly noteworthy that a very important instrument adopted in June 1970—the Minimum Wage Fixing Convention (No. 131)—has already secured the number of ratifications required to bring it into force. The Committee of Experts on the Application of Conventions and Recommendations has continued, with its usual efficiency and vigour, to exercise the required surveillance over the application of ratified Conventions. The Committee devoted particular attention to the review of the working of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), as part of the ILO's contribution to this year's celebration of the International Year for Action to Combat Racism and Racial Discrimination.

The operational programmes of the ILO have continued to expand with unabated momentum. The main emphasis is still on human resources development. ILO missions in the field of employment and manpower planning continued to increase, reflecting the positive response of governments to the preoccupations and requirements necessary for the implementation of the World Employment Programme.

As reflected in Part 2 of the Report of the Director-General on the activities of the ILO during 1970, further steps were taken to implement the policy of decentralisation which has been pursued for a number of years. Regional departments have been established in the regions concerned under a regional director with the same status and authority as a chief of department at headquarters. Furthermore, responsibility for the programming and management of technical co-operation activities is being progressively transferred to the regions, beginning with Asia on 1 January 1971, when twenty professional-grade officials were transferred from headquarters to Bangkok.

The past year has also witnessed increased preoccupation with the more careful planning and evaluation of programmes by the ILO. Evidence of this increased preoccupation is illustrated by the first long-term programme of ILO activities considered by the Governing Body in May 1970, followed in November 1970 by the adoption of long-term programmes of industrial activities.

The first in-depth review of the occupational safety and health programme was conducted by the Governing Body at its February-March 1970 Session and will be followed by an ad hoc meeting designed to make recommendations to the Governing Body on the safety and health programme. It is important to emphasise the fact that the programme of industrial activities which the Governing Body adopted in November 1970 was designed to ensure greater continuity in the tripartite consideration of labour problems which are of special concern to particular industries. The International Institute for Labour Studies and the International Centre for Advanced Technical and Vocational Training at Turin continued to function in support of ILO objectives. The Turin Centre, in particular, now has a financial basis on which it can operate on an efficient and economic scale.

This brief review of ILO activities during 1970 will no doubt suffice to underscore the growing vitality of the Organisation and the continued dedication of the Director-General and his staff to ensure that the objectives and fundamental principles of the ILO are attained and sustained in the interests of all the members of the Organisation.

At this point I should like to make some brief comments on the agenda of this Conference. To start with, I would refer to Part 1 of the Director-General's Report entitled *Freedom by Dialogue* in which he, in his characteristically forthright manner, analyses the social problems attendant upon economic development and indicates the contribution which the ILO has made to social progress and the attainment of social justice in the perplexingly turbulent world of today. In the Report, the Director-General also directs the minds of delegates to problems relating to the more equal enjoyment of the fruits of economic progress, problems associated with "the graver inequalities" arising from the imbalance in development between rural and urban areas and those associated with the incidence of racial discrimination, the treatment of foreign workers and discrimination against women at work. The Report lays considerable emphasis on the problems confronting the young and the old in the fast-changing society of today and, having surveyed the relationship between technical progress and human values, concludes by emphasising the importance of rational dialogue as the only alternative to violence in coping with the present frustrations of society.

The Director-General poses the following questions which, I consider, require highlighting at the very outset of our deliberations. He asks: "How relevant is what we are doing and what we can do to what we should do and what we must do as we enter the Second United Nations Development Decade at the opening of the second half-century of the ILO? What is our contribution to personal freedom? What is our contribution to economic growth? What is our contribution to social justice? And what is our contribution to the synthesis without which none of these is complete and all are precarious?" It is on these important matters that the Conference is called upon to deliberate and to provide guidelines by which the Director-General can formulate effective programmes of future ILO action in these matters. I sincerely hope that the Conference will address itself to these substantial matters in a pragmatic and efficient manner and that delegates will strive to make contributions which will help to accelerate the solution of these problems throughout the world.

The Conference will be called upon to examine and approve the programme and budget proposals for the biennium 1972–73. No doubt the financial difficulties with which the Organisation has been confronted since last year will influence delegates in their consideration of this item. These discussions, I dare say, must be guided by what is best for the continuance and invigoration of our Organisation. Abstract political speculations and controversy cannot form a useful part of the consideration of this delicate matter and I would strongly appeal to delegates to confine their remarks purely to the financial aspect during the examination of this subject by the Finance Committee which the Conference will undoubtedly establish. This is the proper forum for the discussion at the Conference of our financial problems.

The Conference will also be called upon to examine outstanding problems of the structure of our Organisation in the light of the report on the Governing Body's further efforts to find solutions to them. For this purpose also the Conference will, I hope, establish a committee to undertake the reappraisal of these problems. In the expectation that this whole matter will be discussed in the Committee on Structure, I would dare to hope that these controversial issues will be kept out of the discussion of the Director-General's Report at the plenary sittings of this Conference.

As usual, the Conference will devote particular attention to questions arising from the application of Conventions and Recommendations, upon which the Committee of Experts has submitted a report to the Conference. In addition to this report, the Conference will have an opportunity of examining the summary of reports received from a number of governments in response to a request by the Governing Body for information on the position of the law and practice of the countries concerned with regard to the provisions of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and its supplementary Recommendation. Delegates will also have the opportunity to discuss the special report on *apartheid* submitted in accordance with the Declaration adopted by the Conference in 1964.

The technical items on the agenda of the Conference this year are relatively smaller in number, namely the World Employment Programme; protection and facilities afforded to workers' representatives in the undertaking; and protection against hazards arising from benzene.

The World Employment Programme is the fourth item on the agenda of this year's Conference. Two years ago, on the occasion of the fiftieth anniversary of the Organisation, this programme was launched following a rich and thought-provoking debate at the Conference. This showed that the problem of unemployment and underemployment had become one of the major concerns of our tripartite membership—governments, employers and workers—because of the growing human misery they entail, and the political and social instability they breed.

As the report before this year's session of the Conference shows, and indeed as we anticipated two years ago, the situation has become worse rather than better. The millions of young people who, under the pressure of unrelenting demographic growth, flock every year to the employment market, are encountering increasing difficulties in finding satisfactory and gainful work. Hopeless stagnation in the countryside continues to drive the rural masses to the cities, often to a life of destitution in the shanty towns, which is a far cry from the expectations that led them there. And while modernisation takes place in industry and in agriculture, bringing new hope to those who benefit from it, we must learn to master its blacklash effects, which may deprive thousands of artisans, small farmers or agricultural workers of their livelihood in the traditional sector.

So the picture is grim; but it is not hopeless. In the two years since the inception of the World Employment Programme, we have learned a great deal. More and more countries have become aware of their problems and are trying to tackle them. Employment objectives are now included in most of the new development plans. But we have also learnt that there are no easy solutions. The causes of our ills go to the roots of our societies and economies and radical action at that level is needed to change the conditions which are responsible for the implacable growth of enforced idleness. This was brought to the fore in a forceful manner in the report of the inter-agency mission which the ILO sent last year to Colombia to advise the Government on the action needed to absorb its present unemployed labour force in the coming years.

The World Employment Programme therefore implies energetic, carefully planned ac-

tion by every country confronted by unemployment and by a rapidly growing labour force. But it requires more than government action; it needs the support and participation of the populations and, in particular, the involvement of those groups most directly concerned—the employers and the workers. Moreover, it is truly an international programme, for the solution of the problems depends in no small part on international solidarity, in particular through more liberal trade and aid policies. It will involve, with the ILO playing the role of catalyst, the cooperation of the whole family of international organisations.

It is on the lines of this future action that the Conference will be asked to give guidance to our membership and to the Organisation itself so that, in this Second Development Decade which is just opening, true progress may be made towards the objective of full, productive employment as a precondition for the attainment of greater social justice and rising living standards.

The fifth item on the agenda concerns the protection and facilities afforded to workers' representatives in the undertaking. This matter is to be discussed for the second time with a view to the adoption of a recommendation. It is a subject of the highest topicality today in view of the renewed recognition that it is essential to deal in an effective manner with problems arising at the level of the workplace. This renewed recognition of the critical role of labour-management relations in the undertaking is being reflected in many countries, both industrialised and developing, where discussions and legislative and other action, taken under joint agreements, between labour and management have aimed at reinforcing the procedures and establishing the institutions that can make for a valid and viable dialogue between the parties at this level.

Thus it is in a very real sense timely that the International Labour Conference should be dealing now with the question of protection and facilities for workers' representatives in the undertaking, with measures to ensure, by appropriate means, that such representatives can carry out their functions without fear of reprisals, and that they are afforded such facilities as will enable them to carry out these functions in a meaningful way. For such measures are the essential foundations for promoting an enduring climate of mutual respect and comprehension at the workplace, which in turn is a prerequisite for a sound industrial relations system and for social and economic progress.

The sixth and last item on our agenda is protection against hazards arising from benzene. This matter is submitted to the Conference for a single discussion. The problems associated with the protection of workers' health against hazards arising from industrial processes constitute one of the earliest preoccupations of the ILO in its standard-setting work. As far back as 1921, the Organisation adopted the White Lead (Painting) Convention, and as recently as 1967 it considered matters related to the maximum permissible weight to be carried by a worker; in the light of that consideration, the ILO adopted both a Convention and a Recommendation on the subject. Benzene is one of the substances most widely used in industrial processes as well as one of the most dangerous. The Conference is therefore called upon to examine the text of the proposed convention and of the proposed recommendations concerning standards of safety and protection which should be afforded to workers engaged in the use of this dangerous substance.

The last twelve months have been a particularly eventful and difficult period in the history of our Organisation. The Governing Body has had to deal with delicate and daunting problems of finance and structure and I am particularly delighted to observe that, despite these grave difficulties, the corporate existence and continuance of our Organisation have been assured and perhaps strengthened. That has been due in a large measure to the restraint, objectively and sincerity which the members of the Governing Body have brought to bear upon their consideration of these problems. In concluding my statement today, may I be forgiven for repeating my earlier appeal to all of you to eschew the attractions of sterile political debates and controversy, which have nothing to offer to the procurement of an early and satisfactory solution of our immediate and vital problems. The ILO is not a political assembly; it is a social institution established solely for the promotion of those lofty objectives set out in our Constitution and reaffirmed in the Declaration of Philadelphia. These objectives have no political content or characteristics; they are related solely to the attainment of better conditions of work and life for the toiling masses the world over and to the provision of adequate employment opportunities for the growing millions of young people throughout the world who are haunted by the lengthening shadows of unemployment, poverty and personal degradation. These should be our main preoccupations during this Conference. To the extent that you lend a helping hand by your contributions in finding practical solutions to the practical problems of unemployment, freedom of association and the hazards of dangerous chemicals in industrial production which, together with the other social and economic evils, constitute what the Director-General has described in his Report as "the graver inequalities" of our time and which tend to make the life of the working man nasty, brutish and short, to that extent will you have justified the sacred trust placed in you as a delegate to this Conference. Let us then proceed to the consideration of the matters on our agenda with a resolute determination to sustain the solid achievements of the ILO over the past fifty years, particularly in the last twelve months, by the formulation of practical recommendations and answers to the challenging questions postulated in our relentless search for freedom from want, unemployment, injustice, hardship and privation through the unique opportunities and facilities which this Conference offers for a tripartite discussion between representatives of the governments, employers and workers of the world meeting on an equal basis.

I wish you successful and fruitful deliberations.

ELECTION OF THE PRESIDENT

Mr. KOKU (*Chairman of the Governing Body of the International Labour Office*)—The next item on the agenda of this opening ceremony is the election of the President of the International Labour Conference. Are there any nominations?

Interpretation from French: Mr. BERGENSTRÖM (*Employers' delegate, Sweden*)—On behalf of the very large majority of the Employers' delegates to this session of the Conference, I have the pleasure and the honour—and I should like to say also that I am proud—to present the candidature of a member of our Employers' group as President of this session of the Conference. You are all aware to whom I am referring: it is Mr. Pierre Waline.

We realise that, if the traditional system of rotation had been followed, we would today be electing a European Government representative as President of this session of the Conference. In this respect we express our gratitude to all the governments which have informed us that they would support the candidature of Pierre Waline.

In nominating Mr. Waline, a member of our Employers' group, to serve as President of this Conference, we wish to stress the essential importance which my colleagues and I—and the Workers' group, I am certain, will not contradict this—attach to the tripartite structure of our Organisation. We should therefore be happy and grateful if the whole of the Government group, by supporting the candidature we propose would, as it did two years ago in electing as President the late Jean Möri, the candidate of the Workers' group, give further support to this characteristic feature of our Organisation which can never be overstated because it is a warranty of its efficiency. But it is not only, of course, in order to stress the tripartism of our Organisation that the Employers today nominate their candidate for the Presidency of the Conference. It is also, and even primarily, to propose a candidate of outstanding qualities for this high position.

Pierre Waline may be presented either with a great number of words or with few words, and I have preferred the second approach because he would not forgive me if I were to list his numerous qualities here, and especially because everyone who knows the International Labour Organisation is also familiar with the person of Mr. Pierre Waline. Mr. Waline has devoted to the International Labour Organisation so many years of his career that the life of the Organisation and that of Pierre Waline are intimately linked. I myself have had the privilege to sit on the Employers' group of the Governing Body and in the Conference under the chairmanship of Pierre Waline for seventeen years, and probably the quality which impressed us most was his profound confidence in the fundamental ideals of the ILO. The improvement of the lot of the workers throughout the world through the establishment of social justice, brought about by loyal collaboration between employers, workers and governments is not a matter of empty words for Pierre Waline, and his activity, stretching over nearly half a century within the International Labour Organisation, as an employer, is constantly marked by his efforts to attain this ideal. This fundamental quality of Pierre Waline is in no way surprising in the person of a French employer and, in honouring Pierre Waline today, as I hope you all will, we the Employers' group should like also to pay tribute to the employers of his country and to remind you of one in particular, whose portrait we see at the entrance to the headquarters of the ILO, namely, Daniel Le Grand, an enlightened French industrialist of the last century who, well before 1919, pioneered the improvement of workers' conditions through the establishment of fair international labour standards.

As this 56th Session of the International Labour Conference opens, I ask you to give your unanimous support to the nomination of Mr. Pierre Waline, French Employers' delegate, as President of this session.

Mr. MORRIS (*Workers' delegate, Canada*)—it gives me great pleasure to support the nomination of Mr. Waline for the Presidency of this 56th Session of the International Labour Conference.

I hardly need to underline the merits of Mr. Waline who is so well-known and respected by all those who have regularly attended the International Labour Conference. I do not think I shall have to be corrected if I say that Mr. Waline is the most senior delegate in this hall for, as has been pointed out by the previous speaker, he has served the ILO as a delegate to the Conference and as a member of the Governing Body since 1922, a span which virtually covers the history of the ILO itself. In that period he has made an outstanding contribution to the work of our Organisation, of which he has been in fact a most loyal servant.

We Workers, although not always seeing eye to eye with Mr. Waline in his capacity as Employers' representative, have come to value him as an opponent, a friend and a man of

integrity. Moreover, we are glad to give our support to a representative from the other non-governmental group, following the election of our late friend Jean Möri to the Presidency of the 53rd Session. As Mr. Waline himself said on that historic occasion, the election of a non-governmental representative to the presidential chair demonstrates the originality of our Organisation, and by electing Mr. Waline we shall prove again our attachment to the essential features of the ILO.

Mr. MORGAN. (*Government delegate, United Kingdom*)—On behalf of the Government of the United Kingdom I wish to support the candidature of Mr. Waline, who was for many years the Employer Vice-Chairman of the Governing Body and the spokesman and Vice-Chairman of the Employers' group in the Conference. My Government supports this candidature on the grounds that it is a personal candidature and an exceptional one.

(*The speaker continues in French.*) It is not only as United Kingdom Government representative that I support the nomination of Pierre Waline. The nomination also has my warm personal support. I have already said that my Government has given the proposal its support as a personal and exceptional case. That is the pure truth. Pierre Waline is an exceptional man. I have known him for twenty-three years at this Conference and also in the Governing Body of the ILO. His qualities of wisdom, courage and humanity and his understanding of labour matters, which is not confined to his own country, are quite exceptional. I have long admired these qualities of Pierre Waline and shall continue to do so.

That is why the support I now give is an honour which makes me extremely happy.

Interpretation from French: Mr. SANDOS (*Workers' delegate, Central African Republic*)—I wish to place on record the position of the Workers' delegates of the World Confederation of Labour group with regard to Mr. Waline's candidature for the Presidency of the 56th Session of the Conference.

Mr. Waline's activity within the International Labour Organisation is well known and is appreciated by all delegates. Mr. Waline was often opposed to our ideas and proposals but he was always a courteous opponent, open to dialogue, accepting the existence of the trade union movement and recognising in the Workers' delegates genuine interlocutors. In addition, Mr. Waline participated to an increasingly important extent in the ILO's activities—to such an extent that he became one of the most outstanding figures within the Organization.

Accordingly, we give our support to Mr. Waline's candidature for the Presidency of the 56th Session of the Conference. However, we wish also to stress the fact that our support is due not only to the personal qualities and merits of Mr. Waline but also, and above all, to the fact that the Conference, by electing a representative of the Employers' group to the Presidency of the Conference two years after electing a representative of the Workers' group, is embarking upon a course which I consider perfectly normal and legitimate and in harmony with the spirit of the composition of the ILO. It is also at the level of the Presidency of the Conference that the tripartite character of the Organisation must be expressed and from this point of view the elections of Mr. Möri in 1969 and of Mr. Waline in 1971 appear to us to constitute welcome precedents. It is in that spirit that our group accepts and supports the candidature of Mr. Waline.

Interpretation from Russian: Mr. GOROCHKINE (*Government delegate, USSR*)—Our Conference is about to begin its work, and it is dealing with one of the most important questions, namely the election of the President of the session, which is a matter of no little importance in ensuring the success of the Conference.

On behalf of the group of socialist countries, the Government delegations of the Byelorussian Soviet Socialist Republic, the People's Republic of Bulgaria, the Hungarian People's Republic, the Mongolian People's Republic, the People's Republic of Poland, the Union of Soviet Socialist Republics, the Ukrainian Soviet Socialist Republic, the Czechoslovak Socialist Republic, I am obliged to state from this rostrum our decisive disagreement with the practice which is now being introduced into this Organisation, namely that of proposing and electing as President a person who is not a representative of the Government group.

The founders of this Organisation were States headed by governments, and it is the governments that have to bear the responsibility for financing and conducting the work of this Organisation. Moreover, as provided for by the Constitution, it is the governments which nominate the non-governmental representatives, in agreement with the most representative employers' and workers' organisations.

For fifty years it has been the practice for the Conference to be presided over by a Government representative, and this is not by accident. This I have already stated previously. We made an exception in 1969 to mark the fiftieth anniversary of the Organisation. At that time, speaking on behalf of the Government group, a Government delegate said that this decision had been taken in the light of the exceptional circumstances, and I would stress the word "exceptional". We supported the candidature of the late Mr. Möri on the occasion of the fiftieth anniversary in view of the fact that this Organisation was established on behalf of the workers and to protect their interests. Therefore we considered it logical for the President of that session marking the fiftieth anniversary of the Organisation to be a representative of the workers. But now there is an attempt to make these exceptional circumstances the rule.

That is why on behalf of the Governments I have already mentioned, I wish to express our strong protest against the nomination and election of an Employers' representative, namely Mr. Waline, as President of the Conference.

We are also concerned about other considerations which are no secret to anybody. On many of the social problems which are under discussion by this Organisation, the Employers' group in its overwhelming majority occupies a conservative position. The equality of rights of all the delegations at the Conference must be respected, but in fact there continues to be discrimination within the Employers' group in regard to granting equal rights to the representatives of socialist undertakings.

Those are, then, the reasons why we are unable to accept the practice which it is now being attempted to legalise, and we are therefore unable to support the election of Mr. Waline as President of this session.

Interpretation from Bulgarian: Mrs. PEEVA (*Employers' delegate, Bulgaria*)—The name of Mr. Pierre Waline has been put forward as President of the 56th Session of the Conference. We know Mr. Waline and we respect him. He is the head of the Employers' delegation of a great country, France. For many years the was also the leader of the Employers' group at the Conference as well as in the Governing Body, and it is on this account that I am obliged, on behalf of the directors of the socialist undertakings, to make some observations with regard to the nomination of Mr. Waline.

In the last twenty-five years enormous changes have taken place in the world. The economies of the socialist countries, headed by the Soviet Union, have been expanding at a very rapid rate. Moreover, a number of developing countries have chosen to follow the methods of development of the socialist countries and every year the role of state organisations is increasing. This trend is supported by statistical data which I do not intend to quote. For many years voices have been heard from this rostrum, from all three of the groups of the Organisation, criticising the present structure of the Organisation, which hinders its progress, and seeking modifications which would bring it into line with the present-day situation.

One of the most important questions, concerning which a decision has not yet been taken, relates to the participation of the Employers' delegates from the socialist countries in the work of the Organisation. In developing economies, the heads of socialist undertaking have a major part to play but, nevertheless, here at the Conference, their representatives are the victims of discrimination. Until 1969 the Employers' group did not even allow us to participate in the work of the Conference Committee without the appeals Board having given a ruling on the problem, and up to the present the Employers' delegates of the socialist countries have not been elected as members of the executive organs of the Conference or of the Governing Body. I think therefore that it is legitimate to ask what Mr. Waline did in this respect and how he helped the Organisation to emerge from this completely abnormal situation.

In my view—and I speak on behalf of the directors of socialist undertakings—Mr. Waline lacked the power and the desire to open the path for the Organisation towards genuine progress. The Conference entrusted him with certain responsibilities but unfortunately he did little to put an end to the inadmissible discrimination which is practised against the heads of socialist undertakings at the General Conference, although he could have taken action in this respect. I think that people should be judged by their actions. Despite our sincere respect for the personal qualities and experience of Mr. Waline, we are unable to support his nomination as President of the 56th Session of the Conference at a time when the heads of the socialist undertakings continue to find themselves discriminated against and in an unequal position as compared with the other Employers' delegates.

Interpretation from German: Mr. TIMMER (*Workers' delegate, Hungary*)—I am not in a position to support the proposal that Mr. Pierre Waline be elected President of the Conference. I have nothing against him personally, but as a matter of principle I do not agree that the highest office in the Conference should be occupied by an Employers' representative. Our Organisation was established to protect the interests of the workers. Accordingly, it would be improper for an employer to occupy the office of President. This is a very important question of principle and of practice. It would be desirable that the delegates when making their decision should have regard to what I have said. For the reasons I have given, I do not support the nomination.

Interprètation from Spanish: Mr. LECHUGA HEVIA (*Government delegate, Cuba*)—I shall be brief I wish to place on record my delegation's view that a member of the Employers' group should not be elected President of the Conference.

As has already been said, the International Labour Organisation was established essentially to defend the interests of the workers and, leaving aside the personality of the candidate, we think it would be harmful for the work of the Conference to have a member of the Employers' group as President. Furthermore, it is a custom, a tradition, as we all know, that the Government group provides the President of the Conference.

An exception was made in 1969 because of the fiftieth anniversary of the Organisation, and, symbolically, a worker was then elected. This year it has been and is being, claimed that a member of the Employers' group can be elected. This would start a system which would certainly lead to rotation in the Presidency between the groups. We

think that that would be harmful to the work of this Organisation. For these reasons we wish to place on record the foregoing opinion of the Government delegation of Cuba.

Interpretation from French: Mr. PACURARU (*Government delegate, Rumania*)—The Rumanian delegation wishes to reaffirm what it has already stated to the Government group of the Conference, namely that the post of President of the Conference would be entrusted to a Government representative, in accordance with standing practice. When similar circumstances arose at the 53rd Session of the Conference, the election of the President from outside the Government group took place on the basis of an arrangement which excluded the creation of any precedent and any change in the established practice.

The Rumanian delegation now has to note that this arrangement is not being followed. It urges that in the future the Conference should scrupulously follow the practice of electing the President solely from among the Government representatives on the basis of respect for the principle of geographical rotation.

The personality of Mr. Pierre Waline is very well known and appreciated by my delegation; nevertheless, the difficulties involved in the representation of the Employers from the socialist countries in the Organisation and in their participation in the work of the Organisation on a basis of equality makes us insist upon full respect for the principles I have outlined, so that my Government is unable to support the candidacy in question.

Mr. ABATE (*Employers' delegate, Ethiopia*)—I take this rostrum to add my support for the election of Mr. Pierre Waline as President of the 56th Session of the International Labour Conference, and to express the hope that this assembly of distinguished representatives of governments, employers and workers will unanimously agree to this election.

During the more than fifty years of its existence the ILO has been served loyally, faithfully and ardently by few men. Of them, there are very few left amongst us today, but Pierre Waline is one. If the ILO has survived as a unique organisation, if it has overcome its numerous difficulties, if it has stood the test of time and emerged into the present era when its services for social justice and peace are echoed throughout the world, it is due to the relentless efforts of men like Pierre Waline, men whose vision of a better world has never been dimmed, men whose life has been and is dedicated to making this a better world, men who have never despaired, men who have laboured long and hard and held fast, men whom the ILO can call, if it can so call any man, its unsung heroes, men to whom the ILO and its Members owe a debt. Pierre Waline is one such man. He has served the ILO as an employer, and as his many colleagues amongst the Government and Workers' representatives will testify, his overriding concern has always been the strengthening of tripartism, for which he has long fought, and, through it, the improvement of the lot of the working man, which he himself was.

In electing Pierre Waline to the supreme post of President, this distinguished gathering will be paying a tribute not only to him and to some like him who have been staunch supporters and active servants of this Organisation but also to the tripartite structure of the ILO, the structure that sets it in a class of is own amongst international organisations.

The tripartite structure of the ILO is unique. Throughout the years of the Organisation's existence it has been the task of individuals like Pierre Waline to transform declarations and principles into everyday realities—realities that reach beyond this magnificent edifice and leave their impact and imprint on social and economic matters in the more than 120 member States.

Pierre Waline is 77 years young; he has been associated with the ILO and its work for over 45 of his 77 years. This is a record that can be paralleled but certainly not surpassed. What more fitting tribute, therefore, can we pay than to bestow upon him this honour of electing him President of the 56th Session of the International Labour Conference? Surely this cannot be too much to ask.

Interpretation from French: Mr. LOUET (*Workers' delegate, France*)—I wished very much to speak after my friend, Joe Morris, who spoke on behalf of the Workers' group, because of the feelings of esteem which I personally have for Mr. Waline, despite his status of an employer. To introduce him would be to insult him. Who of the many generations which have succeeded each other at the Conference have not known him by reputation at least? Who, on meeting him, has not appreciated his warm heart, his human warmth, so easily communicated? Knowing his modesty and his discretion I shall spare him further praise which might sound pompous and even throw doubt on my sincerity of purpose.

Despite, or perhaps because of his disagreements with him, Léon Jouhaux held him in high esteem on account of his loyalty and open-mindedness. Mr. Waline has always shown himself to be deeply human, understanding and ready to discuss. I shall not forget the touching sincerity of his words when, as one of the first speakers, he came to support the election of our late friend, Jean Möri, as President of the fiftieth anniversary session.

It is only right that we should now elect Mr. Waline President of this session of the Conference. In doing so we shall be fulfilling an obligation toward someone who has constantly devoted himself to the cause of the ILO with competence and with faithfulness to its principles, a faithfulness which he has demonstrated in particular by expressing his attachment to tripartism and freedom of association.

I therefore warmly support the election of Mr. Waline.

Mr. ZAIDI (*Workers' delegate, Malaysia*)—I shall be very, very brief indeed. In fact, it is hardly necessary for me to speak because the Chairman of the Workers' Group, Brother Morris, has already spoken and expressed very adequately the views of the Workers' group. But I felt that on this occasion there is a principle rather than a personality involved. One must not take the easy way but must speak out and say what one really believes.

I come from Malaysia, where we adhere very strongly to the tripartite system. That means that the workers, the employers and the Government must have an equal say, equal participation and equal association in all undertakings connected with all three groups. Therefore I find—because we in Malaysia have very many friends from socialist countries—it very regrettable indeed that controversy on this principle has been introduced in this forum.

I am not going to speak about Mr. Waline, whom I have known for nine years, but whom some have known almost all their lives, so that it is not for me to speak. This is not the point. The point is that here the Employers' group has nominated a representative and some doubts have been expressed, not so much as to his ability to hold this high office, but because he comes from the Employers' group and it is on that point only that I should like to register my own views and those of the millions of workers in my country: we strongly support the idea that everything that goes on in the ILO, from the Presidency to the Chairmanship of the Governing Body and the membership of its various committees, must be shared and shared equally among the three groups which comprise it. That is all I wanted to say.

Mr. NZO-EKHAH-NGHAKI (*Government delegate, Cameroon*)—I take this opportunity to use this forum to express our support for the candidature of Mr. Waline for the Presidency of the Conference. The life of Mr. Waline, which has been so ably presented to us, speaks for itself and assures us all of his capability. The long list of attainments and achievements which has been read out to us, and which is not even exhaustive, is positive proof that the intellectual qualities, the integrity and the sense of responsibility of the man on whom we want to confer the Presidency of this Conference are beyond question.

As the representative of a Government, I subscribe to the view that as a matter of principle the Presidency of our Conference ought to be assumed, as has been the tradition, by delegates representing member States. But the exception in favour of Mr. Waline as a person and Mr. Waline as a representative of the Employers' group, would appear to me to have the same validity as the first exception we made to the principle in this tripartite Organisation.

If I asked to be included among the supporters, therefore, it was to stress an important aspect of the qualities which Mr. Waline has—I mean Mr. Waline the man, the sociable, friendly, humane and understanding Mr. Waline. The permanent contacts and cordial relationship which Mr. Waline has always maintained with us from Africa and with most of you at this Conference, demonstrate a quality in him which is a prime necessity for the President of a conference such as this and, particularly, at a time such as this.

But above all, we support Mr. Waline as candidate of the Employers' group. By our support, a large majority of us from the developing countries wish to express our appreciation to the Employers' group as a whole for their constructive attitude towards the problems of our developing countries. Here in the ILO, as back home in our respective countries, the role and attitude of employers in determining, fixing and improving the conditions of life and work for our peoples, has in most cases been constructive and helpful. We welcome this occasion, therefore, to express our gratitude, by supporting Mr. Waline, for this positive attitude of employers' groups and employers' associations towards the particular problems of our developing economies. We would also like it to be a reminder to them of our hopes and expectations for the future, particularly in an Africa in which the problems of industrial relations and the conditions of life and work are beginning to take precedence over political preoccupations.

Interpretation from Spanish: Mr. VINTIMILLA (*Minister of Social Welfare and Labour, Ecuador*)—With regard to the candidature of Mr. Pierre Waline as President of the Conference, the majority of the Government delegations of the Latin American countries are unanimous in maintaining their traditional view that the Presidency of the Conference should be filed only by Government delegates in rotation by regions. The fact that, exceptionally, a worker was elected President two years ago should in no way shake this principle or the traditions of the Organisation. The right of Latin America to have the Presidency at the appropriate time according to the geographical rotation system—namely, in 1972—cannot and must not be affected.

Interpretation from Spanish: Mr. LACASA (*Employers' delegate, Spain*)—As a newcomer to the Organization, I wish first of all to pay tribute to a great veteran. Speaking on behalf of the various groups, many delegates have already referred to the merits of Mr. Pierre Waline. I believe that organisations are nothing without the persons who run them and give them life. Regulations and principles of social justice as a basis for world peace could not be enforced unless, year after year, the people who come

to the Conference devote their efforts and personal convictions to noble universal causes.

We have heard two points of view concerning principles and persons. We have heard of governments and tripartism in connection with rotation. We believe that there should also be a rotation between the ages, between the young and between the old. I should like to put myself between the two although time is passing.

I believe that Mr. Pierre Waline will serve tripartism because despite his age he has an admirable youthfulness of mind. He has been coming here for very many years and moreover represents a country which has a long tradition of service in the cause of peace through social justice. This is why my country, Spain, is convinced—and not merely for reasons of European principles, nor for considerations of geography or of friendship—that Mr. Pierre Waline, as President of this 56th Session of the International Labour Conference, will render further service to universal peace, social justice and the cause, not of governments, workers or employers, but of all mankind.

Interpretation from Spanish: Mr. YLLANES RAMOS (*Employers' delegate, Mexico*)—I have asked for the floor in order to support the nomination of Mr. Waline and because of certain objections which have been put forward.

I should like to analyze those objections quite calmly. First, mention has been made of Mr. Waline's personal qualities, because when thinking of the President of the Conference we have also to consider the qualities of the man. Nearly all of the speakers have praised Mr. Waline, except for some who, availing themselves of their right to express opinions, have objected because of his attitude towards certain delegates. The fact is that Mr. Waline, although criticized, is put forward as an individual with his own personality, ideas and character.

We do not all agree. Indeed it is a good thing that we should not, because an organisation in which all agree on everything would be a poor thing. Truth is reached through dialogue, as the Director-General maintains in his Report.

Another argument that has been much discussed is one of the principle, and I should like to bring this matter down to earth. Is there any constitutional impediment to the election of a non-Government delegate to the Chair? We have heard of the election of Mr. Jean Möri of the Workers' group. At that time there was no constitutional impediment either, but there was a long tradition whereby the President of the Conference was sought among the Government ranks, which I think is a good general rule. It is good that Presidents should only in exceptional circumstances come from the Employers' or Workers' groups since in this Organisation, where we are on an equal footing and where the employers' and workers' delegates represent their countries equally, it is only right that we should give consideration to the member States and that, as a rule, a Government representative should be considered for this post.

However in exceptional cases—and I am sure that from all you have heard there can be no disagreement that this is indeed an exceptional case—we may well consider the candidature of an Employers' delegate, just as we did that of Jean Möri.

After attending the Conference for so many years, I do not expect there will be another Worker President or another Employer President—although nothing is impossible. Government delegates will continue to be elected and years may pass before such an exceptional situation recurs. There is no need for any apprehension. Pierre Waline will be an excellent President, as he showed when he was Vice-President. He is a well-balanced man who will ensure impartiality in discussions and compliance with the Constitution and the Standing Orders. He is therefore an honest candidate and we hope you will decide freely to support him.

We came here to discuss and express our opinion; ours is that Pierre Waline is a good candidate.

Mr. KOKU (*Chairman of the Governing Body of the International Labour Office*)—The name of Mr. Pierre Waline, Employers' delegate of France, has been proposed and seconded for election to the Presidency of this session. As there are no other nominations—and due note will be taken of the objections and observations expressed, all of which will be recorded—may I take it that Mr. Waline is elected President of the 56th Session of the Conference? I declare Mr. Waline elected President of the 56th Session of the International Labour Conference, and I invite him to take the Chair.

(*Mr. Waline, Employers' delegate, France, is elected President and takes the Chair.*)

PRESIDENTIAL ADDRESS

Interpretation from French: The PRESIDENT—You have given me very great satisfaction, for your decision far exceeds the scope of my own person and recognises the role and responsibility incumbent on the authentic representatives of employers at this Conference and in the ILO as a whole.

I thank all of you for the signal honour and I must express particular gratitude to my colleagues in the Employers' group who put my name forward for election—particularly their spokesman, my dear friend, Gullmar Bergenstrom—and also my friends Abate, Lacasa and Fernando Yllanes Ramos, I also thank my friends in the Workers' group who gave their support to the proposal—Chairman Morris and Messrs. Sandos and Zaidi, and my dear compatriot, Roger Louet. I wish to express my gratitude to the Government representatives who, as they did in 1969, gracefully accepted this derogation from their customary system of rotation.

I would particularly like to thank the Minister of Labour and Social Welfare of Cameroon, Mr. Nzo-Ekhah-Nghaki, and I would add that I was pleasantly surprised and very much touched by the fact that Mr. Morgan should have been kind enough to associate fraternally in his speech my mother tongue and his own.

I have listened with close attention to the speeches of Mr. Gorochkine, Mrs. Peeva, Mr. Timmer, Mr. Lechuga and Mr. Pacuraru. As I understand them, their reservations relate not to my person, but to the role which I have played as Chairman of the Employers' group. In the discharge of my functions as President of the Conference, I shall seeek not to disappoint anyone and, above all, not to give anyone the feeling that he is not being treated on a footing of complete equality during the Conference.

The pride and joy which you have caused me are, however, tinged with sadness. A few minutes ago I saw in my mind's eye Jean Mori moving up to the rostrum, as he would have done, I am sure, to speak words of encouragement as friendly as those with which, two years ago, I supported his own nomination. I still find it strange not to see among you that kind of honourable man who for eight years was the universally respected Chairman of the Workers' Group.

Like the Director-General, my friend Wilfred Jenks, I am one of those whose memories go furthest back—indeed, they embrace almost the whole history of the Organisation. Thus for me Jean Möri stands on a level with other great figures of the past and, just as he mentioned his predecessors who would certainly have been worthy of this presidential chair, I may be permitted to attribute much of the honour you have done me to those who stood at the head of the Employers' group before it was my turn. Jules Carlier, Hans-Christian Oersted, and Sir John Forbes Watson, each in his time and in his manner, brought to our common task a contribution to which I can bear witness and which was welcomed by the outstanding men by whom the ILO has always had the good fortune to be led. Since I refer to the former directors of the Office, I cannot but recall the essential role played by the man who was the true founder and moving spirit of the ILO, my compatriot Albert Thomas, for whom after so many years I still feel sincere admiration.

When I compare the Conferences of recent years with those at which I had the example of such masters before my eyes, I am struck by the fact that, while remaining itself, this great annual assembly of increasingly numerous tripartite delegations has found the way to adjust its machinery to new tasks. This year's agenda provides an example, whether one judges by the nature of the items it includes or by the methods chosen to handle them. The distinguished Chairman of the Governing Body, Mr. Koku, has given an excellent review of the contents of the agenda, so I shall only make a few observations about it.

Protection against hazards arising from benzene is a further link in that chain of international acts which goes back to the Conferences held long before 1919, at Berne, in this same country which still provides us each year with the setting for our efforts to protect the health and indeed the lives of the workers. Having been examined by a committee of experts and being found to be urgent, this question has seemed appropriate for treatment here in a single discussion.

We have no new instruments on conditions of work to draft or to adopt, but then our 134 Conventions and 142 Recommendations already cover almost the whole field of labour law. In addition, you will have two opportunities to review the results or the imperfections of past achievements—as you examine the reports of governments on the application of Conventions and Recommendations and in the discussion of the Director-General's own Report, which, though in my opinion it is not sufficiently used as a handle for real debate, gives each of us a chance to put questions and to reply to those of others.

Furthermore, the chapter of the International Labour Code dealing with labour-management relations and written mainly since the Second World War will be enriched by the instrument now proposed on the protection of workers' representatives in the undertaking which you are to finalise after the first discussion a year ago.

But it is another item on the agenda which will, I believe, indicate the real effectiveness of our Organisation when faced with problems a great deal more complex than most of those relating to protection of the workers by law, which were the main object of our work for so many years—I mean the general discussion on the World Employment Programme, which has been rightly said to involve concerted action by the ILO with the other international organisations and with member States.

That debate will certainly throw light on two increasingly striking features of the world today: on the one hand, the awareness of some nations of the delay in their economic development, due to natural or historical causes, and felt in any case to be unjust. For twenty years, in response to the generous call first made to us by David Morse, we have sought to apply remedies or palliatives by expanding our operational programmes. But we know very well that there will be no true solution of the problem without international solidarity on a scale very much exceeding that of our own means. This is the reason why we must proclaim the need for such solidarity, while persevering in our own specific tasks.

On the other hand, technical progress, which is increasingly rapid and brings evident advantages to all mankind, may turn out to be a threat to job security and to satis-

factory management. Hence the need for more or less constant co-operation between governments, heads of undertakings and workers' representatives in each country and at the international level, so as to prevent or attenuate the depressions and sufferings which may prove to be the price of progress.

These two characteristics of our age bring us at this time face to face with the responsibilities of which His Holiness Pope Paul VI reminded us two years ago when he told the Conference: "It is man that you must protect . . . man, swept along by the irresistible current of his inventions and, as it were, stunned by the growing contrast between the prodigious increase of the goods at his disposal and their distribution, which may easily be unjust, between men and between peoples."

To play our part in such a campaign for the defense of human beings we, compared with other organisations, have the advantage of our tripartite Constitution which was conceived by transcendent intellects like that of Edward Phelan and which has, I think we can say been justified by half a century of experience. This year again one of the items on our agenda gives you an opportunity to reflect on the structure of this Organisation with the object of making it still more effective. I will not presume to prejudge your conclusions, but would merely offer you in closing a few reflections which sum up a modest philosophy of my long participation in the work of the ILO.

Institutions are, I believe, largely what men make of them. At international meetings, even more than elsewhere, we should all seek to understand better the position and the arguments of the other party or parties and to explain our own to them as frankly as we can. In the present century how can one fail to recognise that, above national, sectional or private selfishness, we are becoming more and more interdependent, one with another? For me in any case the ILO will have been a school of constant education where I have had the good fortune to understand more fully my colleagues from other countries, and perhaps my own compatriots too, and where I have felt that solidarity including us all is not only a duty but a source of mutual advantage. The hope I formulate as our work begins is that it may proceed in the light of that dual conception.

(*The Conference adjourned at 11:45 a.m.*)

EXHIBIT 2

[From the AFL–CIO News, June 12, 1971]

ILO AFFIRMS TRIPARTITE PRINCIPLE IN ELECTING EMPLOYER PRESIDENT

GENEVA—The 56th conference of the International Labor Organization elected as its president Pierre Waline, a French employer, with the warm endorsement of the worker delegates.

Brushing aside the "strong protest" registered by Ivan V. Goroshkin, a Soviet deputy labor minister, the conference proclaimed Waline president without a formal vote at the opening of the three-week session.

Goroshkin had rushed to the rostrum in Geneva's Palace of Nations to object in the name of eight Communist countries to the selection of a non-government delegate to fill the presidency. The Soviet representative made clear that in objecting to Waline's election he was registering Moscow's disapproval of the autonomy enjoyed by the worker and employer delegates. This autonomy had resulted in "discrimination" against the Communist representatives, he complained.

Commenting later on the election, U.S. Worker Delegate Rudolph Faupl said he warmly endorsed the conference's choice of the French employer because "it rightly honors a man who has devoted nearly 50 years of service to the fundamental principles and ideals of the ILO."

"But I also welcome it," the leader of the AFL–CIO delegation continued, "because in electing a non-governmental delegate over the vehement Communist objections, the conference reinforced the ILO's tripartism by confirming that the presidency is not the monopoly of any one group."

The Communist delegations received a blunt warning at the conference's start to refrain from wasting its time by indulging in vain propaganda speeches.

"The ILO is not a political assembly," S. O. Koku, Nigerian labor ministry official, recalled when opening the session as chairman of the ILO Governing Body.

Calling for the shunning of all "sterile political debates and controversy," the Nigerian official said that the ILO objectives of "better conditions of work and life for the toiling masses of the world" could not be advanced by such tactics.

Earlier, the Governing Body had approved a plan to expand its own membership without altering the basic structure that insures independent representation to trade unions and employers as well as governments.

The executive body's 35 to 8 vote, with 5 abstentions or absentees, in favor of submitting the plan to the conference was a defeat for the Soviet Union.

Moscow was spearheading a drive to change the ILO rules that reserves 10 of the 28 government seats on the Government Body for the most industrialized of the agency's member nations. The Soviet Union hoped to win support for its so-far unsuccessful campaign to reshape the ILO to its liking by getting more of its allies elected by the conference to the Governing Body.

Joseph Morris of the Canadian Labor Congress, leader of the worker members of the executive forum, angrily denounced the Soviet campaign.

Throughout the Communist speeches calling for changes in the ILO structure "runs the threat of reductions in the right of the groups to make decisions within the framework of their responsibilities to meet the need and aspirations of working people," Morris charged.

Under the plan being forwarded to the 1973 conference, the Governing Body's membership would be increased to 56 by adding four government seats and giving two additional seats to both workers and employers, thereby increasing the totals of these two groups to 14 each.

At the request of the workers' group, the Governing Body placed on the agenda of the conference the questions of the prevention of occupational cancer and of paid educational leaves for workers.

Faupl, Machinists' international representative, headed a seven-man AFL–CIO team to the conference. Serving as advisers to the U.S. worker delegate are S. Frank Raftery, president of the Painters; Thomas E. Murphy, president of the Bricklayers; Charles West, vice president of the Machinists; Miles Stanley, president of the West Virginia AFL–CIO; Edward Hickey, labor attorney; and Bert Seidman, director of the AFL–CIO Dept. of Social Security.

[From the International Operating Engineer, June 1971]

GLOBAL CONGRESS MAPS WAR AGAINST JOB ACCIDENTS

General President Hunter P. Wharton participated in a global review of accident prevention and industrial safety last month at the triennial session of the World Congress on the Prevention of Occupational Risks. The week-long sessions were held in Vienna, Austria, May 10–15.

The chief movers in the safety congress were the International Labor Organization and the International Social Security Association.

Heading the American representation and appearing as a speaker during the congress was Assistant Secretary of Labor George Guenther.

The congress was attended by more than 3,000 delegates from 58 countries. All shades of ideological opinion were represented ranging from the far left of Communism to some of the most rigid of the right-wing oriented nations. The prime concern of all countries regardless of their political persuasions, was that of improving safety in the work places and preventing accidents.

One of the most comprehensive presentations made to the congress was that of Dr. Luigi Parmeggiani of the International Labor Organization. He spoke on "Recent Developments and Future Prospects in the Prevention of Occupational Accidents and Diseases." His paper, a highly comprehensive one with a number of charts on deaths and accidents was made available in booklet form to the delegates.

A highlight of the conference was the presentation of a series of reports bearing on various phases of accident prevention:

"Accident Prevention in Industry"—Henry G. Lamb, U.S.A.;

"Prevention of Transport Accidents with Relation to Ports and Harbors"—J. P. Chapon, France;

"Accident Prevention in Agriculture"—N. N. Savitsky, U.S.S.R.;

"Accident Prevention in Forestry"—Rudolf Meyr, Austria, and "Promotion of Work Safety"—Anders Warnfeldt, Sweden.

Considerable emphasis was given to accident prevention in forestry and agriculture. Field trips outside Vienna were arranged for the delegates wishing to explore these subjects in work situations.

One of the principal reports made was given by Dr. O. Messer, Director of Economic and Social Affairs of the Council of Europe. He spoke for the Council and outlined the recent and current work of the European organization.

Among the specific areas of action and progress reported on by Dr. Messer were:

Safety principles governing safe loads, brakes, ropes, lifting drums, cabs access to electrical equipment in various types of cranes and motor vehicle hoists;

Safety instructions for rigidly guided lifts on temporary building sites;

Measures designed to prevent falls in construction work;

Safety in the use of tannery machinery;

Safety in construction and use of basket centrifugal separators;

Chemical safety;

Value of "Yellow Book" guidance in dangerous substances use;

Recommendations in use of power presses, sawing and plastics work;

Studies of asbestos and mineral dust and codes of respirators.

GUENTHER SPEAKS

Speaking for the U.S., Mr. Guenther outlined the new Occupational Safety and Health Act and explained its basic purposes and told how these would be achieved through administration and enforcement.

Speakers from a number of the delegate countries spoke on aspects of accident prevention of particular concern to their workers. Reports and pamphlets were made available in various languages to the delegates.

Exhibits of various types of safety gear and equipment proved educational to the congress visitors.

The American Embassy and its personnel took an active interest in the congress and sought through its good offices to enable the visiting delegates to make the most effective use of their time in behalf of the congress' aims while in Vienna.

The next congress will be held in Dublin, Ireland.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order, the distinguished Senator from Iowa (Mr. HUGHES) is now recognized for 15 minutes.

Mr. MANSFIELD. Mr. President, because of unusual circumstances, will the Senator from Iowa yield to me for not to exceed a minute and a half, with the time not to be taken out of his time?

Mr. HUGHES. I am happy to yield to the Senator from Montana.

REFERRAL OF TITLES 7 AND 8 OF H.R. 7736 TO COMMITTEE ON GOVERNMENT OPERATIONS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that on H.R. 7736, an act to amend the Public Health Service Act, extending for 1 year student loan scholarships, the provisions of titles 7 and 8 of such act be referred to the Committee on Government Operations.

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

Mr. JAVITS. Mr. President——

Mr. MANSFIELD. Let me finish first, please—so that the Chair will not put the question right now—and at the conclusion of the hearings on that committee, that it be referred to the Hughes subcommittee of the Committee on Labor and Public Welfare, for a period of 30 days.

Mr. JAVITS. Mr. President, reserving the right to object, I am the ranking member of this committee and I really know nothing about this.

In the first place, referral to a subcommittee is quite improper. It has got to be referred to the full Committee on Labor and Public Welfare.

Mr. MANSFIELD. I do not want to take up the time of the Senator from Iowa further. I will have further conversations with the Senator.

Mr. JAVITS. I will let it go through——

Mr. MANSFIELD. I will talk to the Senator from Iowa about it.

Mr. MANSFIELD subsequently said: Mr. President, earlier today I presented a unanimous consent request which caused some questions. I am delighted that the questions were raised at that time, because the bill I had reference to happened to be the wrong bill in question.

Now, I understand that the bill in question, S. 2097, has been introduced by the distinguished Senator from Illinois (Mr. PERCY) and perhaps others, and perhaps has been referred to the Committee on Government Operations, where it should go, under the jurisdictional authority of the Senate.

After talking with interested Senators on this matter, and with their approval, to the best of my knowledge, I ask unanimous consent that when the Committee on Government Operations has completed action on S. 2097, it be referred to the Committee on Labor and Public Welfare, with the proviso that it will be reported out not later than 30 days hence.

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

PRESIDENT NIXON'S NEW EMERGENCY DRUG PROGRAM

Mr. HUGHES. Mr. President, on Thursday of last week, President Nixon announced his new crash drug-control program, wisely recognizing the national crisis to which a number of us in the Congress have been calling attention for the past 2 years.

As I said at the time, the President is to be commended for his official designation of the drug abuse epidemic as having "assumed the dimension of a national emergency." He is to be commended for dealing with both civilian and military drug abuse, rather than just concentrating on the armed services where the flashpoint of concern centers at this time.

He is to be especially commended that the new program gives more attention to "the reclamation of the drug user himself" than previous administration proposals, which generally concentrated on trying to cut off the supply of dangerous, illicit drugs, and gave only secondary attention to trying to control the demand for them. The new program includes a number of features which the Labor and Public Welfare Committee and its drug abuse subcommittee has stressed in proposed legislation over the past 2 years and which the administration has previously opposed. Much of this was contained in S. 3562, which I introduced with the Senator from New York (Mr. JAVITS) as cosponsor in March 1970, and which twice passed the Senate.

The President is to be commended, also, for placing a man of excellent credentials, Dr. Jerome Jaffe, to head what he calls the interim Special Action Office on Drug Abuse Prevention.

I will fully support efforts to bring the attention of Congress to bear on the President's proposals immediately and to enact the necessary legislation.

In the meantime, I believe there are some important questions that need to be raised about the new program relating to possible omissions and areas that may require strengthening. Considering the urgency of the matter at hand, I believe these points should be made at once so that the new program can be implemented effectively and without delay.

My first question is: What does the President's new program propose to do about alcoholism—in both the armed services and our civilian society?

The blunt fact is that alcohol is the most widely abused dangerous drug in our society. Alcohol abuse causes many times more deaths, human misery and economic loss than overuse of any other dangerous drug. Our staff investigation of drug use in the armed services indicates that there is at least as much alcoholism in the armed services as in civilian life—and very likely a lot more. It is a chemical addiction, the same as heroin addiction.

What if the serviceman's killing addiction is to alcohol rather than to heroin or cocaine? The new program is unclear as to whether or not the alcoholic will receive the same treatment, rehabilitation and amnesty as the drug addict. Apart from considerations of humanity and equity, testimony in recent hearings of our subcommittee on drug abuse in the armed services indicate that alcoholism is a much more dangerous threat to our national security than has been generally noted.

I am also concerned about what the new program will do to control alcohol abuse and dependence in our civilian society. As you know, the most comprehensive and far-reaching national alcoholism bill in our history was enacted by the Congress with virtually no opposition and signed into law by the President on last New Year's Eve.

This new law was widely hailed by medical groups, professional associations, and civic organizations throughout America as bringing new hope in a problem area, termed by the Government's No. 1 physician "our No. 1 national health problem."

But soon thereafter the lights went out as it became apparent that the administration had no intentions of seeing the major provisions of the new law either funded or implemented. In the face of administration opposition, requests for supplemental appropriations to get the major provisions of the new law in operation on even a token basis were rejected.

So this is why it is necessary to ask the question now—what are the administration's intentions with regard to controlling alcohol abuse in both civilian and military sectors? A national drug abuse control program that does not control alcoholism would be like a chronic disease program that left our heart disease.

There is indeed a need for overall planning and coordination of national drug abuse control, emanating from the White House. It should be noted that Dr. Jaffe's authority, as outlined, will relate to matters of treatment, rehabilitation, and education. But overall authority, well qualified and visible, should cover law enforcement—the Department of Justice—the military—the Department of Defense—and the Civil Service Commission as well as the departments the President has suggested.

Without this overall direction, we do not have, in point of fact, a coordinated, comprehensive national drug control effort.

It should be pointed out that the President has proposed a temporary solution to what, I am convinced, is a long-range problem. The drug abuse problem cannot be solved by a temporary approach to be conducted in the short span of 3 or even 5 years.

As the President recognized, and as my subcommittee has demonstrated during the past year, there is a major problem relating to men in uniform who are presently addicted with time yet to serve and with the estimated 50,000 addicts among our present veteran population. Title V of S. 3562 had set out a comprehensive program to alleviate this problem, part of which was enacted by the Senate through the amendment that I offered to the Military Selective Service Act, along with the cosponsorship of the Senator from New York (Mr. JAVITS), on June 9, 1971. I will strongly support all efforts to strengthen

the provisions already passed by the Senate.

The President's message unfortunately failed to recognize the tremendous need for further research with respect to drug abuse and drug dependence in this country. Present knowledge simply does not permit us to solve this problem in the short span of 3 years that the President contemplates. It must be a continuing effort. I will therefore push for expanded research efforts in this field.

I would like to quote a few excerpts from a statement recently made by Dr. Herbert A. Raskin, of Southfield, Mich., chairman of the American Medical Association's Committee on Alcoholism and Drug Dependence, in expressing general support for the President's new "national offensive" against drug addiction.

Dr. Raskin points out that "already enacted pieces of legislation set up the potential for making great strides toward meeting with the community problem."

Dr. Raskin states:

What is essential at this point is for both the Administration and Congress to adequately fund all of these efforts so that significant action can begin.

We agree very strongly with everything the President said, but we should also recognize that what he is saying is nothing new, that we are all very well aware of the significance of the problem, and that we know in great part what action is required.

To date, however, inadequate funding has prevented not only the Federal government but State and local governments from implementing adequate facilities and services. If these programs were adequately funded, we would have a running start in meeting these problems.

Dr. Raskin also said the President forgot to add a fifth front in his war on drugs—the need for increased research.

He said:

We need not only research into problems of drug abuse and dependence itself but continuing research into mental illness and social pathology. We must examine the interrelation between these factors and drug abuse and dependence.

Dr. Raskin also warned that alcoholism remains one of the primary drug abuse and drug dependent problems.

He said:

Let's not forget that alcoholism is a drug problem.

In his message about his new drug program, the President implied that the drug control efforts of the administration would be further along if Congress had not dragged its feet. This is a misconception that needs to be corrected.

If the treatment-oriented features of the President's new program are right—as I believe they are—then it should be noted that it was the Congress, and particularly the Senate and its Labor and Public Welfare Committee, that were working in this direction in the past 2 years against the opposition of the administration whose view was overwhelmingly dominated by the Justice Department viewpoint.

The President is able to move to add $105 million to the present drug treatment and rehabilitation appropriations and to add $50 million to our law enforcement efforts, because the Congress has already authorized those amounts—and more—to be spent on the drug program.

A limited review of the Senate's record in the drug and alcohol areas will illustrate in more detail what I mean:

In May 1969, the Senate responded to the growing drug problem by creating the Senate Subcommittee on Alcoholism and Narcotics, which I have had the privilege to chair. That committee has been actively studying and recommending legislation in the drug and alcohol abuse and dependence areas for over 2 years.

On March 24, 1970, the administration testified before our subcommittee in opposition to S. 3562, legislation which I introduced on a bipartisan basis, with support from a number of my colleagues, which would have pulled together existing authorities in the drug prevention, treatment, and rehabilitation areas into one coordinated effort administered by a National Institute on Drug Abuse and Drug Dependence. When the Comprehensive Drug Abuse Prevention and Control Act came up on the Senate floor, the substance of S. 3562 was added as an amendment to that act. The amendment was sponsored by the entire Labor and Public Welfare Committee, acting bipartisanly. The administration opposed the amendment. It passed in spite of that opposition.

Lacking administration support, however, it was lost in conference. After the conference, the Senate, determined to show its commitment to the concepts contained in the legislation, again passed the amendment, this time in the form of a separate bill, by a rollcall vote of 86 to 0.

During that same period last year, the administration opposed an amendment proposed by the Senator from Missouri (Mr. EAGLETON), which would have attempted to place more stringent controls on amphetamines—the stimulant drugs which are used to make "speed." Over half of these pills presently go into nonmedical channels. They have only a minimal medical use. That amendment also passed the Senate. Without administration support, it too was substantially lost in conference.

On August 27, 1970, the administration testified in our subcommittee against the Drug Abuse Education Act of 1970. That legislation, which was passed in spite of administration opposition—and, I should add, funded over administration objection—authorized $58 million in school and community drug abuse education programs and projects during fiscal 1970–72.

Nor did the administration support Senate amendments to the Economic Opportunity Act which provided authority for the development of community drug and alcoholism programs. The amendments authorized $20 million for drug programs and $25 million for alcoholism programs for fiscal 1970 and 1971. The authorizing legislation was fully funded over administration objection.

Similarly, the administration could never bring itself to support the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act which was passed unanimously by the Senate, with no significant opposition by the House, and was signed into law on December 31 of last year. The bill was signed apparently only with great reluctance, and although it authorized $70 million for fiscal 1971, and $100 million for fiscal 1972, the administration has refused to request funds for the act's implementation for either year.

On April 20, 1971, the Subcommittee on Alcoholism and Narcotics, after a year-long investigation of the problem of drugs in the military, issued a series of recommendations for action. No satisfactory response to the recommendations has ever been received by us from the Department of Defense. Consequently on June 9, the Senate, by a vote of 76 to 0, passed a far-reaching amendment to the draft bill which would obligate the armed services to locate drug and alcohol dependent individuals, to encourage them to seek treatment and rehabilitation services, and to provide such services to them. This was only a first step in this area, but it constitutes a far broader proposal than the administration has at least thus far announced.

On June 9 the Senate also passed an additional amendment to the draft bill which, in effect, was a mandate to the President to act to stem the international flow of heroin and other narcotic drugs—it required the President to report to the Congress every 90 days the steps which our Government is taking in this area.

There are other actions which I could refer to, Mr. President, but I believe my point is clear; the Congress has been far ahead of the executive branch in this critical area.

Mr. President, I yield the floor.

Mr. JAVITS. Mr. President, I want to tell the Senator from Iowa that, as the ranking minority member of the subcommittee, I think he has put his finger on something of the most critical importance.

Mr. President, I like the idea of consolidation, too. However, consolidation has to be helpful and meaningful in order to be useful. This is not a matter of first impression. The committee knows a great deal about it. The President appointed a commission, on which the Senator from Iowa and I served, to deal with the whole drug program.

We have a habit in this country of continuing to do something that we were doing yesterday and thinking that we are doing something different. I have this impression now.

Mr. President, the President of the United States is my President and I am all for him. He is doing good things in this matter. I think, however, that we ought to keep the record clear. I think that the committee should not be shunted aside, because we have a good idea, also.

Mr. President, I agree with the Senator from Iowa. I hope very much that we will do this fully and equally—pari passu, as we lawyers say. This matter is too important a new effort to leave it to a new agency and forget about everything that has been done.

Mr. HUGHES. I wish to thank the dis-

tinguished Senator from New York for his statement and also for his ongoing contributions and cooperation. There has been a continuous bipartisan effort on behalf of the entire committee in 2 years of solid work, the structure of which I have basically set out this morning in my statement.

I thank the Senator for his continuous support.

PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the consideration of routine morning business, with statements therein limited to 3 minutes.

VIETNAM—A THREE-PHASE WITHDRAWAL AND POW RELEASE TO BE PROPOSED

Mr. MANSFIELD. Mr. President, the Attorney General has posed a legal challenge to the publication of the documents on Vietnam. In so doing, he has raised the most fundamental of constitutional questions having to do with the first amendment. I have my own views as to the validity of that challenge. However, in keeping with a long-standing practice, I will refrain from expressing them while the matter is in the courts. In any event, the challenge to the press does not arise from the Government as a whole, and it certainly does not arise from the Senate at this time. The dispute is between the executive branch and the public's chief medium of uncontrolled information about that branch which is the press.

Whatever the outcome, the authenticity of the documents already published is not in question. These documents are sufficient in themselves to raise the gravest concern about the manner in which the foreign and military policies of this Government are made and carried out. The published documents confirm to us what has been suspected for some time. It is that this Nation has been bound to a course in Vietnam and elsewhere by one branch of the Government—the executive branch—with virtually no participation of the Congress. The Congress has been asked to stand behind the President's judgments in security situations; and, virtually to the last Member, we have done so. We have been asked to provide the funds and the authority to raise the military manpower for this enterprise in Southeast Asia. At the outset, we did so and, on the whole, we still are doing so.

The documents also tell us that politics have had little or nothing at all to do with the evolution of the Vietnamese involvement. The elements of the gathering tragedy were added piece by piece through administrations of both parties and the continuity has been provided by the permanent bureaucracy of the executive branch. In short, we have arrived at where we are in Vietnam not by party-processes but by governmental processes. We have arrived at this point by the flaws which are in-built in the federal system as it now operates in matters of foreign and defense policy.

The documents show with unmistakable clarity that party politics had nothing to do with the descent into the morass of Vietnam. Party politics has nothing to do with it, now, as we struggle for footholds on the slippery banks of withdrawal from this tragic experience.

That is why I find it most regrettable that the sniffing for political profit has been apparent over the weekend. The injection of party considerations at this point can only serve to multiply the errors of the past and compound the tragedy. I do not believe that the people of this Nation will thank those who in the name of the political game add to the travails of extrication.

It would be my hope, therefore, that at least within the Senate, we will restrain any impulses of this kind. On the whole we have avoided them through the years. It may help to avoid them now, before the political blood boils, if we ask ourselves:

Who was so clairvoyant as to oppose the involvement in Vietnam at the outset? Who was prepared to speak out against it 15 years ago? Ten years ago? Five? What member of this Senate, on either side of the aisle? Which Member of the House in all those years? What President of the United States? The current Chief Executive? The former President? Any former President? The Secretary of State? The Secretary of Defense? Former Secretaries of State or Defense? Republicans? Democrats? Who, Mr. President, who?

I do not believe that the people of the Nation will be impressed by a search through these documents for political scrapegoats. Nor will they, do I believe, forgive a political sideshow which will detract from the effort to end the war in Vietnam.

That is the ball—to end the war—and I fear for the Nation if we do not keep our eye on it.

Documents aside and politics aside that is the first concern of the Senate. We need to try to do what we can to speed up the process of withdrawal which has dragged on for more than 2 years with thousands more casualties accumulating during that time. A week ago, it was suggested that the executive branch take an initiative in an appropriate negotiating forum and seek an immediate cease-fire on the basis of:

First, providing for a series of phased and rapid U.S. withdrawals in return for a series of phased releases of prisoners of war; and

Second, a coupling of the final release of all U.S. prisoners with the final withdrawal of all U.S. forces by a specific date in the near future.

It is my intention, Mr. President, to offer soon a spell-out of this proposal which will permit a registration of Senate sentiment on this approach. At that time, I will suggest a three-phase withdrawal, and a three-phase release of prisoners of war, at intervals of 60 days per phase, beginning with the proclamation of a cease-fire. If something of the sort could be achieved, a prompt end to further casualties and continued enlargement of the list of prisoners of war might reasonably be expected. At the same time, it might be possible to complete the total withdrawal and the complete release of prisoners in 9 months.

I do not know whether this approach will prove any more effective than others which have been put forward by Members of the Senate. I do know that the publication of the documents underscores the responsibility of the Senate and the Congress to seek ways and means to go beyond winding down the war. The truth of the matter is that we have long since been at the end of the spring.

PUBLICATION OF DOCUMENTS ON VIETNAM

Mr. ALLEN. Mr. President, as long as this country has friends like the New York Times and Washington Post, it does not need any enemies.

While I do not in any way approve or condone the actions of the Johnson administration that have been revealed by these disclosures, I believe these newspapers have done our country a disservice in revealing the contents of these stolen classified documents.

Since those involved are now out of Government, what good has been accomplished?

This action has handed our Communist enemies a readymade propaganda weapon, and they are using it; it widens the credibility gap existing between the people and their Government; it helps undermine public confidence in all government; and it hampers our efforts in peace negotiations.

These disclosures should have been left to the objective historian years hence in writing the history of the Indochina war.

Mr. President, the Nashville Banner published an editorial entitled "Top Secret Documents Not 'News Fit To Print,'" on June 18, 1971, which touches on this most important subject.

The editorial states in part:

> By the New York Times' interpretation, "All the news that's fit to print"—its proud slogan—apparently embraces classified documents, whose fitness for publication the Times presumes to determine for itself, in total contravention of any law or rule prevailing on that.

The editorial concludes by stating:

> It is significant, surely, that of "press" opinion hearing on the incident, and extolling it, none quoted in the roundup of world comment speaks in greater praise than did Hanoi Radio and Pravda, of Moscow, the Soviet Communist Party newspaper. Said the Hanoi commentator, the publication "helps the Americans and the people of the world see more clearly the cruel policy of aggression and the deceitful tricks of the American imperialists."
>
> To Pravda, by its headlines, the "aggressors" have been exposed, and the Horrendous crime of the United States" is authenticated.
>
> It is a sad day in American journalism when any newspaper evaluates chiefly by its prejudices in deciding all the news that is fit to print.

Mr. President, I ask unanimous consent to have the editorial printed in the RECORD.

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

TOP SECRET DOCUMENTS NOT "NEWS FIT TO PRINT"

By the New York Times' interpretation, "All the news that's fit to print"—its proud slogan—apparently embraces classified documents, whose fitness for publication the Times presumes to determine itself, in total contravention of any law or rule prevailing on that.

So it was that "somebody" leaked to it the secret papers in question—which were supposed to be under lock and key, because they bore on sensitive matter—and the newspaper launched the publication of them with a flourish. The somebody who breached those rules was violating the espionage law, and is subject to prosecution and penalty. But the newspaper which is not ordinarily case-hardened in trespass, but given to discretion and aware of the standards of responsibility, lent itself to and became the instrument of an outrageous act, perpetrated in full knowledge of what it was doing.

The documents thus aired to the world could enable the enemy to break our codes and expose to that enemy our military strategy. Hardly can it be disputed that the incident has embarrassed us with every foreign government, and, as Secretary of State William Rogers has pointed out, has cast a shadow over any prospect that other nations—even our closest friends—will reveal to our authorities anything in confidence again.

It is equally outrageous that the development—and pointedly the papers involved in it—were in direct and studied smear of former President Lyndon B. Johnson. The authors of this study, which was ordered by then-Defense Secretary Robert S. McNamara—made it that with a deliberateness that shows; a fact debunking the claims that it is simply a chapter of events rightfully belonging to public view on the ground of the people's right to know.

As one who witnessed and knew President Johnson's heart-rending tasks of hard decision, in bearing the awesome responsibilities of that office, former Vice President Hubert H. Humphrey has bitterly denounced the incident of this publication. Mr. Johnson he says has been maligned by it, and subjected to a campaign of untruth.

There are newspaper obligations respecting information to which the public is entitled—and the duty to resist any attempted gag-rule, where the material involved is not of a genuinely classified nature, in war-time, or grave national emergency, nor tend to give aid and comfort to the enemy.

All those were questions, certainly, which the Times should have weighed most carefully—and it is difficult to see how these making the decision could have weighed them and arrived at the determination they reached.

It is significant, surely, that of "press" opinion bearing on the incident, and extolling it, none quoted in the roundup of world comment speaks in greater praise than did Hanoi Radio and Pravda, of Moscow, the Soviet Communist Party newspaper. Said the Hanoi commentator, the publication "helps the Americans and the people of the world see more clearly the cruel policy of aggression and the deceitful tricks of the American imperialists."

To Pravda, by its headlines, the "aggressors" have been exposed, and the "Horrendous crime of the United States" is authenticated.

It is a sad day in American journalism when any newspaper evaluates chiefly by its prejudices in decided all the news that is fit to print.

EXTENSION OF PERIOD FOR THE 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 not to exceed 10 minutes and that the unfinished business be laid before the Senate at the conclusion thereof.

The PRESIDING OFFICER (Mr. BYRD of Virginia). Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. JAVITS. Mr. President, if other Members of the Senate are through, I would like to be recognized in the morning hour.

Mr. MANSFIELD. Mr. President, the morning hour has been concluded; has it not?

The PRESIDING OFFICER. The time for transaction of routine morning business has been extended for a period of 10 minutes.

The Chair recognizes the Senator from New York.

THE NEW YORK TIMES ARTICLES

Mr. JAVITS. Mr. President, various views have been voiced today on the articles that have appeared in the New York Times and Washington Post.

I ask unanimous consent to include in the RECORD at the conclusion of my remarks, the opinion of Judge Murray Gurfein, of the U.S. District Court for the Southern District of New York on this case.

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

(See exhibit 1.)

Mr. JAVITS. Mr. President, of course, this case is pending in the courts; therefore it is improper—I am certainly lawyer enough to know that—to comment on it in this or any other forum. I do, however, feel that when the reports made by the press are assailed in terms of desirability of such disclosure as public policy, that is another matter.

We cannot hope to avoid the caustic criticism of the Communist press. If they cannot make it on anything that is legitimately based, they will fabricate it from something to make it on. They will find us to be "imperialists" or "aggressors" no matter what we print or do not print, in my judgment.

But the important thing we have to bear in mind is the long-standing struggle with the Executive right here in Congress involving very seriously the foreign policy of the country, in which we are trying to remove the power of the Executive by stamping anything "secret" to keep the American people from knowing about it. This is a heavy responsibility, and a very grave one.

I think the Senator from Montana (Mr. MANSFIELD) is absolutely right in saying that we cannot draw wild conclusions from what is revealed, but we have always prided ourselves on the fact that a free people is kept strong if they know everything it is possible to know; even if it is stretched, they become stronger by knowing rather than become weakened. I say today that by having the informed support of our people, we are stronger and make fewer mistakes.

As I deeply feel the Vietnam war is one of the greatest blunders we have ever made as a Government, I feel the earliest possible furnishing of information on that subject will aid materially in the very objective which the majority leader spoke about so feelingly, which is to get out of Vietnam at the earliest possible time consistent with the future security of our country and its destiny.

So I cannot allow to stand criticism of these papers on public policy grounds. On the law, the courts will take care of it. On the issue of public policy, I am for the right to know as against the right not to know.

EXHIBIT 1

TEXT OF GURFEIN OPINION UPHOLDING THE TIMES AND KAUFMAN ORDER EXTENDING BAN

On June 12, June 13, and June 14, 1971, the New York Times published summaries and portions of the text of two documents—certain volumes from a 1968 Pentagon study relating to Vietnam and a summary of a 1965 Defense Department study relating to the Tonkin Gulf incident. The United States sues to enjoin the Times from "further dissemination, disclosure or divulgence" of materials contained in the 1968 study of the decision-making process with respect to Vietnam and the summary of the 1965 Tonkin Gulf study. In its application for a temporary restraining order the United States also asked the Court to order The Times to furnish the Court all the documents involved so that they could be impounded pending a determination. On June 15 upon the argument of the order to show cause the Court entered a temporary restraining order against The New York Times in substance preventing the further publication until a determination by the Court upon the merits of the Government's application for a preliminary injunction. The Court at that time, in the absence of any evidence, refused to require the documents to be impounded.

The Government contends that the documents still unpublished and the information in the possession of The Times involves a serious breach of the security of the United States and that the further publication will cause "irreparable injury to the national defense."

The articles involved material that has been classified as Top-Secret and Secret, although the Government concedes that these classifications are related to volumes rather than individual documents and that included within the volumes may be documents which should not be classified in such high categories. The documents involved are a 47 volume study entitled "History of United States Decision-Making Process on Vietnam Policy" and a document entitled "The Command and Control Study of the Tonkin Gulf Incident Done by the Defense Department's Weapons System Evaluation Group in 1965." There is no question that the documents are in the possession of The Times.

The issue of fact with respect to national security was resolved in the following manner. In view of the claim of the Government that testimony in support of its claim that publication of the documents would involve a serious security danger would in itself be dangerous the Court determined that under the "Secrets of State" doctrine an in camera proceeding should be held at which only the attorneys for each side, witnesses for the Government and two designated representatives of The New York Times would be present. It was believed that this would enable the Government to present its case forcefully and without restraint so that the accommodation of the national security interest with the rights of a free press could be determined with no holds barred. It was with reluctance that the Court granted a hearing from which the public was excluded, but it seemed that there was no other way to serve the needs of justice. My finding with respect

to the testimony on security will be adverted to below.

1. This case is one of first impression. In the researches of both counsel and of the Court nobody has been able to find a case remotely resembling this one where a claim is made that national security permits a prior restraint on the publication of a newspaper. The Times in affidavits has indicated a number of situations in which classified information has been "leaked" to the press without adverse governmental or judicial action. It cites news stories and the memoirs of public officials who have used (shortly after the events) classified material in explaining their versions of the decision making process. They point out that no action has ever been taken against any such publication of "leaks." The Government on the other hand points out that there has never been an attempt to publish such a massive compilation of documents which is probably unique in the history of "leaks." The Vietnam study had been authorized by Secretary of Defense McNamara, continued under Secretary Clifford and finally delivered to the present Secretary of Defense Laird. The White House was not given a copy. The work was done by a group of historians, including certain persons on contract with the Government. It is actually called a "history." The documents in the Vietnam study relate to the period from 1945 to early 1968. There is no reference to any material subsequent to that date. The Tonkin Gulf incident analysis was prepared in 1965, six years ago. The Times contends that the material is historical and that the circumstance that it involves the decision making procedures of the Government is no different from the descriptions that have emerged in the writings of diarists and memoirists. The Government on the other hand contends that by reference to the totality of the studies an enemy might learn something about United States methods which he does not know, that references to past relationships with foreign governments might affect the conduct of our relations in the future and that the duty of public officials to advise their superiors frankly and freely in the decision-making process would be impeded if it was believed that newspapers could with impunity publish such private information. These are indeed troublesome questions.

This case, in the judgment of the Court, was brought by the Government in absolute good faith to protect its security and not as a means of suppressing dissident or contrary political opinion. The issue is narrower—as to whether and to what degree the alleged "chill" the right of newspapers to publish. That the attempt by the Government to restrain The Times is not an act of attempted precensorship as such is also made clear by the historic nature of the documents themselves. It has been publicly stated that the present Administration had adopted a new policy with respect to Vietnam. Prior policy must, therefore, be considered as history rather than as an assertion of present policy the implementation of which could be seriously damaged by the publication of these documents.

2. The Times contends that the Government has no inherent power to seek injunction against publication and that power of the Court to grant such an injunction can be derived only from a statute. The Government has asserted a statutory authority for the injunction, namely, the Act of June 25, 1948, c. 645, 62 Stat. 736; Sept. 23, 1950, c. 1024, Tit. I, Sec. 18, 64 Stat. 1003 (18 U.S.C. 793). The Government contends moreover, that it has an inherent right to protect itself in its vital functions and that hence an injunction will lie even in the absence of a specific statute.

There seems little doubt that the Government may ask a Federal District Court for injunctive relief even in the absence of a specific statute authorizing such relief.

The Supreme Court has held that "(o)ur decisions have established the general rule that the United States may sue to protect its interests. . . . This rule is not necessarily inapplicable when the particular governmental interest sought to be protected is expressed in a statute carrying criminal penalties for its violation." *Wyandotte Co. vs. U.S.*, 389 U.S. 191, 201–2 (1967).

In recent times the United States has obtained an injunction against the State of Alabama from enforcing the miscegenation laws of that State, *U.S. vs. Brittain*, 319 F. Supp. 1058, 1061. The United States has been held entitled to restrain a collection of a tax because "the interest of the national government in the proper implementation of its policies and programs involving the national defense such as to vest in it the "non-statutory right to maintain this action." *U.S. vs. Arlington County*, 326 F. 2d, 929, 932–33 (4th Cir. 1964). Recently in *U.S. vs. Brand Jewelers, Inc.*, 318 F. Supp. 1293, 1299, a decision by Judge Frankel of this Court collects the authorities illustrating the various situations in which the classic case of *In re Debs*, 158 U.S. 564 (1895) has been cited. Accordingly, even in the absence of statute the Government's inherent right to protect itself from breaches of security is clear.

That however, is only the threshhold question. Assuming the right of the United States and, indeed, its duty in this case to attempt to restrain the further publication of these documents, the Government claims and the Times denies that there is any statute which proscribes such publication. The argument requires an analysis of the various sections (792–799) contained in Chapter 37 of Title 18 of the U.S. Criminal Code entitled "Espionage and Censorship." The statute seems to be divided into two parts. The first, which for lack of a better term may be considered simple espionage, and the second, the publication of information. The Government relies upon Section 793. There are two subsections concerning which the question of interpretation has arisen. Subsection (d) deals with persons with lawful possession. . . . "whoever lawfully having possession of any document, writing, code book, etc. . . . relating to the national defense or information relating to the national defense which information the possessor has reason to believe could be used to the injury of the United States or to the advantage of any foreign nation . . ." It seems clear that neither The Times nor the Government now claim that subsection (d) applies, since it is fairly obvious that "lawful" possession means the possession of Government officials or others who have authorized possession of the documents. The Government, however, relies on subsection (e) which reads as follows:

"(e) Whoever having unauthorized possession of, access to, or control over any document, writing, code book, signal book, sketch, photograph, photographic negative, blueprint, plan, map, model, instrument, appliance, or note relating to the national defense, or information relating to the national defense which information to the possessor has reason to believe could be used to the injury of the United States or to the advantage of any foreign nation, willfully communicates, delivers, transmits or causes to be communicated, delivered, or transmitted, or attempts to communicate, deliver, transmit or cause to be communicated, delivered, or transmitted the same to any person not entitled to receive it, or willfully retains the same and fails to deliver it to the officer or employee of the United States entitled to receive it; or"

"PUBLICATION" IS NOT MENTIONED

It will be noted that the word "publication" does not appear in this section. The Government contends that the word "communicates" covers the publication by a newspaper of the material interdicted by the subsection. A careful reading of the section would indicate that this is truly an espionage section where what is prohibited is the secret or clandestine communication to a person not entitled to receive it where the possessor has reason to believe that it may be used to the injury of the United States or the advantage of any foreign nation. This conclusion is fortified by the circumstance that in other sections of Chapter 37 there is specific reference to publication. The distinction is sharply made in Section 794 entitled "Gathering or Delivering Defense Information to Aid Foreign Government." Subsection (a) deals with peace-time communication of documents, writings, code books, etc. relating to national defense. It does not use the word "publication." Subsection (b) on the other hand which deals with "in time of war" does punish anyone who "publishes" specific information "with respect to the movement, numbers, description, condition or disposition of any of the Armed Forces, ships, aircraft or war materials of the United States or with respect to the plans or conduct, or supposed plans or conduct of any naval or military operations, or with respect to any works or measures undertaken for or connected with, or intended for the fortification or defense of any place, or any other information relating to the public defense, which might be useful to the enemy. . . ."

Similarly, in Section 797, one who publishes photographs, sketches, etc. of vital military and naval installations or equipment is subject to punishment. And finally, in Section 798 which deals with "Disclosure of Classified Information" there is a specific prohibition against one who "publishes" any classified information. This classified information is limited to the nature, preparation, or use of any code, cipher, or cryptographic system of the United States or any foreign government; or the design, construction, use, maintenance, or repair of any device, apparatus, or appliance used or prepared or planned for use by the United States or any foreign government for crytographic or communication intelligence purposes; or the communication intelligence activities of the United States or any foreign government; or obtained by the processes of communications of any foreign government, knowing the same to have been obtained by such processes.

The Government does not contend, nor do the facts indicate, that the publication of the documents in question would disclose the types of classified information specially prohibited by the Congress. Aside from the internal evidence of the language in the various sections as indicating that newspapers were not intended by Congress to come within the purview of Section 793, there is Congressional history to support the conclusion. Section 793 derives from the original espionage act of 1917 (Act of June 15, 1917, Chap. 30, Title I, Sections 1, 2, 4, 6, 40 Stat. 217, 218, 219). At that time there was proposed in H.R. 291 a provision that ["during any national emergency resulting from a war to which the United States is a party or from threat of such a war, the President may, by proclamation, prohibit the publishing or communicating of, or the attempting to publish or communicate any information relating to the national defense, which in his judgment is of such character that it is or might be useful to the enemy."] This provision for prior restraint on publication for security reasons limited to wartime or threat of war was voted down by the Congress. In the debate Senator Ashhurst in a scholarly speech stated the problem as follows:

"Freedom of the press means simply, solely, and only the right to be free from a precensorship, the right to be free from the restraints of a censor. In other words,

under the Constitution as amended by Amendment No. 1, 'freedom of the press' means nothing except that the citizen is guaranteed that he may publish whatever he sees fit and not be subjected to pains and penalties because he did not consult the censor before doing so."*

NOTES CONGRESSIONAL REFUSAL

It would appear, therefore, that Congress recognizing the Constitutional problems of the First Amendment with respect to free press, refused to include a form of precensorship even in wartime.

In 1957 the report of the United States Commission on Government Security, in urging further safeguards against publication of matters affecting national security, recognized that "any statute designed to correct this difficulty must necessarily minimize constitutional objections by maintaining the proper balance between the guarantee of the First Amendment, on one hand, and required measures to establish a needed safeguard against any real danger to our national security." Report of the United States Commission on Government Security 619–20 (1957).

Senator Cotton, a sponsor of the bill, recognized in debate that "it should be made crystal clear that at the present time penalties for disclosure of secret information can only be applied against those employed by the Government. The recommendation extended such control over those outside the Government." The bill proposed was never passed. The significance lies, however, in the awareness by the Congress of the problems of prior restraint and its determination to reject them except in the limited cases involved in Section 794 and Section 798 involving codes, communication intelligence, and the like.

The injunction sought by the Government must, therefore, rest upon the premise that in the absence of statutory authority there is inherent power in the Executive to protect the national security. It was conceded at the argument that there is Constitutional power to restrain serious security breaches vitally affecting the interests of the Nation. This Court does not doubt the right of the Government to injunctive relief against a newspaper that is about to publish information or documents absolutely vital to current national security. But it does not find that to be the case here. Nor does this Court have to pass on the delicate question of the power of the President in the absence of legislation to protect the functioning of his prerogatives—the conduct of foreign relations, the right to impartial advice and military security, for the responsibility of which the Executive is charged against private citizens who are not government officials. For I am constrained to find as a fact that the in camera proceedings at which representatives of the Department of State, Department of Defense and the Joint Chiefs of Staff testified, did not convince this Court that the publication of these historical documents would seriously breach the national security. It is true, of course, that any breach of security will cause the jitters in the security agencies themselves and indeed in foreign governments who deal with us. But to sustain a preliminary injunction the Government would have to establish not only irreparable injury, but also the probability of success in the litigation itself. It is true that the Court has not been able to read through the many volumes of documents in the history of Vietnam, but it did give the Government an opportunity to pinpoint what it believed to be vital breaches to our national security of sufficient impact to contravert the right of a free press. Without revealing the content of the testimony, suffice it to say that no cogent reasons were advanced as to why these documents except in the general framework of embarrassment previously mentioned, would vitally affect the security of the Nation. In the light of such a finding the inquiry must end. If the statute (18 U.S.C. 793) were applicable (which I must assume as an alternative so that this decision may be reviewed by an appellate court) it is doubtful that it could be applied to the activities of The New York Times. For it would be necessary to find as an element of the violation a willful belief that the information to be published "could be used to the injury of the United States or to the advantage of any foreign nation." That this is an essential element of the offense is clear. Gorin v. U.S., 312 U.S. 19 (1941).

I find that there is no reasonable likelihood of the Government successfully proving that the action of the Times were not in good faith, here irreparable injury to the Government. This has been an effort on the part of The Times to vindicate the right of the public to know. It is not a case involving an intent to communicate vital secrets for the benefit of a foreign government or to the detriment of the United States.

3. As a general matter we start with the proposition that prior restraint on publication is unconstitutional. Near v. Minnesota, 283 U.S. (1931). As the Supreme Court observed in Grosjean v. American Press Co. Inc., 297 U.S. 233:

"The predominant purpose of the . . . (First Amendment) was to preserve an untrammeled press a vital source of public information. The newspapers, magazines and other journals of the country, it is safe to say, have shed, and continue to shed, more light on the public and business affairs of the nation than any other instrumentality of publicity; and since informed public opinion is the most potent of all restraints upon misgovernment, the suppression or abridgement of the publicity afforded by a free press cannot be regarded otherwise than with grave concern."

Yet the free press provision of the First Amendment is not absolute. Near v. Minnesota, supra. In the Near case the Court said that "no one would question but that a government might prevent actual obstruction to its recruiting service or the publication of the sailing of transports or the number or location of troops. The illustration accent how limited is the field of security protection in the context of the compelling force of First Amendment right. The First Amendment concept of a "free press" must be read in the light of the struggle of free men against prior restraint of publication. From the time of Blackstone it was a tenet of the founding fathers that precensorship was the primary evil to be dealt with in the First Amendment. Fortunately upon the facts adduced in this case there is no sharp clash such as might have appeared between the vital security interest of the Nation and the compelling Constitutional doctrine against prior restraint. If there is some embarrassment to the Government in security aspects as remote as the general embarrassment that flow from any security breach we must learn to live with it. The security of the Nation is not at the ramparts alone. Security also lies in the value of our free institutions. A cantankerous press, an obtinate press, a ubiquitous press must be suffered by those in authority in order to preserve the even greater values of freedom of expression and the right of the people to know. In this case there has been no attempt by the Government at political suppression. There has been no attempt to stifle criticism. Yet in the last analysis it is not merely the opinion of the editorial writer, or of the columnist which is protected by the First Amendment. It is the free flow of information so that the public will be informed about the Government and its actions.

These are troubled times. There is no greater safety valve for discontent and cynicism about the affairs of Government than freedom of expression in any form. This has been the genius of our institutions through our history. It has been the credo of all our Presidents. It is one of the marked traits of our national life that distinguish us from other nations under different forms of government.

For the reasons given the Court will not continue the restraining order which expires today and will deny the application of the Government for a preliminary injunction. The temporary restraining order will continue, however, until such time during the day as the Government may seek a stay from a Judge of the Court of Appeals for the Second Circuit.

The foregoing shall constitute the Court's findings of fact and conclusions of law under Rule 52(a) of the Federal Rules of Civil Procedure.

So ordered.

(s) M. I. GURFEIN,
S. S. D. J.

Dated: June 19, 1971.

Appearances

Whitney North Seymour, Jr., United States Attorney for the Southern District of New York. Attorney for Plaintiff United States of America.

By: Michael D. Hess, Joseph D. Danas, Daniel Riesel, Michael I. Saltzman, Milton Sherman, Howard S. Sussman, Assistant United States Attorneys, United States Courthouse, New York, N.Y. 10007.

Cahill, Gordon, Sonnett, Reindel & Ohl, attorneys for defendant, New York Company.

By: Alexander M. Bickel, Floyd Abrams, William E. Hegart, of counsel, 80 Pine Street, New York, N.Y. 10005.

Amici Curiae: American Civil Liberties Union, New York Civil Liberties Union.

By: Norman Dorson, Melvin L. Wulf, Osmond K. Fraenkel, Burt Neuborne.

National Emergency Civil Liberties Committee.

By: Victor Rabinowitz, Kristin Booth Glen.

JUDGE KAUFMAN'S ORDER

The Government has moved for a stay pending appeal from an order of the District Court denying a preliminary injunction and I have heard brief oral argument.

A serious question has been presented concerning the right of the Government to restrain prior to publication certain information and reproductions of specific documents relating to the past conduct of hostilities in Vietnam. It is apparent that Judge Gurfein has been and this could will be presented with factual, statutory, and constitutional questions of immediate practical moment and involving fundamental rights guaranteed by the First Amendment of the Constitution.

It appears likely that unless the status quo is maintained for a further brief period, the jurisdiction of this court over this proceeding will, in practical effect, be defeated.

The ultimate disposition of this appeal must be made by a panel of at least three judges. For the purpose of preserving the jurisdiction of this court in this matter, it is necessary that I, sitting as a single judge of this multi-judge court, do not by my sole action permit this case to become moot before other members of this court have had an opportunity to pass on this application or to consider the issues raised. Institutional considerations compel my action.

Therefore, and emphatically intending to intimate no views as to the merits of the Government's appeal nor as to whether I would have granted a temporary restraining

*The First Amendment reads:

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peacefully to assemble, and to petition the Government for a redress or grievances."

order in the first instance, I am required to extend the temporary restraining order issued by Judge Gurfein dated June 15, 1971, until a full panel of this court can meet to consider this application. A panel will convene in regular session on Monday morning.

Accordingly, I extend the temporary restraining order until this application is presented to and passed upon by a full panel of this court. In any event, this extension will expire on June 21 at 12 noon. So ordered.

(S) IRVING R. KAUFMAN,
U.S.C.J.

ENROLLED JOINT RESOLUTION SIGNED

The PRESIDENT pro tempore today signed the enrolled joint resolution (H.J. Res. 617) to authorize an ex gratia contribution to certain inhabitants of the Trust Territory of the Pacific Islands who sufferred damages arising out of the hostilities of the Second World War, to provide for the payment of noncombat claims occurring prior to July 1, 1951, and to establish a Micronesian Claims Commission.

CLOTURE MOTION

Mr. MANSFIELD. Mr. President, as one who is opposed to the extension of the draft and as one who will oppose the present bill, nevertheless, not as a Senator from the State of Montana, but as the majority leader and in line with my responsibilities, I send to the desk a cloture motion.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The cloture motion having been presented under rule XXII, the Chair, without objection, directs the clerk to read the motion.

The legislative clerk read the motion, as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon 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.

MIKE MANSFIELD, HUGH SCOTT, JOHN C. STENNIS, BOB PACKWOOD, GALE MCGEE, ROBERT GRIFFIN, ROBT. TAFT, JR., WM. B. SAXBE.

JOSEPH M. MONTOYA, PETER H. DOMINICK, HENRY BELLMON, CHARLES PERCY, MARLOW W. COOK, HENRY M. JACKSON, HUBERT H. HUMPHREY, JOHN TOWER.

EDWARD W. BROOKE, JAMES B. PEARSON, LOWELL WEICKER, ROBERT DOLE, FRANK E. MOSS, CLIFFORD P. HANSEN, GORDON ALLOTT, BARRY GOLDWATER, JENNINGS RANDOLPH.

BIG CITIES INTEGRATED LEAST

The PRESIDING OFFICER. Is there further morning business?

Mr. ALLEN. Mr. President, a detailed survey recently released by the Department of HEW shows that the Southern States are making much more progress in school desegregation than are other States in the Union. This fact had been well established long before this survey was released.

The unfairness of the dictates of HEW, the Justice Department, and the Supreme Court in allowing segregation to continue in areas outside the South while requiring immediate desegregation in the South is well illustrated by this survey.

If a segregated school education is inferior to an integrated one in the South, why is it not inferior in the North? The de jure and de facto distinctions are illogical and will not stand the test of time and of changing conditions, North and South.

I ask unanimous consent that a Washington Star article of June 18, 1971, be inserted in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. ALLEN. Mr. President, I would like to make particular reference to two paragraphs in this article. The first relates that in Chicago, for example, more than 45 percent of its 317,000 black students attend all-black schools, while only 3 percent of blacks are in integrated schools having 50 percent or more whites. Nearly half of all black students in St. Louis are in totally segregated schools and only 2.5 percent are in schools with a white majority.

What then is the situation in the South? Among Southern States, the best integrated is North Carolina, with 54 percent of its black students in majority white schools, as against only 3 percent in Chicago and 2.5 percent in St. Louis. The very worst from the standpoint of desegregation, according to the article, is Mississippi.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator may have an additional 3 minutes.

Mr. ALLEN. One minute is sufficient.

Mr. BYRD of West Virginia. Mr. President, if the majority leader will withhold that request, if the Chair will recognize me, I shall yield to the Senator from Alabama.

I ask unanimous consent that the period for morning business be extended for an additional 3 minutes.

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

The Senator from Alabama may proceed.

Mr. ALLEN. I thank the distinguished Senator from West Virginia for yielding me additional time.

The worst, according to the article, is Mississippi, which is the only State with a majority—50.8 percent—black enrollment statewide, and it has 26.4 percent of its black students in predominantly white schools, as against only 3 percent in Chicago and 2.5 percent in St. Louis.

Mr. President, I submit and I truly believe that the people of the South, black and white, will solve their school problems and solve the matter of desegregation of our schools long before this matter is solved in the areas outside the South. We are seeking, in good faith, to comply with the dictates of the Supreme Court, even though they have established a dual system for desegregation of the public schools—one system in the North and another system in the South.

Our people are law-abiding people, and we will solve this problem, working together with the black and white parents and schoolchildren. We will solve the problem before it is solved outside the South. The migration of blacks continues from the South to the North, and this problem will have to be coped with by sections outside the South before many years have passed. The distinction of de jure and de facto is just a legal fiction, and it cannot stand the test of time. Somewhere along the line, desegregation is going to have to be provided in the North just as it has been ordered in the South.

Mr. President, I yield the floor.

EXHIBIT 1

[From the Evening Star, June 18, 1971]

BIG CITIES INTEGRATED LEAST

(By John Mathews)

The largest cities, particularly those in the North, rank among the most rigidly segregated school systems in the nation, according to a detailed survey released today by the Department of Health, Education and Welfare.

In Chicago, for example, more than 45 percent of its 317,000 black students attend all-black schools, while only 3 percent of blacks are in integrated schools having 50 percent more whites. Nearly half of all black students in St. Louis are in totally segregated schools and only 2½ percent are in schools with a white majority.

By contrast, the national survey showed that deep South cities like Birmingham and Atlanta have more racial integration in their schools, although some cities like Memphis are on a par with the North.

Birmingham has nearly doubled the percentage of black students in majority white schools in the last two years to nearly 16 percent, while reducing the percentage in all black schools from 85 percent to 34 percent.

Atlanta has over six percent of its black students in integrated schools and also 34 percent in all black schools.

Preliminary results of the HEW survey, released in January, had shown that the 11 Southern states made more progress in school desegregation in the last two years, and were better integrated, than 32 Northern and Western states.

Final corrected figures released today showed that the Southern states more than doubled the percentage of black students in 50 percent or more majority white schools from 18 to 39 percent. In the same period, fall 1968 to fall 1970, the Northern and Western states stayed at the same level of about 28 percent of their black students in schools that have a white majority.

In numbers the figures mean that 756,000 more of the nation's 6.7 million black students are now in predominantly white schools, with 690,000 of this increase taking place during accelerated school desegregation in the South.

The South still lags behind the North in eliminating the number and percentage of its students still in totally (all black) segregated schools. About 14 percent of the South's black children are in all black schools, compared to 12 percent of the North's.

Among Southern states, the best integrated is North Carolina with 54 percent of its black students in majority white schools. The worst is Mississippi—which is the only state with a majority, 50.8 percent, black enrollment state-wide, and has 26.4 percent of its black students in predominantly white schools.

Six states outside the South, however, are

not as well integrated as Mississippi. The states are Illinois with only 14 percent of its black students in predominantly white schools; Missouri, 20 percent; California, just below 26 percent; Michigan, 19 percent; Wisconsin, 23 percent and Pennsylvania, 26.3 percent.

Maryland, counted as a border state in the survey, is considerably less well desegregated than Virginia, which is listed with the 11 Southern states. Forty-one percent of Virginia's black students are in predominantly white schools, compared to 33 percent of Maryland's, while 26 percent of Maryland's black students are in all-black schools contrasted to only 10 percent of Virginia's.

With nearly 95 percent of its students black, the city of Washington is unique among the nation's 100 largest school systems, 17 of them with black majorities. Only 1.2 percent of the District's black students are in the handful of mostly white schools.

Among Washington suburbs, both Montgomery and Fairfax counties say their small numbers of black students are all in predominantly white schools.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

PROPOSED TRANSFER OF FUNDS BY NASA

A letter from the Administrator of the National Aeronautics and Space Administration reporting, pursuant to law, on the proposed transfer of $987,000 of Construction of Facilities funds from the Kennedy Space Center to the Langley Research Center with accompanying papers; to the Committee on Aeronautical and Space Sciences.

PROPOSED AMENDMENT OF THE DISTRICT OF COLUMBIA UNEMPLOYMENT COMPENSATION ACT

A letter from the Assistant to the Commissioner of the District of Columbia submitting proposed legislation to amend the District of Columbia Unemployment Compensation Act, and for other purposes" with accompanying papers; to the Committee on the District of Columbia.

PROPOSED AMENDMENT TO THE INTERNATIONAL SECURITY ASSISTANCE ACT OF 1971

A letter from the Assistant Secretary of State submitting a proposed amendment to the International Security Assistance Act of 1971 (with accompanying papers); to the Committee on Foreign Relations.

REPORTS BY THE IMMIGRATION AND NATURALIZATION SERVICE

A letter from the Commissioner of the Immigration and Naturalization Service transmitting, pursuant to law, reports concerning visa petitions which the Service has approved (with accompanying reports); to the Committee on the Judiciary.

ANNUAL REPORT OF THE NATIONAL SOCIETY OF THE DAUGHTERS OF THE AMERICAN REVOLUTION

A letter from the Secretary of the Smithsonian Institution transmitting, pursuant to law, the annual report of the Society of the Daughters of the American Revolution for the year ended 1 March 1969 (with accompanying report); to the Committee on Rules and Administration.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BYRD of West Virginia, from the Committee on the Judiciary, without amendment:

S. 1206. A bill to amend subsection (d) of section 2 of the War Claims Act of 1948, as amended, relating to the terms of offices of the members of the Foreign Claims Settlement Commission of the United States, (Rept. No. 92–225); and

H.R. 3094. An act for the relief of the estate of Capt. John N. Laycock, U.S. Navy (retired) (Rept. No. 92–226).

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

S. 137. A bill to provide for the conveyance of certain public lands in Wyoming to the occupants of the land (Rept. No. 92–227).

By Mr. MANSFIELD, for Mr. BURDICK, from the Committee on Interior and Insular Affairs, without amendment:

S. 414. A bill to authorize and direct the Secretary of the Interior to convey certain property in the State of North Dakota to the Central Dakota Nursing Home (Rept. No. 92–228).

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, with additional amendments, together with supplemental and additional views:

S. 382. A bill to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes (Rept. No. 92–229).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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. MANSFIELD (for himself and Mr. METCALF):

S. 2099. A bill to protect producers' incomes when rebuilding reserve stocks of wheat or feed grains. Referred to the Committee on Agriculture and Forestry.

By Mr. GRAVEL (for himself, Mr. TUNNEY, and Mr. WEICKER):

S. 2100. A bill to authorize the acquisition of certain real property in square 724 in the District of Columbia and to construct on such square garage facilities for use of the U.S. Senate and for other purposes. Referred to the Committee on Public Works.

By Mr. FONG:

S. 2101. A bill for the relief of Juanito Segismundo;

S. 2102. A bill for the relief of Nina Raas;

S. 2103. A bill for the relief of Vilaketi Bloomfield; and

S. 2104. A bill for the relief of Hermogenes Lacuesta Rana. Referred to the Committee on the Judiciary.

By Mr. MATHIAS:

S. 2105. A bill to establish a Prices and Incomes Commission. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. HOLLINGS:

S. 2106. A bill to provide that each piece of mail matter cancelled by the Postal Service shall include certain information as part of the cancellation. Referred to the Committee on Post Office and Civil Service.

By Mr. JAVITS (for himself, Mr. ALLOTT, Mr. BROOKE, Mr. BEALL, Mr. BAYH, Mr. BUCKLEY, Mr. CHURCH, Mr. CASE, Mr. EAGLETON, Mr. HART, Mr. HUMPHREY, Mr. HATFIELD, Mr. INOUYE, Mr. MATHIAS, Mr. MCGOVERN, Mr. MOSS, Mr. PACKWOOD, Mr. PERCY, Mr. SCOTT, Mr. STEVENS, Mr. MONTOYA, Mr. TUNNEY, Mr. THURMOND, Mr. TAFT, and Mr. WILLIAMS):

S. 2107. A bill to allow a Senator or the President of the Senate to use his telephone and telegraph allowances for stationery expenses. Referred to the Committee on Rules and Administration.

By Mr. CRANSTON:

S. 2108. A bill to amend chapters 17 and 31 of title 38, United States Code, to require the availability of comprehensive treatment and rehabilitative services and programs for certain disabled veterans suffering from alcoholism, drug dependence and alcohol or drug abuse disabilities, and for other purposes. Referred to the Committee on Veterans' Affairs.

By Mr. HRUSKA (for himself and Mr. MCCLELLAN):

S. 2109. A bill to increase the limit on dues for U.S. membership in the International Criminal Police Organization. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MANSFIELD (for himself and Mr. METCALF):

S. 2099. A bill to protect producers' incomes when rebuilding reserve stocks of wheat or feed grains. Referred to the Committee on Agriculture and Forestry.

Mr. MANSFIELD. Mr. President, today, my distinguished colleague, Senator METCALF, and I offer a Senate companion bill to H.R. 8290, recently introduced by our able colleague in the House of Representatives, Congressman MELCHER. We offer this legislation at a time when the agricultural sector of our economy is suffering badly from the present national inflationary trend.

Agricultural costs have gone up and the prices derived have not. Inflation, as well as our trade policy, which seeks volume in an effort to reverse the dollar flow, has ill-affected the farm producers' profits. An effort must be made to reverse this trend. An effective way of working to achieve this goal is through higher price support loans for the basic grain ingredients of our food products.

As a result of our adopted farm set-aside program, we have 10 to 11 million more crop acres under plant in 1971 than in 1970. If our 1971 production level is achieved, we will produce more Federal grains this year than the market for use during the year can absorb. The result will be a substantial increase in our reserve stocks. A Federal grain price break as a result of our agricultural abundance will result in disastrously low price levels. The legislation offered today is designed to put the price support loans on wheat and Federal grains up 25 precent in any year that the crop is expected to add to reserves or carryover stocks. When adopted, it would become effective with this year's crops, which, as we have said, represents substantial increases in acres of planted crops.

By Mr. MATHIAS:

S. 2105. A bill to establish a Prices and Incomes Commission. Referred to the Committee on Banking, Housing, and Urban Affairs.

AN INCOMES AND PRICES POLICY IS NEEDED NOW

Mr. MATHIAS. Mr. President, as you will know, our Nation since 1965 has been caught in the midst of an inflationary period which has exceeded all previous periods of inflation since the end of World War II. For many, we have entered a dangerous economic period.

Some observers have taken comfort by the marked improvement of the Consumer Price Index—CPI—during the first 4 months of this year. It has risen at an annual rate of 2.8 percent—seasonally adjusted—compared to a 5.5-percent rise during 1970. Nevertheless, upon closer study of other economic indicators, we find that the near-term outlook for inflation is not nearly as promising as the recent performance of the CPI would lead us to believe.

The GNP price deflator during the first quarter of this year, for example, increased by the highly inflationary rate of 5.4 percent—a rate which exceeds all annual gains in prices recorded by the deflator during the current inflationary period. Wholesale prices—measured in terms of the wholesale price index—have risen by an annual rate of 5.3 percent during the first 4 months of this year—a percentage which exceeds all year-to-year rises experienced since the beginning of this inflationary period.

On top of these alarming developments we also find the following inflationary conditions:

First. Interest rates, after several months of sharp decline, are apparently on the rise again.

Second. 4.8 million workers, or 45 percent of all workers covered by major contracts, will be involved in wage negotiations during the course of this year. Most of the remaining 55 percent will be getting deferred wage increases in 1971 averaging 7.8 percent, which is well above the 5.6 percent average recorded during 1970.

Third. State and local taxes have risen and will continue to rise sharply due to an intensive rise in citizen demand for new and improved public services and from the costs of past inflation.

Fourth. And, the cost of housing, due to escalating costs of construction, high interest loans, and a chronic shortage of new and used housing, has risen and will continue to rise substantially in the foreseeable future.

Given these factors we must conclude, I believe, that there is every indication to believe that inflation will continue to be a serious problem through the remaining months of 1971 and probably into 1972.

In making this observation, it is important to emphasize the fact that this is a problem which was largely inherited from the Johnson administration. As you will recall, Government policymakers during most of the period of the Vietnam escalation—June 1965 through mid-1968—took the position that the economy could provide both guns and butter without the Government having to place any major new fiscal restrictions on the economy. In retrospect, we know that this was a costly decision—a decision which is largely responsible for our inflationary period.

Upon assuming office in early 1969, the Nixon administration realized that all levels of governments would have to go through a period of uncomfortable "belt-tightening" if the Nation were to make any meaningful strides toward winning the battle against inflation and bringing our economy back into balance. The administration realized from the outset that it could not turn the corner on inflation overnight.

The Nation in 1970 felt the full impact of the administration's restrictive economic policies. Though these actions unfortunately forced a higher than expected rise in unemployment, they did succeed in eliminating some of the demand-pull inflationary pressures in the economy. Unfortunately, these efforts to date have not succeeded in dampening effectively all of the cost-push inflationary pressures.

To date, the administration has held the view that cost-push pressures will be overcome by appropriate adjustments in monetary and fiscal policies. However, there is a growing body of opinion that the Government must without delay play a more active and direct role in influencing decisions relating to wages and prices in the private sector. It is true that the Government in recent months has attempted on a selective basis to influence pricing policies in the petroleum and steel industries and to counter excessive wage demands in construction. I believe, however, that the time has come where we need a positive, sophisticated, and predictable policy relating to wages and prices.

Mr. President, as you well know, there are many in Congress who believe that we should counter inflationary pressures by the imposition of a temporary freeze on wages and prices; the Congress this past year has given the President such enabling authority. However, in my view, this approach to wage price control should be used only as a last resort. Such controls can serve only to suppress the symptoms of the disease, not provide a lasting cure.

A declaration of national economic policy is desperately needed. Such a policy would serve notice on both labor and management that the Government means business in its fight against inflation. It would put the burden of proof concerning a change in wages and prices on the shoulders of labor and management. A wage increase in Detroit affects the value of the housewife's dollar in Baltimore. We can no longer afford to operate our economy in a way which disregards the national interest to the benefit of one locality or one industry. Like the air we breathe, money and economic pressures have little regard to political boundaries.

Over the past year a number of policy suggestions along these lines have been made by a broad spectrum of economic interests, including, for example, Fortune magazine, Business Week, the Joint Economic Committee of the Congress, the Committee for Economic Development, R. Heath Larry, vice president, United States Steel Corp., Leonard Woodcock, president of the United Auto Workers, and Arthur Burns, the distinguished Chairman of the Federal Reserve Board.

In an editorial published in May of last year, Fortune magazine made the cautious observation that—

We don't like the idea of wage and price guideposts, even noncompulsory ones, and we would make only modest claims for their efficacy. Moreover, the advocacy of government intervention in the working of the market is philosophically at odds with the principles of economic freedom to which we subscribe. But in the present situation, with psychology getting in the way of economics, with inflation proving more persistent than economists had expected, it could be temporarily useful to establish governmental standards designed to guide wage settlements and price decisions in the direction of price stability.

In November of last year, the Committee for Economic Development, the highly respected advisory body to business and Government policymakers, issued a policy statement of its Research and Policy Committee, which concluded that—

. . . while appropriately stabilizing fiscal and monetary policies are clearly essential for the containment of inflation, it seems doubtful that these policies *alone* can fully succeed in reconciling price stability and high employment. There are strong indications that an important share of the continuing upward pressures on prices stems from cost-push elements and longer-term structural factors that are not readily influenced by changes in aggregate demand.

The Committee on Economic Development study group believes that immediate steps can be taken by Government policymakers to counter the present destabilizing influence in our economy. Specifically, it concludes:

The adoption of voluntary *wage-price or "incomes" policies* in our view constitutes the most promising approach to the problem at this time. Such policies are directed only at firms and labor groups with some market discretion, and are particularly concerned with dealing with 'cost-push' when there is no excess in total demand. They should not be confined to the manufacturing sector but can extend to other important areas where some leeway in wage or price setting exists, including industries which are not predominantly unionized. Under such policies, the government or a government-sponsored group defines the wage and price behavior that is conducive to or consistent with over-all price stability; seeks to enlist the voluntary cooperation of business and labor in exercising the needed restraint; and calls the public's attention to significant instances of excessively inflationary behavior.

Since the wage-price policies described are based on voluntary cooperation, they involve far less extensive and detailed intervention in economic decision-making processes than direct controls. Those who favor such voluntary policies regard them as a means of avoiding eventual imposition of compulsory wage and price restraint, rather than as a step in this direction.

Likewise, Federal Reserve Board Chairman Arthur Burns, in a major policy address made in December of last year, took the position that—

In a society such as ours, which rightly values full employment, monetary and fiscal tools are inadequate for dealing with sources of price inflation such as are plaguing us now.

Accordingly he recommended that—

It would be desirable to supplement monetary and fiscal polices with an *income policy* in the hope of thus shortening the period between suppression of excess demand and the restoration of reasonable relations of wages, productivity and prices. (Italics added).

I strongly believe that the Congress should consider passing a bill calling

on the Government to adopt a meaningful policy relating to prices and incomes.

Mr. President, to further this objective, I am now introducing legislation which can become a working model for the establishment of such a policy.

The bill would authorize the establishment of a Prices and Incomes Commission composed of three economists appointed by the President with the advice and consent of the Senate chosen from among those who are outstanding and distinguished in their field. The Commission would conduct a continuing and extensive review of wage and price movements in the economy and will be required to report promptly to the President and to the Congress any price and/or wage developments which it believes would have an undue inflationary impact on the economy.

This bill creates an "economic intelligence unit" in the Government which will enable the Government to make sound and sophisticated decisions regarding the operation and economic policy of our Nation. Its task will be both educational and advisory.

Although the inflation alerts issued by the Council of Economic Advisers over the past year have highlighted inflation trouble spots in such industries as transportation, wood products, steel, petroleum, meat products, and construction, we still have no coordinated program in the Government which possesses the research and analytical capacity to study extensively on an ongoing basis economic conditions in all of our Nation's key industries.

In the interest of assuring that the Commission will be able to make its decisions in the most objective and nonpolitical manner, such a research body should be independent of any existing Government agency and responsible only to the "economic truth." This would not mean, however, that it should compete with ongoing economic surveys and analyses conducted by such agencies as the Departments of Labor, Treasury, and Commerce and the Council of Economic Advisers. Such a research task force, composed of highly trained and skilled analysts in the fields of labor, industrial organization, and corporation finance, would be concerned primarily with maintaining an up-to-date analysis of conditions relating to prices and wages in all industries and facets of our economy which set the pattern for wages, prices, and productivity throughout our economy.

The bill would enable the Government to have the type of information that will be needed to blow the whistle on those areas of industrial activity which administer wage and price policies in a manner inconsistent with a national anti-inflation policy. For too long the Government and the American public have operated in a vacuum concerning wages and prices.

An uninformed electorate and an unsophisticated Government in the area of national economy spells only trouble—trouble which can be easily remedied. An informed public opinion coupled with careful management of our Nation's monetary and fiscal affairs will serve as the most potent countervailing force in our war against inflation in the months ahead.

We must realize that the adoption of an incomes policy means that governments at all levels, and particularly at the Federal level, must strive to keep their financial houses in better order if an incomes policy is to work effectively in moderating inflationary forces. And, of course, a spirit of codetermination will have to be achieved between the public and private sectors if we are going to get the job done and bring the economy back into an acceptable balance.

The careful management of monetary and fiscal policies supplemented by an incomes policy that is coordinated by an independent and essentially nonpolitical Prices and Incomes Commission, will, I believe, provide the elements needed to promote such an economic environment in the months ahead.

This legislation and the establishment of an incomes and prices national policy is indeed timely in light of the hopeful and contemplated conversion of our economic structure from a war time economy to a domestic oriented one. Such a transition must be guided by sound economic judgment.

Inflation is the most inequitable tax in our economic system. It weakens the competitive structure of our free market economy both at home and abroad. It is truly a cancer which must be cured.

The legislation which I am introducing I firmly believe will make a significant contribution to the problem. It reflects a decade of thought and deliberation with many of the leading economists. Specifically, it reflects the analysis and study of the Canadian experience which has a somewhat similar commission. In this regard, I want to publicly thank Dr. John Young, Chairman of that Commission, for his most useful and thoughtful assistance, the Embassy of Canada for its cooperation.

Mr. President, I ask unanimous consent that the full text of my bill and accompanying articles and statements pertinent to the subject of my remarks be printed in the RECORD.

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

S. 2105

A bill to establish a Prices and Incomes Commission

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

ESTABLISHMENT: MEMBERS

SECTION 1. (a) There is established a Prices and Incomes Commission (hereafter referred to as the "Commission") which shall consist of three members to be appointed by the President by and with the advice and consent of the Senate as follows—

Three economists who shall be chosen from among those who are outstanding and distinguished in their field and shall be chosen from among persons who represent the interests of the public generally, one of whom shall be designated by the President at the time of his appointment to serve as Chairman of the Commission.

(b) The term of office of each member shall be two years. A member appointed to serve an unexpired term shall serve for the remainder of such term.

DUTIES

SEC. 2. (a) The Commission, in an effort to stabilize wages and prices, encourage increases in productivity and provide for a healthy and well-balanced economy, shall conduct a continuing review of the wages and prices in the economy. Whenever it determines that there has occurred, or is impending, in any industry a significant adjustment in the price of goods or services (including wages or salaries), it shall promptly report its findings to the President and to the Congress, and cause to be published such information concerning the adjustment as it deems appropriate to provide a sound basis for an informed public opinion with respect thereto.

(b) In addition to any reports made to the President and to the Congress under subsection (a), the Commission shall submit quarterly reports to the President and to the Congress with respect to its operations under this Act. The Commission shall include any report submitted by it to the President and to the Congress such recommendations for legislative or administrative action as it deems appropriate.

(c) At the end of its first two years of operation, the Commission shall report to the Congress and to the President as to its progress and responsiveness under this Act.

POWERS

SEC. 3. (a) The Commission is authorized to—

(1) make expenditures;

(2) hold hearings, subpoena witnesses, make investigations and administer oaths;

(3) take testimony orally or by deposition;

(4) appoint and fix the compensation of such personnel as may be necessary; and

(5) obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code.

(b) The Commission is authorized to request, and each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and urged to furnish to the Commission such information, services, and facilities as the Commission deems necessary to carry out its duties.

MEETINGS

SEC. 4. The Commission shall hold regular quarterly meetings and shall hold other meetings at the call of the Chairman. A majority of the Commission shall constitute a quorum for the transaction of business. Any vacancy in the Commission shall not affect its duties or powers.

ADMINISTRATIVE

SEC. 5. (a) Each member of the Commission who is an officer or employee of the United States Government shall serve without compensation in addition to that received for his services as such an officer or employee. Each member of the Commission who is not otherwise employed by the United States Government shall receive $100 to $200 per day (including traveltime) during such time as he is actually engaged in the performance of his duties as a member of the Commission. Each member of the Commission shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of his duties as a member of the Commission.

(b) The Commission is authorized to appoint and prescribe the duties of the Director of the Commission. The Director shall be paid at a rate not in excess of the maximum rate for GS–18 of the General Schedule under section 5332, of title 5, United States Code.

AUTHORIZATION OF APPROPRIATIONS

SEC. 6. There are authorized to be appropriated such sums as are necessary to carry out the provisions of this Act for an initial period of two years.

[From Business Week, Dec. 1970]

AN INCOMES POLICY TO GUIDE A PROGRAM OF EXPANSION

The Nixon Administration's economic policy is in the midst of a major overhaul. For better or worse, the President and his advisers have decided that they must give the economy more stimulation even though inflation is not yet under control.

In principle, this is a welcome move. The Administration's original game plan, which called for holding down business by tough monetary and fiscal policies until inflation began to abate, was a sound strategy. It has proved a costly one for the nation, however, not just in terms of unemployment but also in terms of lost production, sales and profits. All policy must change as conditions change, and the time has come for the Administration to shift the emphasis.

In practice, the switch to stimulative policies involves some serious risks. If business and labor take it as an invitation to start another roaring round of price-wage escalation, the country will not get the "vigorous but orderly expansion" that President Nixon described in his speech last week to the National Assn. of Manufacturers. It will get another feverish boom, a catastrophic inflation, and then, inevitably, a bust that would make the 1969–70 recession look like a garden party.

The Administration must keep this threat in mind as it moves onto the expansionary course it now is charting. In addition to more fiscal and monetary stimulation, the new policy must include precautions to keep rising demand from translating automatically into rising prices.

This means, for one thing, that the Administration should not try to rush the economy back to full employment levels in a single bound. The present situation reflects the results of a year of slow growth (1969) and a year of no real growth at all (1970). To go from our present unemployment rate of 5.8% to about 4% in 1972, which apparently is what the Council of Economic Advisers would like to do, would mean hitting an 8% growth rate in 1971. That is too much for an economy to take when an inflation virus already is in its system.

Even with a more modest growth target, the Administration cannot take it for granted that inflation will accommodatingly die a natural death. As fiscal and monetary policies relax, the President must be prepared to strengthen and expand his present rudimentary apparatus for exerting direct pressure on wage and price decisions. At this point, he no longer can avoid setting up some form of incomes policy.

Chairman Arthur F. Burns, of the Federal Reserve Board, a wise old veteran of the economic policy-making wars, sketched the outlines of an incomes policy in a speech he made this week (page 14). And while politicians flinched, he put his finger on the central point: the cost push of rising wages.

"The inflation that we are still experiencing," said Burns, "is no longer due to excess demand. It rests on the upward push of costs—mainly, sharply rising wage rates."

Burns suggests the establishment of a wage-price review board with authority to make recommendations in important wage and price cases. This makes sense, and so do some of his other recommendations, including amendment of the Employment Act of 1946 to recognize price stability as a goal of national policy.

In the final analysis, though, specific measures will be less important than the Administration's determination and its willingness to act. This is the missing ingredient that the President must supply as his policy swings from repression to expansion.

[From Fortune magazine, May 1970]

A CASE FOR GUIDEPOSTS

Warily and reluctantly, Fortune has come to the conclusion that the federal government should set up voluntary wage-price guideposts, something like those of the early 1960's. We don't *like* the idea of guideposts, even noncompulsory ones, and we would make only modest claims for their efficacy. Moreover, the advocacy of government intervention in the workings of the market is philosophically at odds with the principles of economic freedom to which we subscribe. But in the present situation, with psychology getting in the way of economics, with inflation proving more persistent than economists had expected, it could be temporarily useful to establish governmental standards designed to guide wage settlements and price decisions in the direction of price stability.

This is easier said than done, to be sure. There is not even a generally accepted label for such a policy, much less a blueprint. But under one label or another, a good many people are advocating reconsideration of guideposts. Walter Heller, who as chairman of the Council of Economic Advisers helped set up the original guideposts in 1962, speaks of the present need for "ground rules." Arthur Okun, chairman of the council during the last year of the Johnson Administration, calls for a "speed limit." J. Dewey Daane, a governor of the Federal Reserve Board, urges adoption of some form of "incomes policy." Other advocates have taken up the somewhat yogurty term "moral suasion." In Congress, most of the Democratic members of the Joint Economic Committee have put their names to a report urging that the Council of Economic Advisers publish "specific quantitative standards . . . such that voluntary compliance by business and labor will contribute to the restoration of greater price stability."

TOO LITTLE CHIPPING

The Administration, however, has so far sturdily adhered to the position Richard Nixon took at his first press conference as President. "I do not go along," he said, "with the suggestion that inflation can be effectively controlled by exhorting labor and management and industry to follow certain guidelines." Labor leaders and business managers, he added, "much as they might personally want to do what is in the best interest of the nation, have to be guided by the interests of the organization that they represent."

Strong support for the Administration's stand has come from a number of outside economists, including the University of Chicago's formidable Milton Friedman. Trying to re-establish guideposts, Friedman says, would be like "replaying a cracked record." That sort of policy, he argues, represents an effort to shift to labor leaders and businessmen the blame for inflation brought on by government. "Inflation is made by Washington and in Washington and nowhere else."

There is much to be said, certainly, for letting wages and prices—within a framework of appropriate fiscal and monetary policies—work themselves out in the market. That invisible hand, arithmetic though it sometimes seems, is not dead. But once again we are confronted with unsatisfactory results: unemployment up, housing depressed, profits squeezed, yet consumer prices still rising unpleasantly fast.

The underlying difficulty, as the article beginning on page 152 details, is that in the U.S. economy the trade-off between inflation and unemployment is worsened by numerous wages, oil-import quotas, and the building trades' monopolistic control of the labor supply, to mention only a few. As a result, full employment is attended by unacceptably rapid inflation, and efforts to stabilize prices by reducing demand tend to produce unacceptably high unemployment. In the quarter-century since the passage of the Employment Act, both Democratic and Republican administrations have notably failed to make sustained efforts to improve the trade-off by chipping away at the rigidities. We urge the Nixon Administration to chip away energetically. But this task, unfortunately, promises rather little in the way of swift results.

To a great extent the arguments currently advanced against guideposts appear to be directed against what happened after the original guideposts collapsed in 1966. During 1966–68, in a time of surging excess demand, the Johnson Administration pursued recklessly inflationary policies and tried to "jawbone" business into moderating the inevitably inflationary consequences. It was like bailing a badly leaking boat with a demitasse spoon.

But economic conditions and policies are now very different. Fiscal and monetary restraint have pretty much choked off demand inflation. The present inflation is mainly a lingering cost-push hangover, kept going by inflationary psychology rather than by underlying economic realities. Unions with contracts coming up for negotiation are demanding not only catch-up increases this year but stay-ahead increases in subsequent years. Wage increases that allow for future inflation tend, of course, to perpetuate inflation.

Under these circumstances, as Walter Heller maintains, some updated version of guideposts might help to "hasten the translation of less demand-pull pressure into less cost-push pressure." The existence of guideposts—public standards with the moral authority of the national government behind them—would provide support for those who are being pushed into inflationary courses despite their better judgment, and perhaps have some deterrent effect on those who are doing the pushing.

The working out of new guideposts would certainly involve the Council of Economic Advisers, but it would be well if the council left actual case-by-case applications to some new office created for that purpose. This need not be a very big outfit, and its only sanctions should be exposure to public scrutiny.

AUTOMATIC SHRINKAGE

Some of those who advocate a return to guideposts, by one name or another, urge that this time the government establish the rules only after consultation with representatives of labor and business. This seems a sound idea. In the meantime, after discussions with a number of economists who have thought about these matters, we offer some tentative suggestions.

Formulation of reasonable guideposts is much harder now than it was in 1962. The lags and grievances created by past inflation, and the expectations of continued inflation, make it impossible just to reinstate the 1962–66 guidepost principle that wage increases should not exceed productivity gains. But any formulation has to start with productivity, for it is from increasing output per worker that labor's gains in real income flow. The long-term trend rate of annual productivity gains in the U.S. is about 3 percent, and this is the figure to use.

A wage guidepost for inflationary times should be so constructed that it (1) makes some allowance for inflation, (2) contributes to curbing inflation, (3) automatically shrinks as inflation recedes, and (4) comes down to the basic productivity rate when price stability is restored. One formula for meeting these criteria is to take the 3 percent rate of productivity gain and add one-half of the preceding year's inflation in consumer prices.

ALLOWING FOR UPCREEP

That word "inflation," in this context, needs a bit of defining. During the first half of the 1960's, with wages advancing moderately and the wholesale price index virtually stable, the consumer price index nevertheless crept upward by somewhat more than 1 percent a year, partly because service wages tend to advance faster than industrial wages. It must be assumed that, until much else in the economy changes, an annual rise of 1 percent in consumer prices is as close as we can come to price stability. To allow for the upcreep, we define inflation, for guidepost purposes, as one percentage point less than the year's percentage increase in the consumer price index. Last year the rise came to about 6 percent, and inflation, so defined, was 5 percent. Adding half of this to the 3 percent productivity base yields a current wage guidepost of 5.5 percent—meaning that this year's labor contracts should provide for increases in compensation (wages plus fringes) no greater than 5.5 percent a year.

Under such a formula, obviously, the guidepost level would move downward as inflation subsided. If the consumer price index rose only 1 percent in a year, the wage guidepost the following year would come to 3 percent, matching that long-term rate of increase in productivity.

Organized labor would be exceedingly reluctant, of course, to accept any such formula right now, and there would have to be some bait. For one thing, contracts would probably have to provide for reopening, or for some automatic increase, if the inflation rate failed to drop below specified levels in subsequent years. Also, the agreed-upon rate of increase in compensation, say 5.5 percent, would hold over the life of the contract even if the rate of inflation went down. So in return for moderating his demand for a highly inflationary wage increase in a three-year contract, the worker would get a chance of significant gains in *real* wages next year and the year after if inflation recedes.

The corresponding price guideline should (1) permit some adjustment of prices to reflect increases and costs, (2) contribute to disinflation, and (3) help make the wage guidepost acceptable to labor by giving up a quid pro quo. Under almost any formulation of a price guidepost appropriate to 1970, an employer whose employees accepted a "guidepost" contract would absorb out of profits some fraction of the resulting increase in unit labor costs. Price increases, that is, would not fully reflect cost increases.

With profits already pinched, business would doubtless find this aspect of the guideposts highly objectionable. But acceptance of an additional cut into profits can be looked upon as a temporary price business has to pay for labor's cooperation in moving back toward price stability. And the last several years, with their burdensome borrowing costs, steeply rising labor costs, and stagnant profits, have once again abundantly demonstrated how valuable price stability is to business.

HOPE FOR REDUNDANCE

Fortune, as we have noted, advocates wage and price guideposts with some reservations and misgivings. For one thing, guideposts cannot be expected to have large effects upon wages and prices in the whole economy. In practice, guideposts mainly apply to large unions and large industrial corporations. This reach leaves out a lot of the U.S. economy, including some of the sectors that contribute most troublesomely to inflation—notably medical care and construction. What's more, it must be emphasized again that guideposts are not intended to substitute for appropriate fiscal and monetary policies or for structural reform of the economy. An economist who can be considered an advocate of a guidepost policy observed some time ago: "In a highly flexible, perfectly competitive economy, there would be no place for guideposts . . ." We agree, and we look forward to enough progress in that direction to render guideposts redundant.

Still, with so much inflationary bias in the economy, it would be well to give them another try. Guideposts may be a "cracked record," but the inflation-or-unemployment quandary is a cracked record too, and it makes a very unpleasant noise.

THE BASIS FOR LASTING PROSPERITY

(Address by Arthur F. Burns, Chairman, Board of Governors of the Federal Reserve System, in the Pepperdine College Great Issues Series, at the Beverly Hilton Hotel, Los Angeles, Calif.)

Nearly three years ago, in a talk here in Los Angeles, I pointed out that once an economy becomes engulfed by inflation, economic policy makers no longer have any good choices. To regain a lasting prosperity, a nation must have the good sense and fortitude to come to grips with inflation. There is, however, no painless way of getting rid of the injustices, inefficiency, and international complications that normally accompany an inflation.

Events of the past several years have lent poignancy to these simple truths. Recent experience has demonstrated once again that the transition from an overheated economy to an economy of stable markets is a difficult process. Elimination of excess demand was an essential first step to the restoration of stability, but this step has brought with it a period of sluggish economic activity, slow income growth, and rising unemployment. And while we have made some progress in moderating the rate of inflation, our people are still seeing the real value of their wages and savings eroded by rising prices.

The struggle to bring inflationary forces under control, and to return our labor and capital resources to reasonably full employment, is still going on. I am convinced, however, that corrective adjustments in the private sector over the past twelve to eighteen months are creating, in conjunction with governmental stabilization policies, the foundation on which a prolonged and stable prosperity can be constructed.

A cardinal fact about the current economic situation, and one that promises well for our nation's future, is that the imprudent policies and practices pursued by the business and financial community during the latter half of the 1960's are being replaced by more sober and realistic economic judgments. In my remarks to you today, I want first to review some of the key developments that lead me to this conclusion. Then I shall turn to the tasks that must still be faced in order to enhance the prospects for an early resumption of growth in production and employment in an environment of reasonably stable prices.

The current inflation got under way in 1964. Perhaps the best single barometer of the extent to which it served to distort economic decisions and undermine the stability of the economy is found in the behavior of financial markets during the late 1960's. In 1968, well over 3 billion shares of stock exchanged hands on the New York Stock Exchange—about two and one-half times the volume of five years earlier. The prices of many stocks shot upward with little reference to actual or potential earnings. During the two years 1967 and 1968, the average price of a share of stock listed on the New York Exchange rose 40 per cent, while earnings of the listed companies rose only 12 per cent. On the American Exchange the average share price rose during the same two years more than 140 per cent on an earnings base that increased just 7 per cent.

A major source of the speculative ardor came from some parts of the mutual fund industry. Long-term investment in stocks of companies with proven earnings records became an outmoded concept for the new breed of "go-go" funds. The "smart money" was to go into issues of technologically oriented firms—no matter how they were meeting the test of profitability, or into the corporate conglomerates—no matter how eccentric their character.

This mood of speculative exuberance strongly reinforced the upsurge of corporate mergers which occurred during the middle years of the 1960's. No doubt many of these mergers could be justified on grounds of efficiency. But the financial history of mergers—including some of the great conglomerates—suggests that many businessmen became so preoccupied with acquiring new companies and promoting the conglomerate image that they lost sight of the primary business objective of seeking larger profits through improved technology, marketing, and management. When talented corporate executives devote their finest hours to arranging speculative maneuvers, the productivity of their businesses inevitably suffers and so too does the nation's productivity.

These speculative excesses had to end, and it is fortunate that they ended before bringing disaster to our nation. Equity values are now being appraised more realistically than a year or two ago. Investors are now more attentive to high quality stocks. Indeed, many of them have discovered or rediscovered that even bonds and time deposits are a fit use of their funds. Not a few of those responsible for the frantic search for "performance stocks" have shifted to other activities or joined the ranks of the unemployed; so also have numbers of security analysts and stock brokers. With speculation giving way to longer-term investment, the stock market is now channeling risk capital to business firms more efficiently.

A searching reappraisal of the economic philosophy of mergers is also underway. Merger activity has slowed materially since mid-1969. To some degree this is a response to the growing concern in governmental circles over the dangers that may inhere in large concentrations of economic power. But it stems mainly from the fact that businessmen are recognizing that time and energy can usually be spent more productively in searching for ways to increase the economic efficiency of their firm than in a scramble for corporate acquisitions.

Businessmen are also reconsidering the wisdom of financial practices that distorted their balance sheets during the late 1960's. In the manufacturing sector, the ratio of debt to equity—which had been approximately stable during the previous decade—began rising in 1964 and was half again as large by 1970. Liquid asset holdings of corporate businesses were trimmed to the bone. On the average, the ratio of prime liquid assets to current liabilities fell by nearly half during those six years. In permititng such a drastic decline in liquidity, many of our corporations openly courted trouble.

Perhaps the most ominous source of instability produced by these financial practices was the huge expansion of the commercial paper market. The volume of commercial paper issued by nonfinancial businesses increased eightfold between the end of 1964 and mid-1970, as an increasing number of firms—some of them with questionable credit standings—began to tap this market. The hazards inherent in the spreading reliance on commercial paper were taken much too lightly. After all, the relations between the buyer and seller of commercial paper are by their very nature distant and impersonal—unlike the close working relationship that normally develops between a bank and its business cus-

tomers. The buyer—typically an industrial enterprise—rarely has the facilities or the experience to carry out a full investigation of the risks attaching to commercial paper. Moreover, the buyer regards his investment as temporary—to be withdrawn when cash is needed or when questions arise about the quality of the paper. The issuer, therefore, faces considerable uncertainty as to the amount of his maturing obligations that may be renewed on any given day. The risks facing the individual issuer and buyer inevitably pose a problem also for the nation's financial system, since the difficulties experienced by any large issuer of commercial paper may quickly spread to others.

These familiar truths were lost sight of in the inflationary aura of the late 1960's. It took the development of last summer, when the threat of financial crisis hung for a time over the commercial paper market, to remind the business community that time-honored principles of sound finance are still relevant.

As a result of that experience and the testing of financial markets generally during the past two years, corporate financial policies are now more constructive than in the recent past. This year, new stock issues have continued at a high level—even in the face of unreceptive markets—as corporations have sought to stem the rise in debt-equity ratios. Of late, borrowing by corporations has been concentrated in long-term debt issues, and their rate of accumulation of liquid assets has risen. Liquidity positions of industrial and commercial firms are thus improving, though it will take some time yet to rectify fully the mistakes of the past.

These efforts to restore sound business finances are not without costs to the nation. For example, long-term interest rates, while below their peaks at the end of last year or last spring, are still at unusually high levels because of this year's extraordinary volume of new capital issues. But there can be no doubt that substantial adjustments in the financial practices of our nation's businesses were essential if the basis for a lasting and stable prosperity was to be re-established.

By and large, our major financial institutions conducted themselves with prudence during the years when lax practices were spreading in financial markets. There were, however, some individual instiutions that overextended loan commitments relative to their resources, others that reduced liquidity positions to unduly low levels, still others that permitted a gradual deterioration in the quality of loan portfolios, and even a few that used funds of depositors to speculate in long-term municipal securities. Fortunately, such institutions were distinctly in the minority. When the chips were down, our major financial instiutions proved to be strong and resilient. And they are stronger today. As monetary policy has eased, the liquidity of commercial banks has been increasing. Even so, loan applications are being screened with greater care. The emphasis on investment quality has also increased at other financial institutions, as is evidenced by the recent wide spread between the yields of high and lower grade bonds.

These corrective adjustments in private financial practices have materially improved the prospects for maintaining order and stability in financial markets. But no less important to the establishment of a solid base for a stable and lasting prosperity have been the developments this year in the management of the industrial and commercial aspects of business enterprise.

During the latter half of the 1960's, business profit margins came under severe pressure. The ratio of profits after taxes to income originating in corporations had experienced a prolonged rise during the period of price stability in the early 1960's. But this vital ratio declined rather steadily from the last quarter of 1965 and this year reached its lowest point of the entire postwar period.

Until the autumn of 1969 or thereabouts, the decline in profit margins was widely ignored. This is one of the great perils of inflation. Underlying economic developments tend to be masked by rising prices and the state of euphoria that comes to pervade the business community. Though profit margins were falling and the cost of external funds was rising to astonishing levels, the upward surge of investment in business fixed capital continued. True, much of this investment was undertaken in the interest of economizing on labor costs. Simultaneously, however, serious efforts to bring operating costs under control became more and more rare, labor hoarding developed on a large scale, huge wage increases were granted with little resistance, and some business investments were taken in the expectation that inflationary developments would one way or another validate almost any business judgment. While the toll in economic efficiency taken by these loose managerial practices cannot be measured with precision, some notion of its significance can be gained by observing changes in the growth rate of productivity.

From 1947 through 1966, the average rate of advance in output per manhour in the private sector of the economy was about 3 per cent per year. In 1967, the rate of advance slowed to under 2 per cent, and gains in productivity ceased altogether from about the middle of 1968 through the first quarter of this year. The loss of output and the erosion of savings that resulted from this slowdown in productivity growth are frightfully high.

The elimination of excess demand, which the government's anti-inflationary policies brought about, is now forcing business firms to mend their ways. Decisions with regard to production and investment are no longer being made on the assumption that price advances will rectify all but the most imprudent business judgments. In the present environment of intense competition in product markets, business firms are weighing carefully the expected rate of return on capital outlays and the costs of financing. The rate of investment in plant and equipment has therefore flattened out, and advance indicators suggest that business fixed investment will remain moderate in 1971.

Business attitudes toward cost controls have of late also changed dramatically. A cost-cutting process that is more widespread and more intense than at any time in the postwar period is now underway in the business world. Advertising expenditures are being curtailed, unprofitable lines of production discontinued, less efficient offices closed, and research and development expenditures critically reappraised. Layers of superfluous executive and supervisory personnel that were built up over a long period of lax managerial practices are being eliminated. Reductions in employment have occurred among all classes of workers—blue collar, white collar, and professional workers alike. Indeed, employment of so-called non-production workers in manufacturing has shown a decline since March that is unparalleled in the postwar period.

Because of these vigorous efforts to cut costs, the growth of productivity has resumed, after two years of stagnation. In the second quarter of this year, output per manhour in the private nonfarm economy rose at a 4 per cent annual rate, and the rate advanced to 5 per cent in the third quarter. These productivity gains have served as a sharp brake on the rise in unit labor costs, despite continued rapid increases in wage rates.

In my judgment, these widespread changes in business and financial practices are evidence that genuine progress is being made in the long and arduous task of bringing inflationary forces under control. We may now look forward with some confidence to a future when decision in the business and financial community will be made more rationally, when managerial talents will be concentrated more intensively on efficiency in processes of production, and when participants in financial markets will avoid the speculative excesses of the recent past.

Let me invite your attention next to the role that government policies have played this year in fostering these and related adjustments in private policies and practices.

The fundamental objective of monetary and fiscal policies this year has been to maintain a climate in which inflationary pressures would continue to moderate, while providing sufficient stimulus to guard against cumulative weakness in economic activity. Inflationary expectations of businessmen and consumers had to be dampened; the American people had to be convinced that the government had no intention of letting inflation run rampant. But it was equally important to follow policies that would help to cushion declines in industrial production stemming from cutbacks in defense and reduced output of business equipment, and to set the economy on a course that would release the latent forces of expansion in our home-building industry and in state and local government construction. I believe we have found this middle course for both fiscal and monetary policy.

A substantial reduction in the degree of fiscal restraint has been accomplished this year with the phasing out of the income tax surcharge and the increase in social security benefits. These sources of stimulus provided support for consumer disposable incomes and spending at a time when manufacturing employment was declining and the length of the work-week was being cut back.

I do not like, but I also am not deeply troubled, by the deficit in the Federal budget during the current fiscal year. If the deficit had originated in a new explosion of governmental spending, I would fear its inflationary consequences. This, however, is not the present case. The deficit in fiscal 1971—though it will prove appreciably larger than originally anticipated—reflects in very large part in the shortfall of revenues that has accompanied the recent sluggishness of economic activity. The Federal budget is thus cushioning the slowdown in the economy without releasing a new inflationary wave. The President's determination to keep spending under control is heartening, particularly his plea last July for a rigid legislative ceiling on expenditures that would apply to both the Executive and the Congress. However, pressures for much larger spending in fiscal 1972 are mounting and pose a threat to present fiscal policy.

Monetary policy this year has also demonstrated, I believe, that it could find a middle course between the policy of extreme restraint followed in 1969 and the policies of aggressive ease pursued in some earlier years. Interest rates have come down, and liquidity positions of banks, other financial institutions, and nonfinancial businesses have been rebuilt—though not by amounts that threaten a reemergence of excess aggregate demand. A more tranquil atmosphere now prevails in financial markets. Market participants have come to realize that temporary stresses and strains in financial markets could be alleviated without resort to excessive rates of monetary expansion. Growth of the money supply thus far this year—averaging about a 5½ per cent annual rate—has been rather high by historical standards. This is not, however, an excessive rate for a period in which precautionary demands for liquidity have at times been quite strong.

The precautionary demands for liquidity that were in evidence earlier in 1970 reflected to a large degree the business and financial uncertainties on which I have already commented. It was the clear duty of the nation's

central bank to accommodate such demands. Of particular importance were the actions of the Federal Reserve in connection with the commercial paper market last June. This market, following the announcement on Sunday, June 21, of the Penn Central's petition for relief under the Bankruptcy Act, posed a serious threat to financial stability. The firm in question had large amounts of maturing commercial paper that could not be renewed, and it could not obtain credit elsewhere. The danger existed that a wave of fear would pass through the financial community, engulf other issuers of commercial paper, and cast doubt on a wide range of other securities.

By Monday, June 22—the first business day following announcement of the bankruptcy petition—the Federal Reserve had already taken the virtually unprecedented step of advising the larger banks across the country that the discount window would be available to help the banks meet unusual borrowing requirements of firms that could not roll over their maturing commercial paper. In addition, the Board of Governors reviewed its regulations governing ceiling rates of interests on certificates of deposit, and on June 23 announced a suspension of ceilings in the maturity range in which most large certificates of deposits are sold. This action gave banks the freedom to bid for funds in the market and make loans available to necessitous borrowers.

As a result of these prompt actions, a sigh of relief passed through the financial and business communities. The actions, in themselves, did not provide automatic solutions to the many problems that arose in the ensuing days and weeks. But the financial community was reassured that the Federal Reserve understood the seriousness of the situation, and that it would stand ready to use its intellectual and financial resources, as well as its instruments of monetary policy, to assist the financial markets through any period of stress. Confidence was thus bolstered, with the country's large banks playing their part by mobilizing available funds to meet the needs of sound borrowers caught temporarily in a liquidity squeeze.

The role that confidence plays as a cornerstone of the foundation for prosperity cannot, I think, be overstressed. Much has been done over recent months by private businesses and by the government to strengthen this foundation. If we ask what tasks still lie ahead, the answer I believe must be: full restoration of confidence among consumers and businessmen that inflationary pressures will continue to moderate, while the awaited recovery in production and employment becomes a reality.

The implications of this answer for the general course of monetary and fiscal policies over the near term seem to me clear. The thrust of monetary and fiscal policies must be sufficiently stimulative to assure a satisfactory recovery in production and employment. But we must be careful to avoid excessive monetary expansion or unduly stimulative fiscal policies. Past experience indicates that efforts to regain our full output potential overnight would almost surely be self-defeating. The improvements in productivity that we have struggled so hard to achieve would be lost if we found ourselves engulfed once again in the inflationary excesses that inevitably occur in an overheated economy.

As I look back on the latter years of the 1960's, and consider the havoc wrought by the inflation of that period, I am convinced that we as a people need to assign greater prominence to the goal of price stability in the hierarchy of stabilization objectives. I have recommended on earlier occasions that the Employment Act of 1946 be amended to include explicit reference to the objective of general price stability. Such a change in that law will not, of course, assure better economic policies. But it would call the nation's attention dramatically to the vital role of reasonable price stability in the maintenance of our national economic health.

At the present time, governmental efforts to achieve price stability continue to be thwarted by the continuance of wage increases substantially in excess of productivity gains. Unfortunately, the corrective adjustments in wage settlements that are needed to bring inflationary forces under control have yet to occur. The inflation that we are still experiencing is no longer due to excess demand. It rests rather on the upward push of costs—mainly, sharply rising wage rates.

Wage increases have not moderated. The average rate of increase of labor compensation per hour has been about 7 per cent this year—roughly the same as last year. Moreover, wage costs under new collective bargaining contracts have actually been accelerating despite the rise in unemployment. In the third quarter of this year, major collective bargaining agreements called for annual increase in wage rates averaging 10 per cent over the life of the contract. Negotiated settlements in the construction industry during the same three months provided for wage increases averaging 16 per cent over the life of the contract, and 22 per cent in the first year of the contract. Nor is the end of this explosive round of wage increases yet in sight. Next year, contracts expire in such major industries as steel, aluminum, copper, and cans. If contracts in those industries are patterned on recent agreements in the construction industry—or, for that matter, in the trucking and automobile industries—heavy upward pressures on prices will continue.

I fully understand the frustration of workers who have seen inflation erode the real value of past wage increases. But it is clearly in the interest of labor to recognize that economic recovery as well as the battle against inflation will be impeded by wage settlements that greatly exceed probable productivity gains.

In a society such as ours, which rightly values full employment, monetary and fiscal tools are inadequate for dealing with sources of price inflation such as are plaguing us now—that is, pressures on costs arising from excessive wage increases. As the experience of our neighbors to the north indicates, inflationary wage settlements may continue for extended periods even in the face of rising unemployment. In Canada, unemployment has been moving up since early 1966. New wage settlements in major industries, however, averaged in the 7 to 8 per cent range until the spring of 1969, then rose still further. This year, with unemployment moving above 6½ per cent, negotiated settlements have been in the 8 to 9 per cent range.

Many of our citizens, including some respected labor leaders, are troubled by the failure of collective bargaining settlements in the United States to respond to the anti-inflationary measures adopted to date. They have come to the conclusion, as I have, that it would be desirable to supplement our monetary and fiscal policies with an incomes policy, in the hope of thus shortening the period between suppression of excess demand and the restoration of reasonable relations of wages, productivity, and prices.

To make significant progress in slowing the rise in wages and prices, we should consider the scope of an incomes policy quite broadly. The essence of incomes policies is that they are market-oriented; in other words, their aim is to change the structure and functioning of commodity and labor markets in ways that reduce upward pressures on costs and prices.

The additional anti-inflationary measures announced by the President last Friday will make a constructive contribution to that end. The actions to increase the supply of oil will dampen the mounting cost of fuels, and the recommendations made by the President to improve the structure of collective bargaining in the construction industry strike at the heart of a serious source of our current inflationary problem.

I would hope that every citizen will support the President's stern warning to business and labor to exercise restraint in pricing and wage demands. A full measure of success in the effort to restore our nation's economic health is, I believe, within our grasp, once we as a people demonstrate a greater concern for the public interest in our private decisions.

If further steps should prove necessary to reduce upward pressures on costs and prices, numerous other measures might be taken to improve the functioning of our markets. For example, liberalization of import quotas on oil and other commodities would serve this purpose. So also would a more vigorous enforcement of the anti-trust laws, or an expansion of Federal training programs to increase the supply of skilled workers where wages are rising with exceptional rapidity, or the creation on a nationwide scale of local productivity councils to seek ways of increasing efficiency, or a more aggressive pace in establishing computerized job banks, or the liberalization of depreciation allowances to stimulate plant modernization, or suspension of the Davis-Bacon Act to help restore order in the construction trades, or modification of the minimum wage laws in the interest of improving job opportunities for teenagers, or the establishment of national building codes to break down barriers to the adoption of modern production techniques in the construction industry, or compulsory arbitration of labor disputes in industries that vitally involve the public interest, and so on. We might bring under an incomes policy, also, the establishment of a high-level Price and Wage Review Board which, while lacking enforcement power, would have broad authority to investigate, advise, and recommend on price and wage changes.

Such additional measures as may be required can, of course, be determined best by the President and the Congress. What I see clearly is the need for our nation to recognize that we are dealing, practically speaking, with a new problem—namely, persistent inflation in the face of substantial unemployment—and that the classical remedies may not work well enough or fast enough in this case. Monetary and fiscal policies can readily cope with inflation alone or with recession alone; but, within the limits of our national patience, they cannot by themselves now be counted on to restore full employment, without at the same time releasing a new wave of inflation. We therefore need to explore with an open mind what steps beyond monetary and fiscal policies may need to be taken by government to strengthen confidence of consumers and businessmen in the nation's future.

In the past two years we have come a long way, I believe, towards the creation of a foundation for a lasting and stable prosperity. Confidence has been restored in financial markets. Businesses have turned away from the imprudent practices of the past. Productivity gains have resumed. Our balance of trade has improved. The stage has been set for a recovery in production and employment—a recovery in which our needs for housing and public construction can be more fully met.

To make this foundation firm, however, we must find ways to bring an end to the pressures of costs on prices. There are no easy choices open to us to accomplish this objective. But that, as I indicated at the outset, is the tough legacy of inflation.

[From the New York Times, Jan. 27, 1971]

A WAGE-PRICE REVIEW BOARD IS RECOMMENDED BY WOODCOCK

(By Philip Shabecoff)

WASHINGTON, Jan. 26.—Leonard Woodcock, the president of the United Automobile Workers, suggested today the creation of a wage-price review board to cope with inflation.

Mr. Woodcock said that companies and unions with "dominant" positions in their industry should be required to appear before such a board to justify inflationary increases in wages.

However, this board would not have legal power to enforce wage and price rollbacks but would bring the "weight of public opinion to bear," Mr. Woodcock said.

At a breakfast meeting with reporters, the union leader said he was opposed to regulated wages and prices, "whether by jawboning or by guidelines."

He said that wage regulations would be easy to impose but that it would be hard to administer price controls.

He said he was "unimpressed by the little tableau of Bethlehem Steel and United States Steel" and implied that the recent large steel increase announced by Bethlehem Steel that was cut in half to match United States Steel's lower increase was not spontaneous.

Mr. Woodcock also asserted that "there is no question that the wage increases in the construction industry are excessive."

He said that outside electricians called in to work on construction projects in U.A.W. plants sometimes made $2 to $3 an hour more than electricians who were members of the U.A.W. "and sometimes our workers are more skilled than the others."

In testimony before the Joint Economic Committee of Congress later in the day, he said that earnings of unionized blue collar workers had grown less than any other segments of the working force during the Nixon Administration.

The Nixon Administration, he said, is "aiming at the wrong targets" when it refers to contract settlements by big unions as the cause of inflation.

As part of a thick report on problems caused by what he described as the Administration's erratic economic policy," Mr. Woodcock detailed the U.A.W. plan for a price-wage review board.

A consumer council would be empowered to initiate hearings before the board aimed at reducing excessive price increases in industries that administer prices, such as the automobile industry. Unions would be required to participate in the hearings if wage increases were a factor, but the focus of the plan would be on price increases.

[From U.S. News & World Report, Feb. 8, 1971]

HOW TO CONTROL INFLATION: A THREE-STAGE FORMULA

(By R. Heath Larry)

Surely during the last several months, there have been more words written and said about inflation, its causes and cures, than at any time within contemporary history. And you will by no means have heard the last word. I am sure of that.

There is a sense of desperation in the air, which can give rise to ill-considered and dangerous actions.

The question before us is whether a democracy predicated upon a free-market economy can really cope with the problem. I still believe it can—but certainly the months immediately ahead will be a critical test of both our will and our capacity to help it do so.

In its efforts to develop future policy choices, one hopes that the Administration will pay careful attention to what negated the impact of its past policy choices. And the crux of its analysis, it seems to me, must inevitably center upon the question as to why collectively bargained rates have continued to go out through the roof.

After all, wage trends within the nonunionized sector had, in fact, already begun to respond to reduced job opportunities and lower profits. But not so in the unionized sector. Why was this so?

Perhaps it could be argued that the planned slowdown in the economy was administered too cautiously, allowing for too much expectation that the treatment was only temporary, or that the increasing prevalence of three-year agreements augmented the time lag for reaction, or that declining corporate liquidity affected the willingness—perhaps even the capacity of employers to suffer long cash-draining strikes in an effort to break the pattern of excessive wage increases, or that strikers themselves were increasingly liquid, so to speak, because of their access to various benefits while striking.

But, however one looks at it, the factor which emerged as really controlling was today's union bargaining structure—a structure whose orientation is candidly and strongly counter-market—and whose capacity clearly emerged as strong enough to ignore labor-market influences—and to ignore declines in productivity and industrial profitability as well—if it so chooses.

When one looks at the record and notes that in every year but two out of the last 20, unit-labor costs in the U.S. have increased, and that recently the rate of increase in labor costs per man-hour in manufacturing has been more than double the long-term average rate of gain in output per man-hour, it is clear that something is dead wrong in the power balance reflected in contemporary collective bargaining as a whole.

It can be said categorically that a continuation of the wage trends of the recent past is a luxury this nation simply cannot afford. For if these trends spread broadly across the manufacturing segment, one of our nation's economic problems—which is already serious—can become a nightmare. Let me spell out what I mean:

Manufactured goods now constitute close to 60 per cent of all world trade—up from only about 40 per cent of the total 20 years ago.

But the U.S. share of the world's export of manufactures has dropped during that period from above 28 per cent to just under 20 per cent. Over the same time span, our imports of manufactures have increased about 8½ times, while our exports of them have increased only 3½ times.

And while labor cost may not be the only factor contributing to this picture, it is far and away the most important one. We cannot afford to ignore the fact that in the period 1965 through 1969, Japan, Germany, France, the Netherlands, Sweden, Italy, Canada—and even the United Kingdom—all surpassed us in terms of annual rate of improvement in output per man-hour. Recently, wage increases have accelerated abroad. Nevertheless, we are not only still plagued by a wide, continuing, and in too many cases an expanding difference between our wage rates and those of competing nations, but our rate of rise in unit-labor costs in the period just mentioned exceeded all but Canada's.

No wonder our balance of trade in recent years has been anything but healthy. Those who see dangers in increasing protectionism in the U.S. had better see, as even more important, the danger in the decreasing competitiveness of the industrial economy of the U.S.

The fact is that unless American industries can soon hope for an improvement in their comparative unit-labor-cost picture, we as a nation will have no choice but to modify our trade policy in a direction more supportive of domestic industry and of the domestic economy than has been the case for many years.

While on the subject of foreign competition, let me touch briefly upon the frequently heard suggestion that keeping our trade doors open may be an important key to restraining our current inflation.

It is most important to realize that today only about one fourth of our work force is in manufacturing. About two thirds of it is in what are broadly termed the service industries. Thus, the great majority of the American work force is in employment where no direct connection with foreign competition is yet felt with sufficient sensitivity for it to be influential.

The record will show that the really big wage increases in the last several years did not begin to break out first in manufacturing. Rather it was in construction, followed by the transportation and service industries and in public employment—where wide-open gates to foreign products made with cheaper labor have not yet appeared to represent any effective leverage for holding down either wages or prices.

The problem we now face is that, internal union politics being what they are, the pressure to try to keep up with the wage parade thus started could begin to outweigh import pressures, even where the impact of the latter has been quite obvious.

Thus, the principal effect of increasing pressures from lower-wage foreign competition may very well be only to make it increasingly difficult for the employers who face it to acquire the capital necessary for improving their competitive efficiency. That's no way to slow inflation. To do so, we will need all the improved productivity we can get.

The President recognized this by appointing a National Commission on Productivity, of which I have the honor to be a member. Moreover, the President had earlier created a Task Force on Business Taxation, which recently recommended a 40 per cent cut in guideline lives of machinery and equipment in order to encourage productivity-boosting capital spending. While the President recently moved very modestly along these lines, I would hope that the full recommendation of the task force can soon become a reality.

IMPROVED PRODUCTIVITY WON'T SOLVE PROBLEM

But improved productivity alone won't solve our problem. Even if our nation's productivity trend line could miraculously be improved by 50 per cent, the relief afforded today's wage-push inflation problem would be minute—because unless the recent rate of first-year increases in labor contracts were significantly curbed, that rate would still be from double to quadruple even the improved rate of productivity increase.

Where, then, does the solution lie?

John Kenneth Galbraith is always interesting, no matter what other reactions one may have about him. In a letter published in "The Washington Post" the day before the President's address of December 4, Mr. Galbraith argued the futility of further reliance upon monetary and fiscal management in the following words:

"The Administration must not suppose that quarterway measures—jawboning, voluntary guidelines, inflation alerts, levitation, incantation or massive public prayer—will work. It must break the structure of inflationary expectations with a freeze and then work out a permanent and enforced system of wage and price controls wherever strong unions set wages and strong corporations set prices."

He did say "permanent" and he did say "enforced." And his reason was his belief that managing an economy by monetary and fiscal policy is not possible in the face of either union or corporate power which pre-

cludes reasonable responsiveness of the market to such management.

I reject his assumption about corporate pricing power, as you might expect me to do. But, frankly, if it existed to the extent he suggests, profit rates would surely not have declined to the extent they have. Affected, to be sure, by the constraints of cost pressures, prices are nevertheless still basically responsive to market forces—even if not always as mercurially as in an auction market. The problem lies in the fact that union wages have shown no responsiveness whatever.

One may not always agree with Mr. Galbraith, but I believe his views serve well to point up our dilemma.

UNION BARGAINING VERSUS CONTROLS

Our choice may in truth lie somewhere between revising the union bargaining structure to help it become more responsive to market forces, on the one hand—or, on the other, embracing permanent and enforceable controls. Past union views about the first approach need scarcely be recalled. But is the latter what unions really want?

Either a restructuring of bargaining or an embracing of permanent controls is, of course, likely to require new, difficult and controversial legislation, and thus neither seems likely to occur quickly. Meanwhile, "Rome is burning." For if the wage trends of the last year continue to flow unabated through the entire economy, it is not at all unlikely that the recent squeeze on unemployment and profits will have been only a miniversion of things to come. It is of extreme importance, therefore, that extraordinary efforts be made promptly to bring about a better voluntary response from the existing structure.

We clearly need something different from what we now have. The recent so-called "market oriented" incomes policy, as evidenced by recent governmental comments, proposals and actions concerning the oil and construction industries—and perhaps the steel industry has now been included—serves the purpose of drawing attention to the problem of inflation. However, it seems bound to become not only inadequate and discriminatory, but unfair as well. The Government will soon run out of market protections which it can withdraw or threaten to withdraw. Moreover, I feel sure it must recognize the unfairness of pointing fingers at so-called "sinners" in the absence of even a broad definition of what constitutes "sin"—and only at selected sinners, at that.

Meanwhile, is there any other way which can help bring inflation under control—without greater risk to our market economy? I would like to venture the thought that a three-pronged approach such as the following might be helpful:

The first element would be for Government to devote itself far more assiduously than it has to date to the task of trying to inspire what might be called a kind of universal sense of national mission in support of the urgency of subduing inflation.

This will not be easy. The average U.S. citizen has never experienced the consequences of runaway inflation such as Germany and some other countries have had. He is not greatly impressed with allegations, however true they might be, that inflation creates inequities and distortions within the economy which impair its future progress. In short, today's average citizen may still feel it less in his self-interest for him to support anti-inflationary actions than to support actions which may help him to keep pace with or try to get ahead of inflation.

If there is any hope of changing this view and of getting him more on the team than he is now—although all of us must play supporting roles—the lead role will have to be played by Government, and with a drama and an emphasis exceeding anything it has shown thus far. To be sure, Government deserves credit for now having made a start toward achieving the necessary understanding; but to some, its efforts still seem ambivalent. For example, what compelling sense of urgency for supporting the fight is engendered in John Doe, union member, when he reads in the President's address a statement that "the worst inflation is over"—coupled with a pledge to move on toward full employment?

Government doesn't have to go so far as to continue the politically unpopular posture of threatening to induce further unemployment as an inflation-suppressing device. But might not the average employe's sense of urgency become much sharper if, for example, Government made it abundantly clear to him that escalating wage costs are sapping the strength of his country in world markets and that Government efforts to counter unemployment, however sincere and purposeful, are bound to be ineffective until that trend is reversed?

Somehow, I feel that American workers still would like to be on a winning team—and that this kind of candor might help inspire a sense of mission to want to play the kind of game required to win.

WHY GOVERNMENT SHOULD SET STANDARDS

Second, beyond attempting to inspire a sense of mission, Government may have to develop—or cause to be developed—some kind of reasoned definition as to what kind of conduct by wages and other incomes is needed in the national interest at this time and why.

Changing the trend of a wage pattern will never be easy. In political instrumentalities like unions, where the tendency for leadership to respond to demands of their power base is almost irresistible, some crutches may prove helpful—perhaps even unavoidable.

By advocating the need for definition, I am not suggesting either a simplistic guideline number or a hit-the-visible miss-the-rest enforcement approach, such as we had, for example, in the early and mid-'60s. We are much too far into the current wage spiral to expect that publicizing the number representing the average annual gain in output per man-hour will, all by itself, be a purposeful exercise.

The kind of definition I am groping for might be thought of perhaps as a kind of enlargement upon, or detailing of, the sense of mission. It should not reflect something whose nonenforcement would mean loss of face to the Government. Rather, it should be conceived in such terms that nonadherence could mean a real sense of felt guilt in recognition of how such nonadherence could lead to a loss of more than just face—to us all.

Thus the definition might have many facets—and might need unusual origins. It should not be sought at the expense of compromising what we need with what might be "salable." One of the major purposes of seeking the definition would be to help make "salable" what may not be now. Thus the definition should take account of such things as: (a) the need for the nation to grow more competitive in world markets; (b) the degree to which slow growth in real gross national product—and monetary commitments to social benefits, the ecology and defense—may now restrict the potential for average improvements in current living standards in dollar terms, and (c) the fact that if profits of investors do not keep pace with the cost of living at least as much as do wages, the private capital which supports the jobs of employe claimants will not be there.

Perhaps the definition should emerge from Government sponsorship—but not by Government edict. It might result from a forum encouraged by Government—one perhaps like the Commission on Productivity—in any event, one specifically assigned the task of achieving such definition out of a frank exchange among union, industry, academic and governmental authorities.

MEETING "OUR BREAD-AND-BUTTER NEEDS"

The point is that we badly need a means by which to seek a broader consensus on what wage responses will best meet the national need, and thus, in turn, our bread-and-butter needs.

If the response still emerging piecemeal from the picket lines is as intolerable as some of us believe it to be, other means simply must be sought to condition it. The need for an alternate road to consensus is confirmed, I feel, by actions of several high-placed labor leaders who have been heard recently to advocate experimenting with the concept of voluntary arbitration.

While we are dealing with what is essentially an economic problem, its solution may be essentially political. The background must be laid publicly so that forward-looking leadership can be exercised. We cannot continue to have union memberships rejecting their leaders' settlements, government employees flouting the law, or a real union telling Congress what it will or will not accept. Unless what men are asked to do can be shown as both fair and necessary, there may well result a kind of industrial anarchy, whether compliance is sought on a voluntary or compulsory basis.

Now, third and finally, the needed voluntary response is not likely to emerge without some very strong motivation. It could be provided if Government will add one further dimension, and that is, if it will use its own strong voice to point out very forthrightly the dilemma we face—and pull no punches whatever. Government needs to say clearly and forcefully that if, within existing power structures, voluntarism and free markets cannot be made adequately to serve the national interest, either the power structures will have to be modified or we will be forced to give up the concept of the free-market economy for the stultifying structure of a controlled economy.

AT STAKE: FREE LABOR, FREE MARKETS

To be required to accept controls in any but an all-out period of total war suggests not only the end of free labor and free bargaining, but perhaps also of free capital markets and of democracy as we have known it, as well.

As Winston Churchill once said, "The feel of the hangman's noose around the neck is a powerful stimulant to thought."

If both the urgency—and the options—are made plain to all our citizens and we are thus stimulated to embrace sensible alternatives, I have a strong hope that our free economy can move forward—unhampered by either an imposed squeeze or an imposed freeze.

[From the National Journal, Dec. 26, 1970]

ECONOMIC REPORT/NIXON FEELING PRESSURES TO ADOPT INCOMES POLICY

(By John M. Pearce)

Because of his reluctance to put firm pressure on industry and unions, President Nixon is being "jawboned" steadily toward more dramatic action to slow the rise of prices and wages.

Mr. Nixon's plans to weaken the power of construction unions and roll back recent oil price increases—announced Dec. 4 and, in the case of oil prices, implemented Dec. 22 by import quota increases of 100,000 barrels a day—softened the criticism inside the Administration. But they had little effect on outside calls for more and stiffer actions.

While most of the pressure on Mr. Nixon comes from Democratic politicians and economists who were associated with past Democratic Administrations, one of the most specific proposals so far has come from Arthur F. Burns. The 66-year-old chairman of the

Federal Reserve Board, who was until a year ago the most prominent member of the Nixon economic team, suggested, among other initiatives, a wage-price review board.

And a detailed plan for a punitive income tax on corporations that agree to wage settlements above government-set guidelines has been submitted by Yale University professor Henry C. Wallich, who also is senior adviser to outgoing Treasury Secretary David M. Kennedy, and Sidney Weintraub, chairman of the economics department at the University of Waterloo, Ont., Canada. Weintraub is on leave from the University of Pennsylvania.

The other proposals range virtually along the entire gamut of possibilities, from guidelines for wage and price increases (such as the "guideposts" begun in 1962 during John F. Kennedy's Administration) to full, though temporary, wage-price freezes.

All call for some type of "incomes policy," a term usually applied to any government effort to change the way the national income pie is divided.

With the exception of John Kenneth Galbraith's judgment that the "new economics" has collapsed under the weight of big companies and big labor and that it must be succeeded by some system of permanent wage and price controls, pressure for formal controls has been conspicuously sparse.

Despite the rejection so far of formal federal guidelines, the issue remains very much under consideration.

"We know we are fallible," said Hendrik S. Houthakker, 45, a member of the Council of Economic Advisers. "If it turns out we are dead wrong and prices go up more strongly than ever, the Administration might well change its tune. We go by results."

GOVERNMENT ADVISERS

Mr. Nixon's new pressure against the higher oil prices and his decision to try to strengthen builders in contract bargaining were the boldest efforts of his Administration to influence prices and wages.

The efforts, outlined in a Dec. 4 speech to the National Association of Manufacturers in New York, reflected conflicting pressures from his principal economic advisers—the Council of Economic Advisers, especially chairman Paul W. McCracken and member Herbert Stein, both 54; and George P. Shultz, 50, director of the six-month-old Office of Management and Budget.

CEA: McCracken has said several times, most recently at a news conference Dec. 1, that he has "never been particularly allergic to jawboning, if by that one means the process by which one tries to make clear developments in the economy that have relevance to public policy."

Stein's position is less clear. He said in a *National Journal* interview that he has an open mind about incomes policies; but he indicated he thought of them only as a device for speeding up economic corrections, which must be brought about mainly by fiscal (budget) policy, as set by the President and Congress, and monetary policy, as set by the Federal Reserve System.

Shultz: Shultz could not be reached directly, but several fellow government economists offered their interpretations of his position. Most of them said he is becoming or has become the President's premier adviser on economic matters.

As a former dean of the University of Chicago graduate school of business, Shultz is closely associated with the "Chicago school" of minimum government interference with the economy and heavy reliance on monetary policy.

Several groups—One senior Administration official, who asked that he not be identified, confirmed that there are several schools of thought on incomes policies within Mr. Nixon's official family.

"I don't know if you would call them groups," he said. "Sometimes the group is one.

"I think Stein and Shultz would rather do nothing, but they see the political pressures. There are others, like Arthur Burns, that would want to set up a wage-price board."

Another government economist, who also asked anonymity, said the President gives considerable weight to the views of Shultz, McCracken and Burns. But, he said, "I would guess that Shultz is number one at this point. I have to add 'at this point,' because that varies."

Burns' remoteness—He said Burns has adopted "a more remote relationship" with Mr. Nixon since leaving his Cabinet-level job as counselor to the President.

But, this economist said, if Burns "makes a judgment on what's happening to the economy—I'm not saying a recommendation on economic policy—I think the President would give that considerable weight, because he's found Arthur's judgment on those matters quite good in the past."

Shultz' proximity—A member of the staff in Shultz' own agency, OMB, called his chief "obviously a heavyweight adviser to the President."

He and others consider it very important that Shultz' office in the West Wing of the White House is close to the President's.

"It takes Shultz maybe 13 seconds to get to the oval room (Mr. Nixon's principal office) if he doesn't use the elevator. None of the other economic advisers could get there in less than five minutes," the staff man said.

When Shultz was Secretary of Labor (1969–70), he spoke out often on economic matters, rejecting time after time the suggestion that the Administration install some sort of incomes policy.

He has not commented publicly since July, when OMB was formed, but a remark he made last February before the Joint Economic Committee of Congress is typical. He rejected guidelines, saying they "did not work in this country, and they have been tried in nearly all the democratic countries of the world and haven't worked anywhere."

Troika activity—He was not then a member of the "troika"—the economic policy group consisting of the chairman of the CEA, the secretary of the treasury and the director of the Budget Bureau (now OMB)—but since he became head of OMB, he has been active in troika affairs.

One Treasury Department official said Shultz lately "has assumed a very important role and is full exercising his role in the troika."

He said that because Treasury Secretary Kennedy "was not such a strong and forceful personality" in troika deliberations, much of the responsibility fell to McCracken, Stein and, more recently, Shultz.

Shultz, he said, "carries a great deal of weight because that's how he got picked. The President trusts him. Kennedy: Kennedy's role in economic planning and policy making has been unclear for some time, and the question became moot when Mr. Nixon announced recently that he will be succeeded next year by John B. Connally, a Democrat, and former Texas Governor (1963–69) and Secretary of the Navy (1961).

But Kennedy's influence—and that of Treasury—was illustrated by the way the CEA's second "inflation alert" was cleared by high Administration officials on Nov. 27, a Friday. It was released the following Tuesday Dec. 1.

Houthakker, the CEA member charged with early development of the alert, said in an interview that it was sent for clearance to three officials: Shultz, Labor Secretary James D. Hodgson, 56, and Commerce Secretary Maurice H. Stans, 62.

It was not sent to Kennedy, Houthakker said, because "Treasury doesn't really have a major responsibility in this area."

BURNS. Although Fed Chairman Burns made it clear last May he thought some type of income policy short of wage and price controls—might hasten reductions in price inflation, he got very specific in a Los Angeles speech Dec. 7.

"We are dealing, practically speaking, with a new problem—namely, persistent inflation in the face of substantial unemployment—and the classical remedies may not work well enough or fast enough in this case," Burns said. Among the possible steps he suggested was establishment of a high-level price and wage review board" with the power to investigate, advise and recommend on wage and price changes.

Because of his background as a Presidential adviser and his reputation as an economist, Burns is a frequent visitor in the President's office. The substance of his discussions with Mr. Nixon is a carefully guarded secret, however.

In public, Burns has said that he agrees with the way Mr. Nixon is trying to wrest the economy from its double problems of inflation and unemployment.

However, one Fed official said, "He certainly wasn't speaking for Richard Nixon" when he said in Los Angeles, "We need to explore with an open mind what steps beyond monetary and fiscal policies may need to be taken by government to strengthen confidence of consumers and businessmen in the nation's future."

The guideline would be imposed only on wage increases. Weintraub and Wallich said that the certain knowledge that too-large wage increases would bring higher income taxes would stiffen management's back at the bargaining table.

Prices would remain under control, Wallich said, because business would find its production costs rising less rapidly. In addition, he said, "an increase in the income tax is very hard to shift, certainly in the short run."

Weintraub said he had considered several possibilities for beefing up the government's efforts to control inflation, and "this seems to be the most innocuous, in the sense of least interference and least bureaucracy." He said the plan "is surely not anti-union compared to any other recommendation, and above all it is not antilabor."

Treasury Under Secretary Charls E. Walker, 47, confirmed that Weintraub, who was on Walker's Ph. D. examination committee at the University of Pennsylvania in 1955, had approached him about the plan and that is was being studied.

"We're going to examine it, but that gives no prejudice one way or the other as to what we might come out with," he said.

ROOSA. One of the strongest and most detailed suggestions for a new incomes policy came from Robert V. Roosa, former under secretary of the treasury for monetary affairs (1961–64).

In testimony before the House Banking and Currency Committee on June 17 and again in a *National Journal* interview, Roosa called for a three-step plan to curb the upward spirals of prices and unemployment:

a temporary freeze on all wages, prices, rents and dividends;

an incomes policy worked out among government officials and key interest groups with which all would agree they could live;

a 1970 version of the Temporary National Economic Committee of the late 1930's, with authority to reexamine the nation's entire price and wage structure.

Roosa said he doubts voluntary freezes would work, because "very large wage increases" since his June 17 proposal had locked-in disparities.

"Wherever you try to put a brake on this,

there are going to be at least half of the affected people who claim that they haven't caught up yet," he said. "So it may well be that if this is going to be halted it will require a compulsory freeze for an indefinite period—no more than six months, hopefully less."

After that, he said, the options would include "at the one extreme, the Wallich and Weintraub idea of a tax on the profits of firms who exceed some indicated guidepost figure, to, at the other, compulsory arbitration, which, at least for some industries, Burns mentioned in his speech.

WEIDENBAUM. Internal pressures for some version of incomes policy first broke into the open last summer, when Murray L. Weidenbaum, 43, assistant secretary of the treasury told a congressional subcommittee, "I think the time has come to give some serious consideration to some form of incomes policy."

Maurice Mann, an assistant director of the Office of Management and Budget, later added his voice to Weidenbaum's.

Mann has since left government to become executive vice president of a Philadelphia bank; Weidenbaum has turned his attention to seuring congressional passage of his pet project, a plan to share federal revenues with cities and states.

CONGRESS

Mr. Nixon has been under pressure from Congress for a year, but the pressure has intensified since the CEA put out its second "inflation alert" Dec. 1 and the President made his economic address to the manufacturers' association Dec. 4.

Legislation: Congressional Democrats armed Mr. Nixon with two laws allowing him to clamp controls on credit and "stabilize," or freeze, wages, prices, salaries and rents. He has said repeatedly he does not want the authority and will not use it. The two laws are:

The Credit Control Act (83 Stat 376), passed a year ago, giving the President permanent authority to trigger credit controls which would then be administered by the Federal Reserve Board. HUD Secretary George Romney last May 11 advocated using credit controls to aid housing.

The Economic Stabilization Act (84 Stat. 799), part of the Defense Production Act passed last August, giving the President authority to stabilize wages, prices, salaries and rents. He could freeze them across the board or selectively at any level back to where they were May 25.

The wage-price freeze authority is to expire next Feb. 28, but the House Banking and Currency Committee has approved a bill (H.R. 19828) extending it to the end of March, to enable the new Congress to make up its own mind about the need for this kind of authority.

Democrats: The Democratic leadership in both the House and Senate urged Mr. Nixon on Dec. 3, the day before his speech to the manufacturers' association, to freeze wages and prices for 30 to 60 days so that guidelines for voluntary restraint could be drawn up.

Senate Majority Leader Mike Mansfield, House Speaker John W. McCormack and House Majority Leader Carl Albert held a joint news conference to call for the temporary freeze to permit the government to work out guidelines with industry, unions and other groups.

Sen. William Proxmire, D.-Wis., this month suggested that Mr. Nixon call upon labor and business leaders to determine what would be fair wage and price increases, and then impose guidelines to produce them. He said guidelines would be a workable alternative to rigid controls, which he said would be difficult to administer during a war which lacks wide public support.

Economists' paper: The three economists who chaired the CEA during the Kennedy and Johnson Administration reported in September, after a study for the Senate Democratic Policy Committee, that a "cooperative wage-price policy," enlisting the support of both business and labor, is the "missing link of economic policy."

The report, prepared by Walter Heller (1961–64), Arthur M. Okun (1968–69) and Gardner Ackley (1964–68), suggested that the Administration begin a "prudent but decisive shift toward the support of growth, designed to halt promptly the widening of the production gap and the rise of unemployment."

Mr. Nixon's own advisers have publicly endorsed a goal of more expansion in an effort to restore "full employment"—by definition, a situation in which the unemployment rate is 4 per cent or less—by July 1972.

ECONOMIST PRESSURE

Advice from economists outside government is almost universally in favor of stronger action; disagreement is on tactics rather than strategy.

O'Leary: A plan similar to Burns' Los Angeles proposal has been advanced by James L. O'Leary, executive vice president and economist for the U.S. Trust Co. of New York.

"I think Mr. Nixon should go to what I would regard as being the absolute minimum he ought to do, and that is to appoint what Arthur Burns called a wage-price review board, or what I was calling a wage-price stabilization board," O'Leary told National Journal.

"I don't know exactly what Burns has in mind, but what I have in mind is a board that would have representation from labor, management and the general public," he said.

O'Leary advocated a board with its own staff and the authority to involve itself in negotiations in major industries and important disputes involving municipal services, such as public transportation.

Weintraub-Wallich: One plan Treasury is considering was developed independently by Weintraub and Wallich. They proposed that the government decide what wage level is inflationary, set a guideline, then penalize companies whose total wages increase more than that during a year.

The penalty would be added to an offending company's income tax.

Wallich said in an interview the guidepost could not be the long-term gain in productivity—the 3.2-per cent limit on wages and prices set during the Kennedy Administration—nor productivity plus the increase in the cost of living, for "then you validate the going rate of inflation."

Instead, Wallich recommended productivity plus half the current rate of inflation.

GALBRAITH. The most pessimistic view and the most extreme suggestion comes from Galbraith, former ambassador to India (1961–63) and a Harvard University economics professor now teaching at Cambridge University in England.

Speaking to the Fabian Society in November, Galbraith declared the "new economics" dead.

What killed it, he said, is the immense power of trade unions and large corporations, which makes it possible for them to override any adjustments in the economy government may try to make.

He said the only way to deal with the situation is to establish a new system of permanent price and wage controls covering at least the strongest unions and companies.

INTEREST GROUPS

Interest groups are as close to unanimity as the economists in their calls for stronger Presidential action, although there is a wide range of motives.

Business Council: One of the most telling dissents from Mr. Nixon's economic game plan came three weeks before the November election from the Business Council, a group of 190 top corporate executives who meet every six months at Hot Springs, Va., to analyze government economic policy.

During an Oct. 17 panel discussion on the economy attended by several prominent government officials, including McCracken, the council agreed that present Administration policies could not stop inflation.

The panel discussion was closed to reporters—all Business Council sessions are closed—but it was summarized later by Fred J. Borch, 60, chairman of General Electric Co. and then chairman of the council. He has been succeeded by William M. Batten, chairman of J. C. Penney Co.

Reflecting five weeks later on the Business Council's decision to make its dissent public a day before its leaders met with the President, Borch said:

"I don't think we had much choice on that. It was the consensus of industrial corporations."

During an interview in his New York office Nov. 24, Borch said the council's position was "a little sensationalized by the press." The position, he said, had two major points:

There was "complete agreement that the Administration's monetary and fiscal policies are sound."

"As a secondary element," the government did not seem to understand that the inevitable labor cost increases of the next three years (most of which are frozen into contracts) are significant in terms of price stability.

At the news conference Oct. 17, Borch said the council panel thought the Administration "should explore other things rather than rely purely on monetary and fiscal restraints," the classical devices it has relied upon to stop the inflation.

However, Borch said, the council wanted no part of formal guidelines or wage and price controls. "The negatives were much clearer than the positives on this," he added.

Martin: A call for sterner action came from an unexpected direction Nov. 5, when William McChesney Martin Jr., Burns' predecessor as chairman of the Fed, urged the Administration to adopt an incomes policy.

Guidelines would put the government's sanction behind labor and management officials who try to resist inflationary increases, Martin said at a news conference after a speech to the Metropolitan Washington Board of Trade. He said, "I've had both labor and business people say to me, 'Why doesn't someone say what a reasonable level is?' "

Martin would not place the entire burden on the government, however. "I think it is necessary for businesses, bankers and individuals to show more restraint than they've been doing. We can't rely on fiscal and monetary policy alone."

CED: The Committee for Economic Development, a study group consisting mainly of prominent businessmen and former businessmen, recommended Nov. 23 that the government set up a three-man board on prices and incomes to develop "broad norms of appropriate noninflationary wage and price behavior that would give some guidance to business and labor groups."

The CED said the board should make public reports when increases deviate "substantially from such broad norms."

It urged that new wage-price policies not be rejected simply because their value cannot be proven in advance. The CED recommendation said:

"We do not believe that failing to develop and employ such policies would be warranted simply because their effectiveness cannot be

predicted with certainty. If they should not prove to be very effective, any adverse effects are also likely to be small.

"But if they do help in reconciling high unemployment with reasonable price stability, the payoff from adopting them could be significant. On balance of considerations, therefore, we believe that the United States should include voluntary wage-price policies among its tools for reconciling price stability and high unemployment."

Labor: The reaction of organized labor to talk of formal controls has been lukewarm.

AFL-CIO President George Meany, 76, told a news conference Nov. 9:

"We don't advocate controls. However, if (Mr. Nixon) feels that the situation calls for it, we'll go along, provided it's equality of sacrifice on the part of all—not just wage and price controls—but wage and price controls and controls on all sorts of income, so that everybody would make a contribution to the solution of this problem."

The AFL-CIO's chief economist, research director Nathaniel Goldfinger, has judged the Nixon game plan a total failure.

"We think it's disastrous. It created recession and rising unemployment," he said in an interview.

International pressures: The economic staff of the Organization for Economic Cooperation and Development issued a report in Paris last month urging a concerted international attack on inflation and advocating a mixture of policies to combat it.

Among them was an incomes policy, so far resisted by the Nixon Administration in any stern form, and active manpower and antitrust policies, both of which were suggested by Burns in his Los Angeles speech.

OUTLOOK

Mr. Nixon and his advisers say they are dedicated to following expansionary economic policies to restore the economy's growth and bring unemployment down to the "full employment" level of about 4 per cent.

On the day Mr. Nixon told the manufacturers' association the Administration wanted to bring unemployment down, the unemployment rate was 5.8 per cent, the highest in seven years. Other indicators showed industrial production declined in November for the fourth consecutive month, although its decline of .7 per cent was less precipitous than its October decline of 2.1 per cent. Recovery: Mr. Nixon outlined to the manufacturers three trends that he said should counteract the gloomy economic statistics:

Budget policy already has become expansionary. The fiscal 1972 budget, which must be submitted to Congress in January, will be balanced on a "full employment" basis; that is, it will be in balance if the government spends no more than it would take in if the economy were operating at capacity.

Fed Chairman Burns has assured the President that the Fed will "provide fully for the increasing monetary needs of the economy." Burns did not confirm the pledge in his speech in Los Angeles. The Fed so far is committed publicly only to a growth rate in the money supply (currency in circulation plus checking accounts in banks) of 5 per cent a year.

Interest rates are coming down as a result of "easier credit policies and curbing of inflationary psychology."

Stein: CEA member Stein told the Investment Bankers Association in a speech Dec. 3 that both fiscal policy and the money supply will have to expand more than they did during 1970 if the economy is to rise to its potential output in two years.

"To get the economy up to its potential in two years would require an increase of real output of about 12.5 per cent, or a little over 6 per cent a year," he had said Oct. 28.

"Even with reasonable success in reducing the inflation rate, one might perhaps count on average price increases of 3 per cent a year during this period—more at first and less at the end. This would mean average increases in the money value of Gross National Product of 9 per cent a year."

Stein's estimate of 3-per cent average price increases over the next two years is something that still must be achieved, since the Consumer Price Index rose at an annual rate of 4.2 per cent during July, August and September. In comparison, however, the rate for the final six months of 1969 was 5.9 per cent.

Next steps: Economists Roosa and O'Leary told *National Journal* that Mr. Nixon will have to move to a still stronger incomes policy if he is to realize his goals of full employment and diminishing inflation before the 1972 election campaign.

"I would think that within a rather limited period of time, we will see them move into something like this wage-price review board," O'Leary said. "I think that's the next big thing."

Roosa said he did not see how the President could avoid stronger economic policies.

"Barring a miracle," Roosa said, "the President is going to have unemployment above 6 per cent pretty soon, headed toward seven. In the face of that, and with a wish to try to check inflation, and at the same time being required to do an awful lot to stimulate the economy to stop that unemployment from rising, he's going to have to compromise by at least introducing some more direct form of compulsory fact-finding."

A government economist, who asked not to be identified by name, said he thought the odds were in favor of Mr. Nixon's moving further.

The NAM speech, he said, proved that the President is willing to take what action he thinks is necessary—althought he said nobody in government now believes direct controls or wage-price freezes are necessary.

By Mr. HOLLINGS:

S. 2106. A bill to provide that each piece of mail matter canceled by the Postal Service shall include certain information as part of the cancellation. Referred to the Committee on Post Office and Civil Service.

Mr. HOLLINGS. Mr. President, I send to the desk for appropriate reference a bill to amend title 39 of the United States Code to provide by law for the proper cancellation of mail matter.

There is no existing law requiring cancellation, and in the past 2 years since the present postal administration took office, an increasing number of small towns have lost their identity as a post office because mail is picked up, taken to a central postal facility and postmarked there. Most of the mail in a nearby metropolitan area, for instance, bears the postmark "Northern Virginia" which, of course, refers to nothing other than a geographic area.

A good many people have contacted members of the Committee on Post Office and Civil Service expressing their opposition to this change. During the conference between the House and Senate on the Postal Reorganization Act last year, the conferees considered inserting a provision of this sort in the bill but decided not to do so at that time.

And so I am today introducing legislation to insure that the historical practice of a meaningful postmark will be continued.

By Mr. JAVITS (for himself, Mr. ALLOTT, Mr. BROOKE, Mr. BEALL, Mr. BAYH, Mr. BUCKLEY, Mr. CHURCH, Mr. CASE, Mr. EAGLETON, Mr. HART, Mr. HUMPHREY, Mr. HATFIELD, Mr. INOUYE, Mr. MATHIAS, Mr. MCGOVERN, Mr. MOSS, Mr. PACKWOOD, Mr. PERCY, Mr. SCOTT, Mr. STEVENS, Mr. MONTOYA, Mr. TUNNEY, Mr. THURMOND, Mr. TAFT, and Mr. WILLIAMS):

S. 2107. A bill to allow a Senator or the President of the Senate to use his telephone and telegraph allowances for stationery expenses. Referred to the Committee on Rules and Administration.

USE OF TELEPHONE AND TELEGRAPH ALLOWANCES FOR STATIONERY EXPENSES

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed at this point in the RECORD the bill I am introducing today, on behalf of 25 cosponsors, so that, as part of this RECORD, Senators may be informed that we are going to try to deal with this very difficult situation.

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

S. 2107

A bill to allow a Senator or the President of the Senate to use his telephone and telegraph allowances for stationery expenses

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, upon the request of a Senator or the President of the Senate, and subject to rules and regulations prescribed by the Committee on Rules and Administration, any or all of the funds made available out of the contingent fund of the Senate for official telephone and telegraph expenses of that Senator or the President, which the Senator or President determines he will not need for such expenses, shall be transferred to the revolving fund established by the second paragraph under the heading "Contingent Expenses of the Senate" in chapter XI of the Third Supplemental Appropriation Act, 1957, and shall be considered an additional stationery allowance of the Senator or the President making the request. Any amount so transferred shall be available to that Senator or the President in the same manner and under the same conditions as the stationery allowance is made available.

By Mr. CRANSTON:

S. 2108. A bill to amend chapters 17 and 31 of title 38, United States Code, to require the availability of comprehensive treatment and rehabilitative services and programs for certain disabled veterans suffering from alcoholism, drug dependence, and alcohol or drug abuse disabilities, and for other purposes. Referred to the Committee on Veterans' Affairs.

DRUG AND ALCOHOL TREATMENT AND REHABILITATION ACT OF 1971

Mr. CRANSTON. Mr. President, I introduce today the proposed Drug and Alcohol Treatment and Rehabilitation Act of 1971.

I will discuss the bill in greater detail tomorrow, but by way of introduction to-

day, I do want to emphasize that it is my hope that this bill will point the way toward the Government's assuming and carrying out in the next year and thereafter responsibility for the treatment and rehabilitation of the almost 100,000 veteran drug addicts, especially those returning servicemen from Indochina, and the enormous number of veteran alcoholics—probably at least 2 million—in this country.

Mr. President, I ask unanimous consent that at this point in the RECORD the section-by-section analysis of S. 2108 be printed, followed by the full text of the bill.

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

SECTION-BY-SECTION ANALYSIS OF VETERANS DRUG AND ALCOHOL TREATMENT AND REHABILITATION ACT OF 1971

Section 1. Declares the title of the bill as the "Veterans Drug and Alcohol Treatment and Rehabilitation Act of 1971".

Section 2. Subsection (a). Amends the definition of "disability" under chapter 17 of title 38, United States Code, for purposes of hospital, domiciliary, and medical care, to include "alcoholism and drug dependence" and also to include "impairment of function (including by alcohol or drug abuse)". The definition, as amended, would read: "the term 'disability' means a disease (including alcoholism and drug dependence), injury or other physical or mental defect or impairment of function (including by alcohol or drug abuse)".

Subsection (b). Adds a basic definition of "veteran" for purposes of eligibility for chapter 17 hospital, domiciliary and medical care to supercede the basic title 38 definition in section 101(2). The amendment would make veterans with undesirable or bad conduct discharges generally eligible for VA care under chapter 17 and also would make eligible for this care a veteran with a dishonorable discharge, or with an undesirable or bad conduct discharge which falls within one of the bars to benefit categories set forth in section 3103(a) of title 38—those discharged as conscientious objectors; for refusing to obey a lawful order; for desertion; or on resignation from officer status, which discharge the Administrator determines is a product of any disability incurred during service.

Subsections (c), (d) and (e). Amend clauses (5), (6), and (7) of section 601 of title 38 to include "rehabilitative services" as part of the definition of, respectively, "hospital care", "medical services", and "domiciliary care" for purposes of chapter 17.

Subsection (f). Amends section 601 to add a comprehensive definition of "rehabilitative services" as follows:

"(8) The term 'rehabilitative services' includes such services as professional counselling, educational and vocational guidance, education, training and job referral and placement and such other intensive, skilled services applied, on an in-patient or outpatient basis, over a protracted period as may be necessary to assist the individual disabled veteran to achieve maximum utilization of his potential and to return, as soon and as completely as practicable, to his or her family and community as a productive, self-respecting, and self-sustaining member of society."

Section 3. Subsection (a). Amends section 602 of title 38, which presently establishes a presumption of service-connection for active psychoses arising within two years of discharge, so as to extend the presumptive period to three years and cover "neuroses" and "personality or character disorders" as well.

Subsections (b) and (c). Relate to changes in the catch line of section 602.

Section 4. Subsection (a). Inserts a new section 612A in chapter 17 of title 38 for special medical treatment and rehabilitative services for alcoholism, drug dependence, and alcohol and drug abuse disabilities for any veteran regardless of the nature of his discharge or the provisions of section 3103(a), discussed *supra* under section 2(b).

Subsection (a) of the new section. Directs the Administrator of Veterans Affairs to furnish the most comprehensive treatment and rehabilitative services for such disabilities of new veteran, regardless of the nature of his discharge or of any determination of service-connection. The treatment and rehabilitation would be provided in VA facilities or other Government facilities (Public Health Service or Department of Defense, for example). When Federal facilities are not available, the Administrator would be required to contract with community facilities with special priority, wherever feasible, for community-based multiple modality treatment programs utilizing former addict counselors and stressing outreach efforts to identify and counsel veterans eligible for treatment and rehabilitation under the new section.

The treatment and rehabilitation to be provided are to be as comprehensive as possible, including "medical examination, diagnosis and classification of disability, all appropriate short-term services for the acute effects of the disability, alcohol and drug withdrawal treatment, group therapy, individual counselling (including appropriate referral for legal assistance), vocational and educational guidance, and crisis intervention." The places of treatment would be hospitals, domiciliaries, outpatient clinics, and half-way houses (including store-front facilities located in areas where larger numbers of eligible veterans reside).

Subsection (b) of the new section. Directs the Administrator to use all available resources in an outreach effort aimed at attracting into treatment addicted veterans eligible for treatment and rehabilitation under the new section. It also authorizes the Administrator to enter into personal services contracts or employ directly former addict veterans to work as counselors in treatment and rehabilitation programs. The Administrator would be authorized to do so without regard to the classification laws and regulations of the Civil Service, which often impede obtaining the services of former addicts who may have criminal records, less than honorable discharge, or generally not be inclined toward success on written Civil Service tests.

Subsection (c) of the new section. Establishes an entitlement to the full benefits of the vocational rehabilitation program under chapter 31 of title 38 for veterans accepting treatment and rehabilitation under the new section but only for so long as the veteran continues to receive such treatment and rehabilitation and for up to one year after he is discharged from the rehabilitation program as recovered.

Under the vocational rehabilitation program in chapter 31, the Veterans Administration provides comprehensive educational and vocational counselling and related services, as well as the total cost of training and education plus a subsistence allowance of, for example, $135 for veterans with no dependents taking full-time training.

The goal of the vocational rehabilitation program is to restore employability to veterans with service-connected disabilities from World War II or the Korean conflict or other veterans rated as 30 percent for disability compensation purposes (chapter 11). The Administrator is authorized to arrange for training facilities for vocational rehabilitation trainees in all the following ways: by employing additional experts and personnel; by utilizing and extending VA facilities and those of any other Federal or joint Federal-State agency; by contracting with public or private institutions or establishments for additional suitable facilities; and by cooperating with and utilizing other governmental and state employment agencies for job referral and placement.

Through the vocational rehabilitation program the addict veteran receiving treatment and rehabilitation under the new section 612A would also receive for a maximum of 36 months all necessary counselling, training and education and a subsistence allowance during the period of treatment and rehabilitation and for up to one year after he is discharged from the rehabilitation program as recovered. Participation in the program through the new section would not affect any other rights and interests of the veteran under title 38.

Subsection (d) of the new section. Directs that a veteran with less than an honorable discharge who has received treatment and rehabilitation under the new section and, who the Administrator finds, has been successfully recovered for at least one year after his discharge from the rehabilitation program will be deemed as a matter of law to have been discharged from the Armed Forces under honorable conditions for the purpose of establishing eligibility for all title 38 Veterans Administration benefits.

Subsection (e) of the new section. Requires the Administrator to offer alternative modalities of treatment under the section to each veteran depending upon his individual needs.

Subsection (f) of the new section. Requires that funds for the VA treatment and rehabilitation program for alcoholism, drug dependence, or alcohol or drug abuse disabilities be set forth in a line item in the VA budget estimate.

Subsection (g) of the new section. Provides for transfer, subject to reimbursement to the VA, to VA hospitals of active military, naval or air servicemen during their tours of duty for treatment pursuant to the new section under terms agreed upon between the Administrator and the Service Secretaries.

Subsection (h) of the new section. Requires the Administrator to make periodic progress reports to the appropriate "Service" Secretary on treatment of servicemen transferred to the VA under subsection (g) of the new section and to return such servicemen to the appropriate Secretary when the serviceman refuses to cooperate or treatment would otherwise be of no further benefit.

Section 5. Amends section 1502(a) in chapter 31 of title 38, "Vocational Rehabilitation," to cross reference the eligibility of veterans receiving treatment and rehabilitation under the new section 612A in chapter 17 of title 38.

S. 2108

A bill to amend chapters 17 and 31 of title 38, United States Code, to require the availability of comprehensive treatment and rehabilitative services and programs for certain disabled veterans suffering from alcoholism, drug dependence and alcohol or drug abuse disabilities, 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 "Veterans Drug and Alcohol Treatment and Rehabilitation Act of 1971".

SEC. 2. (a) Section 601(1) of title 38, United States Code. is amended by inserting "(including alcoholism and drug dependence)" immediately after "disease", and by inserting a comma and "or impairment of function (including impairment caused by alcohol or drug abuse)" immediately after "defect".

(b) Section 601 of such title is further amend by redesignating paragraphs (2) through (7) as paragraphs (3) through (8),

respectively, and by inserting after paragraph (1) of such section a new paragraph (2) as follows:

"(2) The term 'veteran' means (except as otherwise provided in section 612A of this title) a person who served in the active military, naval, or air service, and who was discharged or released therefrom with another than honorable discharge or with any discharge (notwithstanding the provisions of section 3103(a) of this title) which the Administrator, after notice and opportunity for a hearing, determines in accordance with such regulations as he shall prescribe was the product of a disability incurred in such service."

(c) Section 601(6) of such title (as redesignated by subsection (b) of this section) is amended by inserting "and rehabilitative services" immediately after "medical services".

(d) Section 601(7) of such title (as redesignated by subsection (b) of this section) is amended by striking out "and treatment" and inserting in lieu thereof a comma and the following: "treatment, and rehabilitative services".

(e) Paragraph (8) of section 601 of such title (as redesignated by subsection (b) of this section) is amended to read as follows:

"(8) The term 'domiciliary care' includes necessary medical services and rehabilitative services, and, in the case of veterans who are unable to defray the expense of transportation, transportation and incidental expenses."

(f) Section 601 of such title is further amended by adding at the end thereof a new paragraph as follows:

"(9) The term 'rehabilitative services' includes, but is not limited to, such professional counseling, educational and vocational guidance, education, training, and job referral and placement services, and such other intensive, skilled services applied, on an inpatient or outpatient basis, over a protracted period as may be necessary to assist any disabled veteran to achieve his maximum potential and to return, as soon (and as completely rehabilitated) as practicable, to his or her family and community as a productive, self-respecting, and self-sustaining member of society."

SEC. 3. (a) Section 602 of title 38, United States Code, is amended by—

(1) striking out "active psychosis" and inserting in lieu thereof "psychosis, neurosis, or personality or character disorder"; and

(2) striking out "two years" both times it appears therein and inserting "three years".

(b) The catch line of section 602 of such title is amended to read as follows:

"§ 602. Presumption relating to certain disabilities".

(c) The table of sections at the beginning of chapter 17 of such title is amended by striking out

"602. Presumption relating to psychosis."

and inserting in lieu thereof

"602. Presumption relating to certain disabilities.".

Sec. 4. (a) Chapter 17 of title 38, United States Code, is amended by adding immediately after section 612 the following new section:

"§ 612A. Special medical treatment and rehabilitative services for alcoholism, drug dependence, and alcohol and drug abuse disabilities

"(a) Notwithstanding any other provision of this title, and regardless of the nature of a veteran's discharge or release from active, military, naval, or air service, the Administrator shall furnish such special medical treatment and rehabilitative services and such hospital and domiciliary care (hereinafter in this section collectively referred to as 'treatment and rehabilitative services') as he finds to be reasonably necessary for an alcoholism, drug dependence, or alcohol or drug abuse disability of any veteran. Such treatment and rehabilitative services shall (1) include medical examination, diagnosis, and classification of disability, all appropriate short-term services for the acute effects of the disability, alcohol and drug withdrawal treatment, group therapy, individual counseling (including appropriate referrals for legal assistance), vocational and educational guidance; and crises intervention, and (2) be provided in hospital, domiciliary, outpatient, and halfway house facilities (including storefront facilities located in areas where large numbers of veterans eligible for care and services under this section reside) over which the Administrator has direct and exclusive jurisdiction and in other Government or public or private facilities for which the Administrator contracts. In contracting for treatment and rehabilitative services in non-Veterans' Administration facilities, the Administrator shall, wherever feasible, give priority to community-based multiple modality treatment and rehabilitation programs utilizing former addict counselors and stressing outreach efforts to identify and counsel veterans eligible for treatment and rehabilitative services under this section.

"(b) The Administrator shall utilize all available resources of the Veterans' Administration in seeking out and counseling toward treatment and rehabilitation all veterans eligible for treatment and rehabilitative services under this section. To carry out the preceding sentence and to provide counselors for the treatment and rehabilitation programs, the Administrator is authorized to contract for the services of or employ former addict veterans without regard to those provisions of title 5, United States Code, relating to the appointment of persons in the competitive service, to pay such persons without regard to the provisions of chapter 51 and subchapter 3 of chapter 53 of such title relating to classification and General Schedule pay rates, and to provide such veterans with all necessary job training.

"(c) Any veterans accepting treatment and rehabilitative services under this section shall, for as long as he continues to receive such treatment and services and for up to one year after his discharge from the treatment and rehabilitation program as recovered, be entitled, without regard to any other rights or interests under this title, to all the vocational rehabilitation benefits provided in chapter 31 of this title for a period not exceeding four years.

"(d) If the Administrator finds that any veterans who was discharged under conditions other than honorable has received treatment and rehabilitative services under this section, has successfully completed the treatment and rehabilitation program prescribed by the Administrator, and thereafter has been recovered, for a period of one year or more, from the disability for which he received such treatment and rehabilitative services, such veteran shall be deemed to have been discharged under honorable conditions for the purpose of eligibility for any benefits under this title.

"(e) In providing treatment and rehabilitative services under this section to any veteran, the Administrator shall offer alternative modalities of treatment to such veteran depending upon the individual needs of such veteran.

"(f) For the fiscal year ending June 30, 1972, and for each fiscal year thereafter, there shall be included in the budget required to be submitted to Congress by section 201 of the Budget and Accounting Act, 1921 (31 U.S.C. 11), a separate line item showing the estimated expenditures by the Veterans' Administration under this section during such fiscal year for the treatment and rehabilitation of eligible veterans suffering from alcoholism, drug dependence, or alcohol or drug abuse disabilities.

"(g) Any member of the active military, naval, or air service who is determined by the Secretary of the military department concerned to have an alcoholism, drug dependence or alcohol or drug abuse condition, may, pursuant to such terms as may be mutually agreeable to the Secretary concerned and the Administrator, and subject to the provisions of the Act of March 4, 1915, as amended (31 U.S.C. 686), be transferred to any Veterans' Administration facility and provided treatment and rehabilitative services under this section.

"(h) The Administrator shall from time to time make a report to the Secretary concerned as to the progress of the treatment of any member transferred to him pursuant to the provisions of this section, and the Administrator shall release such member to the Secretary concerned when his alcohol or drug condition is stabilized, or upon certification that (1) the member refuses to cooperate with the terms and conditions of the treatment prescribed, or (2) the treatment which could otherwise be provided will be of no further benefit to the member."

(b) The table of sections at the beginning of chapter 17 of title 38, United States Code, is amended by adding

"612A. Special medical treatment and rehabilitative services for alcoholism, drug dependence, and alcohol and drug abuse disabilities"

immediately after

"612. Eligibility for medical treatment".

SEC. 5. Section 1502(a) of title 38, United States Code, is amended by adding at the end thereof a new subsection as follows:

"(c) Every veteran who is in need of vocational rehabilitation on account of a disability for which he is receiving treatment under section 612A of this title under the conditions set forth in subsection (b) of that section shall be furnished such vocational rehabilitation as may be prescribed by the Administrator."

By Mr. HRUSKA (for himself and Mr. MCCLELLAN):

S. 2109. A bill to increase the limit on dues for United States membership in the International Criminal Police Organization. Referred to the Committee on the Judiciary.

INCREASE IN U.S. DUES FOR INTERNATIONAL CRIMINAL POLICE ORGANIZATION (INTERPOL)

Mr. HRUSKA. Mr. President, it is with great pleasure that I join the Senator from Arkansas (Mr. MCCLELLAN) in introducing a bill to authorize an increase in the dues paid by the United States for the International Criminal Police Organization—Interpol. The bill would raise the ceiling on dues from $28,500 to $49,000 and would also provide the payment of outstanding Interpol dues balance of $20,170 for the calendar year 1970.

A companion measure (H.R. 9223) was introduced in the House on June 17. The introductory remarks on that bill included a descriptive statement of Interpol, its makeup, its purposes, the nature of the U.S. participation and the benefits we derive from our membership—CONGRESSIONAL RECORD, June 17, 1971, p. 20603.

As a followup to those excellent comments, I would like to discuss the activities of Interpol Washington during the first three quarters of fiscal year 1971. During this time period, Interpol Washington, processed 1,581 cases, of which 321 originated in the United States, the balance of 1,260 cases were foreign orig-

inated requests for information or investigation within the United States.

Based on the rate of increase of cases processed during this period compared to the same period of fiscal year 1970, it is projected that the total cases processed for 1971 will be close to 1,800 cases, representing an increase of 39 percent over total cases for 1970. Of those 1,800 cases, it is estimated that approximately 45 percent will be U.S. originated, compared to 32 percent for 1970. This has been accomplished with no increase in staff.

As was the case in the previous fiscal year, the increases in the total number of cases processed and in the number of U.S. originated cases are attributed to the greater awareness of available Interpol services on the part of U.S. law enforcement personnel at the Federal, State, and local levels.

In October 1970, Assistant Secretary of the Treasury Rossides, one of three vice presidents of Interpol, attended the 38th annual meeting of Interpol held in Brussels, Belgium. As chairman of the U.S. delegation, he introduced five substantive resolutions on curbing drug abuse, all of which were adopted. In addition, the U.S. delegation was instrumental in drafting a resolution concerning unlawful acts against international civil aviation. This resolution was adopted unanimously.

An example of a case which exemplified Interpol cooperation occurred on May 26 of this year when Interpol Damascus notified Interpol Washington of a suspected shipment of narcotics aboard a non U.S.-flag aircraft originating in Damascus and destined for Hollywood, Calif. On the basis of this intelligence, the Bureau of Customs seized over 200 pounds of hashish in Hollywood on June 3.

In March of this year, Interpol Washington was contacted by Interpol Teheran requesting investigation of an Iranian national in the United States suspected of having knowledge of the theft of a Koran from a museum in Teheran. The investigation determined that the Koran was, in fact, brought into the United States in December 1969 without being declared to the Bureau of Customs. Because of this illegal entry, the book was seized in San Francisco on April 15, just 2 days prior to its being scheduled for auction. The Koran, which is considered priceless by the Iranian Government, was returned to the Ambassador of Iran on June 3.

Utilizing the worldwide facilities of Interpol, the Los Angeles district attorney's office in February was successful in convicting an individual for the murder of a Los Angeles resident. The murder occurred in southern Switzerland and the corpus delecti was never recovered. The murderer received life imprisonment. In a letter of appreciation to the chief, Interpol Washington, the district attorney stated that the conviction of the murderer would not have been possible without the assistance of Interpol.

Mr. President, these are just three selected examples from the Interpol files which illustrate how effective this group is in the pursuit of worldwide law enforcement. In order to permit future actions of this type, it is my hope that the Senate will favorably consider this request for increased funding.

At this point in the RECORD I ask unanimous consent to have printed in the RECORD the letter of transmittal from the Secretary of the Treasury and the text of the bill.

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

THE SECRETARY OF THE TREASURY,
Washington, June 15, 1971.

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

DEAR MR. PRESIDENT: Enclosed for your consideration and appropriate reference is a legislative proposal "To amend the Act of June 10, 1938, relating to the participation of the United States in the International Criminal Police Organization."

Under existing law, the Act of June 10, 1938, (22 U.S.C. 263a), there is a ceiling of $28,500 per annum on the total dues to be paid for the membership of the United States in the International Criminal Police Organization (Interpol). As the agency designated to represent the United States in the International Criminal Police Organization, the Treasury Department has been responsible for the payment of Interpol membership dues and has obtained annual appropriations for that purpose. Because the dues have been increased, the Treasury Department recommends that the ceiling be increased from $28,500 to $49,000 and the payment of the outstanding balance of $20,170 for calendar year 1970 be authorized.

Congress amended the Interpol enabling act in 1967 to increase the then existing limitation on United States dues payments from $25,000 to $28,500 a year. Since that time, however, expenses have risen appreciably and at the annual conference held in 1969 in Mexico City the General Assembly of Interpol approved a new budget increase which raised the United States membership dues to the equivalent of $48,670 a year starting in calendar year 1970. The amount of dues payable by member countries is reconsidered every three years by the General Assembly of Interpol. The United States share represents only about 6% of the total amount of dues payable and is equivalent to the individual shares to be paid by each of the following members: France, Germany, United Kingdom, and Italy. Adequate safeguards are provided through congressional consideration of the annual appropriation request for the amount of such dues.

The Department believes that participation in Interpol is far more valuable to the United States than the amount of the annual dues. Such membership makes this country part of a productive information and communications system relating to criminals. This is valuable not only because of the data it regularly provides about offenders, but also because of the knowledge it imparts about developing trends in international crime and police science.

On June 25, 1970, the Department submitted legislation on the matter to the President of the Senate, which was referred to the Committee on the Judiciary on June 29, 1970. However, no action was taken on the measure and the Department as a result has been unable to pay the membership dues for the calendar year 1970 in full because of the present statutory limit. Consequently, section 2 of the draft bill would authorize the payment of the balance of the dues remaining unpaid for 1970 and authorize appropriations for that purpose.

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 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 submission of this proposed legislation to the Congress.

Sincerely yours,

JOHN B. CONNALLY.

COMPARATIVE TYPE SHOWING CHANGES WHICH WOULD BE MADE IN EXISTING LAW BY PROPOSED BILL

Changes in existing law made by the proposed bill are shown as follows (existing law proposed to be omitted is enclosed by quotation marks; new matter is in italic):

Act of June 10, 1938, as amended (22 U.S.C. 263a)

The Attorney General is authorized to accept and maintain, on behalf of the United States, membership in the International Criminal Police Organization, and to designate any departments and agencies which may participate in the United States representation with that organization. Each participating department and agency is authorized to pay its pro rata share, as determined by the Attorney General, of the expenses of such membership. The total dues to be paid for the membership of the United States shall not exceed "$28,500" *$49,000* per annum.

S. 2109

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of June 10, 1938, as amended (22 U.S.C. 263a), is further amended by deleting "28,500" and inserting in lieu thereof "$49,000".

Sec. 2. The Secretary of the Treasury is authorized to pay to the International Criminal Police Organization the unpaid balance of the dues for the calendar year 1970. There is authorized to be appropriated not to exceed $20,170 to carry out the provisions of this section.

INTERGOVERNMENTAL REVENUE ADJUSTMENT ACT OF 1971

Mr. ROTH. Mr. President, I ask unanimous consent that a corrected version of my remarks of June 17, 1971, on the introduction of my Intergovernmental Revenue Adjustment Act of 1971, plus accompanying tables and the text of the bill be printed in the RECORD at this point. The title of the bill was also incorrectly printed as "International Revenue Adjustment Act of 1971," instead of Intergovernmental Revenue Adjustment Act of 1971.

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

INTERGOVERNMENTAL REVENUE ADJUSTMENT ACT OF 1971

Mr. ROTH. Mr. President, today I am introducing legislation on a matter of longstanding concern to me. My advocacy of the principle of revenue sharing goes back to my first congressional campaign in 1966 and has continued to the present. During the last session of Congress I introduced H.R. 13353, the House version of a bill proposed in this Chamber by the distinguished Senator from Maine (Mr. MUSKIE) and former Senator Goodell of New York. This revenue-sharing plan was largely the result of excellent staff work by the Advisory

Commission on Intergovernmental Relations.

I am generally gratified by the discussion and controversy which have been generated by the revenue-sharing proposals of President Nixon and those of others. I feel this way because to some extent this debate has been a wide-ranging one, highlighting a number of problems which go to the heart of our federal system. We in the Congress and the public at large have given more than usual attention to such questions as these: Is the current balance of authority and initiative within American federalism a desirable one? How do the fiscal capacities of our various States and localities measure up to the pressing social problems they must face in this era of change and adjustment; and are there ways in which our Federal administrative apparatus can be made to serve the people more effectively and at less cost? This last question is one of particular interest to me.

President Nixon's domestic program clearly addresses itself to all three of these issues. I wish to commend the President and express my approval of the general intentions of his general revenue sharing, special revenue sharing, and executive reorganization bills. The reforms which they propose need not divide us on partisan or ideological grounds. Regardless of the number of functions one would ideally assign to goverment, most of us would like to see those currently performed by it handled in the most efficient fashion possible. Revenue sharing has received support from both the present Republican and the past Democratic administration. Similarly, we have seen numerous bills on this topic introduced into Congress by prominent Members of both parties.

I endorse the overall intent of the administration's revenue-sharing bill, S. 680, which I was privileged to cosponsor. I believe, however, that it may be strengthened in several areas.

For example, I think we must be certain that we do not create simply another Federal grant program, which would continue the present financial dependence of States and localities on the Central Government. It would be preferable I think to encourage these State and local governments to put their own financial houses in order by making greater use of modern taxes, which are more equitable and responsive to the economy. Modernization of governmental structure and operation are also constructive goals we should strive for through this legislation. If financial and governmental reforms were to be accomplished at the non-Federal level, some of the causes for the drift of power to Washington, which has taken place during the past several decades, would be eliminated. If one really believes in decentralized government, as I do, he must be willing to use the power and resources of the Federal Government to attack the forces which are eroding the authority of the State and local governments.

This, in turn, leads to a second concern that I have, and that is that we may create a situation in which the Federal Government would undertake on a permanent basis to levy and collect taxes which the States and localities would be allowed to spend with few restrictions. Like many others, I am somewhat fearful of any permanent separation of the taxing and spending functions. The level of government which spends revenues should under normal circumstances be the same one which must justify their collection to the people.

Finally, we must be certain that this legislation directs sufficient amounts of shared revenues to the populous urban States and their cities, where we are told that the most serious fiscal crisis exists. I do not think for example, that we can continue the tendency of the present system of categorical grants to redistribute revenues away from the higher income urban States of the East and Middle West to the lower income rural States of the South and West. Charts 1, 2, and 3 which I am introducing into the RECORD, at the conclusion of my remarks, provide support for these contentions. I do not intend here to reject all Federal programs which redistribute resources among States. I simply argue that if we currently face an urban crisis, we should put more Federal money into the States with the large center cities.

In an effort to provide stronger general revenue-sharing legislation in these areas, I am submitting a bill which I believe more fully meets the great challenges faced by our federal system today. This bill has two basic purposes: First, to funnel significant amounts of money to those areas where it is most needed, our urban centers; and, second, to encourage States and local governmental units to improve their own tax-raising capabilities in order to enable them to shoulder more of the burden of governmental services.

The first element of my proposal, like the administration bill, would allocate 1.3 percent of total taxable income reported on Federal individual income tax returns for use by State and local governments. This would amount to about $5 billion during the first year and would reflect changes in the Federal personal income tax collections in future years. Under title I of my bill, the Secretary of the Treasury would for a period of 5 years turn over to each State the portion of the total revenue-sharing fund which was derived from that State. The States, in turn, would be required to pass through certain amounts of these funds directly to specified metropolitan areas, thereby guaranteeing that the money is quickly directed to where the need lies.

The bill has a built-in termination date; the general revenue-sharing feature of the legislation ends in 5 years, with the amount of money available to the States and local governments cut in half in the fifth and final year.

There are two reasons for including a closeout day in the bill. First, it puts the States and local governments on notice that they will not have available an endless Federal Government program for providing revenues to them for local use; second, it gives them both the time and the means for revising local taxing structures so that they will be able to assume the burden of providing local government services themselves by the end of the 5-year period.

At the same time the general revenue-sharing feature of the bill is being phased out, a tax credit feature will take effect. Under this provision of the bill, a taxpayer may elect to take as a credit against his Federal income tax payment 40 percent of certain local and State income taxes which he has paid. It is hoped that this provision will stimulate the States and local governments to improve their revenue-gathering efforts, thereby retaining the principle that the governmental unit which has the power to spend tax money should have the responsibility for raising it.

As I stated earlier, revenues in the amount of approximately $5 billion a year would be made available to the States under title I. The States would be limited in the use of these new revenues only by the requirements of passing a portion of them on to certain metropolitan areas; of making use of reasonable fiscal and accounting procedures; of providing reports and other information regarding their use; of following a nondiscriminatory policy; and of enforcing fiscal, accounting, and reporting standards on their political subdivisions. The number of strings attached to these funds have been kept at a minimum so as to encourage State and local governments to determine their own priorities and use these funds accordingly.

To further encourage initiative at the non-Federal level, the bill permits States to avoid the pass-through requirements contained in the bill by devising alternatives which meet with the approval of cities whose shares are guaranteed.

I should emphasize that not all the funds allotted to the States will be automatically passed through to designated metropolitan areas. Each State will retain a sizable portion of the funds for its own use after required amounts are made available to the larger cities.

The pass-through provision of the bill would apply to all cities with populations of 50,000 or more. Those of 50,000 or more would receive revenues at least equal to that city's percentage of the State's population. Cities of 75,000 population or larger which are located in standard metropolitan areas of 500,000 or more would be entitled to a share at least equal to 1.25 times that city's percentage of the State's population. Thus, the larger metropolitan cities, where the need is greatest, would receive a higher percentage of the automatically allocated revenues. While distribution solely on the basis of population would improve the lot of the center cities, it is quite likely that without the multiplier provided in this bill they would not receive aid in proportion to their fiscal difficulties.

Under my plan, New York City would receive approximately $329,000,000 as compared to $189,000,000 under the administration bill. Los Angeles would receive about $99.2 million rather than $34.7 million. Chicago almost $135,000,000 rather than $47.6 million, Boston nearly $33,000,000 as opposed to $10.7 million, and Atlanta close to $11,000,000 rather than $7.6 million. One can go down the

list of large center cities appearing in chart 4 and find that almost all of them obtain similar advantages from the revenue-sharing provisions of the Intergovernmental Revenue Adjustment Act as compared to the administration's proposal.

My intention here is not to argue that no one except the Governors of populous urban States and the mayors of big cities are having trouble making ends meet. For instance, there can be no question that some of the most serious problems of poverty, unemployment, pollution, and lack of social services exist in our rural areas. Nevertheless, the statistics so painstakingly collected by the Advisory Commission on Intergovernmental Relations for their reports "Fiscal Balance in the American Federal System" and "Urban and Rural America: Policies for Future Growth" and by the National Commission on Urban Problems for its final report, persuade me that center cities do need special attention under any revenue-sharing system.

Chart 5 lists some of the specific reasons why the fiscal problems of our larger center cities are of a disproportionate magnitude, especially compared to their surrounding suburbs. Loss of tax base, tax rates which are relatively burdensome at present, diseconomies of scale, the costs of providing services to nonresidents, and the public expenses resulting from the presence of "high cost" citizens and serious social problems are among these factors contributing to the fiscal crisis in the larger center cities.

Smaller cities; suburbs, and rural areas could expect a share of new revenues to be allotted to them by the States if the bill I am offering were to become law. To some extent the presently operating system of categorical grants redistributes money away from the wealthy urban States to the lower income rural States, as chart 1 points out. Similarly, chart 3, taken from the special analyses of the 1972 budget, shows that the populous Northeastern and Middle Western States now receive absolutely less Federal aid per capita than do the States of other regions. These categorical grants according to the Advisory Commission on Intergovernmental Relations, are also less readily available for activities upon which the larger cities spend greater amounts of money. Thus, by favoring urban States and metropolitan cities, this bill could be said to be, among other things, compensating for the impact of the present aid system. The list of States which would be "gainers" as a result of the mode of distribution which it provides appear on chart 2. Such great urban States as New York, New Jersey, Massachusetts, Pennsylvania, Michigan, Ohio, and Illinois are among these.

While we may need to provide temporary relief to States and localities through designating Federal revenues for their use, a true revitalization of decentralized government will come only when these State and local governments moderize their financial and governmental structures. If they were to take serious steps in this direction, they could then undertake on their own many of the services demanded by their citizens which are now handled in Washington.

According to a report issued by the Advisory Commission on Integovernmental Relations in 1969, only 18 percent of State tax collections and hardly any local collections were derived from individual income taxes. The income tax is not only more equitable or progressive than the other modes of State and local taxation in the distribution of its burden on the taxpayer, but it is "elastic" in that its yield expands as our economy and need for public service grow.

In an attempt to strengthen the fiscal base of American federalism, I am proposing in title II of this bill that taxpayers, as an alternative to the present deduction for State and local taxes, be allowed a 40-percent credit on income taxes paid to State and local governments. Many of the elements of title II were found in H.R. 13353, the Advisory Commission on Intergovernmental Relation's bill, which I introduced into the House last session. In order to discourage the continued use of inelastic State and local taxes, an income tax to be credited against one's Federal tax bill would have to allow the minimal personal deductions provided in the Internal Revenue Code of 1954.

The 40-percent credit would allow the average taxpayer considerably more Federal tax relief than the present deduction. It would also be available to all, rather than just those who itemized their returns. High-income taxpayers could still avail themselves of the current deductions if it offered them more relief. It is assumed that State and local legislators could more easily justify the use of personal income taxes to their citizens if these citizens could credit part of these taxes against their Federal tax bills. Not only would States and localities thus modernize their tax structures, but they would also come in for a larger share of all governmental revenues.

Title II of the bill, which provides the partial tax credit, would apply to taxable years beginning after December 31, 1975. Since the general revenue-sharing portion of the bill is not phased out until the end of fiscal 1977—or June 30, 1977—there would be an overlap of these two features of 1½ years. It should be remembered, however, that in the fifth and final year of the general revenue-sharing portion of the bill, the percentage of Federal revenues allocated will be one-half that in effect during the first 4 years.

In other words, the bill provides that during fiscal years 1973, 1974, 1975 and 1976, 1.3 percent of total taxable income reported on Federal personal income tax returns would be available for general revenue sharing. For fiscal year 1977, the percentage would be cut to .65 percent But by that time, the 40-percent tax credit would have, become effective, thereby permitting a lessening of dependence on the Federal grant at the same time the States and localities are able to take advantage of the tax break the Federal credit affords their citizens.

Assuming such credits had become law in 1970, the ACIR estimates that after 3 years approximately $7.2 billion would be gained at the non-Federal level, while the National Government would suffer a loss of about $5.1 billion.

A further incentive to improve the revenue-gathering procedures of States and localities is provided by title III of the bill. This title authorizes the Treasury Department to enter into negotiations with the chief executive officer of any State or political subdivision to have a certain percentage of the Federal income tax collected without charge by the Internal Revenue Service and turned over to the local or State government. Since the tax-collecting machinery of the Federal Government is considered to be more efficient than many State or local tax-collecting agencies, it would thus be used to buttress the independence of those governments which are closer to the people. This title might also lead to considerable savings on the part of State and local governments.

Besides attending to the needs of a vigorous federal system and helping to meet the current crisis in our cities, this bill, like that of the President, would indirectly contribute to the reform of the system of Federal categorical grants. By expanding the revenue capacity of States, cities, and counties, and by providing temporary block grants to them, the role of encumbered categorical grants from Washington would decline.

As a result, we might hope that to some extent the disadvantages of this form of intergovernmental aid would be avoided. The informational difficulties faced by the users of aid, the effect of matching requirements on State and local priorities; and the often irrational patterns of distribution are among the deficiencies of the present domestic aid system which are of special concern to me.

Even after enactment of revenue-sharing and tax credits for State-local income taxes, a vast array of categorical grants would still exist. There are certain needs which are best met by national programs of this sort. As a consequence, we should continue to give attention to various other grant reforms such as, grant consolidation, joint funding simplification; improvements in informational services available to grant users; and the strengthening of grant review, oversight, and financial management.

The growing interest in some form of revenue-sharing, executive reorganization, and grant reforms results from a feeling on the part of many that we should stand back and take a look at the relationships between governmental structure and policy. Often we have acted as though there is no interrelationship between the two. We have legislated social goals and assumed that they would be automatically reached with no bad side effects. Yet, the current state of our governmental machinery has a great deal to do with whether and how these goals are met. Perhaps we can make adjustments in current practices which will allow us to preserve our old values of decentralized government while at the same time better executing the new tasks we have given to our governments.

Mr. President, I ask unanimous consent that the text of the Intergovernmental Revenue Adjustment Act of 1971 and the tables to which I have referred be printed at this point in the RECORD.

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

CHART 1.—APPROXIMATE STATE SHARES UNDER S. 2080, ADMINISTRATION BILL, AND PRESENT AID SYSTEM [1]

State and region	S. 2080 share [2]	Percent of United States	Administration share [3]	Percent of United States	Ratio of percent of Federal aid to percent of Federal taxes [4]
United States	$5,000,000,000	100.00	$5,000,000,000	100.00	100/100=1
New England	351,800,000	7.016	266,000,000	5.320	[5] 1.150
Maine	17,900,000	.358	23,000,000	.460	1.200
New Hampshire	17,100,000	.342	15,000,000	.300	.880
Vermont	8,400,000	.219	12,000,000	.240	2.240
Massachusetts	164,500,000	3.290	136,000,000	2.720	.830
Rhode Island	24,800,000	.495	21,000,000	.420	.970
Connecticut	119,100,000	2.382	59,000,000	1.180	.521
Mideast	1,297,300,000	25.946	1,063,000,000	21.260	[5] .995
New York	612,200,000	12.245	534,000,000	10.680	.842
New Jersey	225,700,000	4.514	154,000,000	3.080	.510
Pennsylvania	298,800,000	5.977	246,000,000	4.920	.790
Delaware	17,400,000	.349	13,500,000	.270	.602
Maryland	120,600,000	2.412	92,500,000	1.850	.610
District of Columbia	22,600,000	.452	23,000,000	.460	2.640
Great Lakes	1,112,100,000	22.242	902,000,000	18.040	[5] .755
Michigan	247,000,000	4.940	229,000,000	4.580	.752
Ohio	284,800,000	5.695	212,500,000	4.250	.690
Indiana	123,900,000	2.478	116,000,000	2.320	.740
Illinois	358,800,000	7.176	220,000,000	4.400	.719
Wisconsin	97,600,000	1.952	124,500,000	2.490	.873
Plains	331,800,000	6.636	411,000,000	8.022	[5] 1.448
Minnesota	78,200,000	1.564	107,500,000	2.150	1.182
Iowa	56,200,000	1.123	74,500,000	1.490	1.005
Missouri	105,800,000	2.117	96,500,000	1.930	.959
North Dakota	7,900,000	.158	20,500,000	.410	2.400
South Dakota	9,200,000	.185	19,000,000	.380	2.500
Nebraska	28,000,000	.560	39,000,000	.780	1.100
Kansas	46,500,000	.930	54,000,000	1.080	1.040
Southeast	$758,100,000	15.160	$1,044,000,000	20.880	[5] 1.586
Virginia	99,300,000	1.986	104,500,000	2.090	.940
West Virginia	29,500,000	.590	41,500,000	.830	2.100
Kentucky	50,200,000	1.003	78,000,000	1.560	2.110
Tennessee	70,200,000	1.403	87,000,000	1.740	1.300
North Carolina	83,000,000	1.661	113,500,000	2.270	1.110
South Carolina	37,400,000	.748	56,500,000	1.130	1.300
Georgia	81,000,000	1.621	107,500,000	2.150	1.402
Florida	146,000,000	2.921	167,500,000	3.350	.750
Alabama	50,000,000	1.000	82,000,000	1.640	1.900
Mississippi	24,500,000	.490	61,500,000	1.230	2.400
Louisiana	62,000,000	1.240	101,500,000	2.030	1.800
Arkansas	25,000,000	.500	43,000,000	.860	2.140
Southwest	329,900,000	6.598	390,000,000	7.800	[5] 1.901
Oklahoma	43,800,000	.875	63,500,000	1.270	2.100
Texas	237,900,000	4.758	243,000,000	4.860	.963
New Mexico	15,500,000	.310	32,000,000	.640	3.100
Arizona	32,700,000	.654	51,500,000	1.030	1.500
Rocky Mountain	92,000,000	1.840	139,000,000	2.780	[5] 2.200
Montana	10,800,000	.217	19,000,000	.380	2.300
Idaho	11,200,000	.223	20,000,000	.400	1.710
Wyoming	6,600,000	.131	11,500,000	.230	3.400
Colorado	46,200,000	.925	60,000,000	1.200	1.400
Utah	17,200,000	.345	28,500,000	.570	2.300
Far West	700,900,000	14.018	753,000,000	15.060	[5] 1.802
Washington	90,400,000	1.807	92,000,000	1.840	1.020
Oregon	45,700,000	.914	57,000,000	1.140	1.400
Nevada	15,800,000	.315	14,000,000	.280	1.200
California	549,000,000	10.981	590,000,000	11.800	1.300
Alaska	6,800,000	.137	8,500,000	.170	4.230
Hawaii	19,000,000	.379	23,500,000	.470	1.741

[1] Statistics provided by the Advisory Commission on Intergovernmental Relations.
[2] Based on origin of Federal personal income taxes—calendar year 1968, returns filed in calendar year 1969.
[3] Based on population and revenue effort.
[4] Ratio of percent of all Federal aid (fiscal year 1969) to percent of all Federal personal income taxes for calendar year 1968.
[5] Average.

CHART 2.—*States which receive a larger percentage of shared revenues using "origin of revenue" formula (S. 2080) than under population-revenue-effort formula (administration)* [1]

New England: New Hampshire, Massachusetts, Rhode Island, Connecticut.
Mideast: New York, New Jersey, Pennsylvania, Delaware, Maryland.
Great Lakes: Michigan, Ohio, Indiana, Illinois.
Plains: Missouri.
Far West: Nevada.

CHART 3.—REGIONAL DISTRIBUTION OF FEDERAL AID FISCAL 1969 [1]

Region	Total (in millions of dollars)	Per capita	Percent of State and local government general revenue
New England	1,173	101.93	17.9
Mideast	4,113	97.01	15.2
Great Lakes	2,989	74.92	14.0
Plains	1,511	93.40	17.0

[1] Found in Special Analyses of the 1972 Budget, p. 240.

Region	Total (in millions of dollars)	Per capita	Percent of State and local government general revenue
Southeast	4,530	107.21	22.8
Southwest	1,714	116.33	21.2
Rocky Mountain	665	136.30	23.3
Far West	3,043	115.25	14.9
United States	20,287	100.47	17.4

[1] Based on statistics provided by the Advisory Commission on Intergovernmental Relations—see Chart 1.

CHART 4.—APPROXIMATE SHARES OF SELECTED CITIES OF 75,000 OR MORE LOCATED IN STANDARD METROPOLITAN STATISTICAL AREAS OF 500,000 OR MORE UNDER PROVISIONS OF INTERGOVERNMENTAL REVENUE ADJUSTMENT ACT OF 1971 AND UNDER ADMINISTRATION PLAN

State, city	Intergovernmental Revenue Adjustment Act of 1971 [1]	Administration plan [2]
Alabama: Birmingham	$5,437,500	$3,531,004
Arizona: Phoenix	13,364,875	6,360,085
California:		
Anaheim	5,490,000	1,390,130
Garden Grove	4,117,500	530,287
Los Angeles	99,261,250	34,721,456
Riverside	4,792,500	962,580
Sacramento	8,921,250	3,179,135
San Bernardino	3,431,250	1,127,197
San Diego	24,018,750	6,382,633
San Francisco	24,705,000	23,954,657
San Jose	15,783,750	3,452,094
Santa Ana	5,490,000	967,647
Colorado: Denver	13,686,750	10,527,896
Connecticut: Hartford	7,741,500	2,322,391
Delaware: Wilmington	3,197,250	1,823,650
District of Columbia	28,250,000	22,915,149
Florida:		
Fort Lauderdale	3,832,500	1,981,867
Hollywood	2,920,000	968,786
Jacksonville	14,235,000	2,859,870
Miami	8,937,500	4,617,813
St. Petersburg	5,837,500	4,276,375
Tampa	7,482,500	3,981,297
Georgia: Atlanta	10,935,000	7,647,341
Hawaii: Honolulu	9,975,000	4,917,712
Illinois: Chicago	134,998,500	47,601,259
Indiana:		
Gary	5,265,750	1,848,739
Hammond	3,407,250	1,045,054
Indianapolis	22,302,000	5,612,259
Kentucky: Louisville	7,028,000	8,661,641
Louisiana: New Orlenas	12,710,000	9,907,090
Maryland: Baltimore	34,974,000	14,285,058
Massachusetts:		
Boston	32,907,500	10,700,523
Springfield	5,963,125	2,191,749
Michigan:		
Detroit	$46,621,250	$24,901,847
Grand Rapids	7,101,250	2,215,551
Minnesota:		
Minneapolis	11,143,500	5,143,400
St. Paul	7,917,750	3,734,244
Missouri:		
Kansas City	14,283,000	9,114,435
St. Louis	17,721,600	15,120,157
Nebraska: Omaha	8,190,000	3,459,983
New Jersey:		
Clifton	3,103,375	1,000,362
Jersey City	10,156,500	4,246,309
Newark	14,952,625	7,551,318
Paterson	5,642,500	1,928,007
North Carolina: Winston-Salem	2,697,500	1,036,046
New York:		
Albany	4,821,075	1,101,900
Buffalo	19,896,500	5,846,479
New York City	329,057,500	189,348,578
Rochester	12,244,000	3,341,859
Syracuse	5,356,750	2,338,845
Schenectady	3,290,575	571,380
Ohio:		
Akron	10,093,000	4,421,170
Cincinnati	15,664,000	13,508,542
Cleveland	25,276,000	11,227,393
Columbus	18,156,000	5,225,749
Dayton	8,188,000	4,124,377
Youngstown	4,984,000	1,547,709
Oklahoma: Oklahoma City	7,165,000	4,554,222
Oregon: Portland	10,625,250	7,928,286
Pennsylvania:		
Allentown	3,361,500	940,735
Philadelphia	60,252,500	39,781,536
Pittsburgh	16,434,000	7,433,529
Rhode Island: Providence	5,828,000	2,243,861
Tennessee:		
Memphis	13,952,250	5,408,621
Nashville-Davidson	10,003,500	5,732,847

Footnotes at end of table.

CHART 4.—APPROXIMATE SHARES OF SELECTED CITIES OF 75,000 OR MORE LOCATED IN STANDARD METROPOLITAN STATISTICAL AREAS OF 500,000 OR MORE UNDER PROVISIONS OF INTERGOVERNMENTAL REVENUE ADJUSTMENT ACT OF 1971 AND UNDER ADMINISTRATION PLAN—Continued

State, city	Intergovernmental Revenue Adjustment Act of 1971[1]	Administration plan[2]
Texas:		
Dallas	22,005,750	10,557,412
Fort Worth	10,408,125	4,658,714
Houston	36,577,125	12,953,581
San Antonio	17,247,750	4,685,184
Utah: Salt Lake City	3,547,500	2,547,835
Virginia:		
Norfolk	8,192,250	3,805,469
Portsmouth	2,979,000	1,055,155
Richmond	6,702,750	3,510,825
Washington: Seattle	17,628,000	8,820,093
Wisconsin: Milwaukee	19,764,000	7,942,274
Total for United States	5,000,000,000	5,000,000,000

[1] Calculated from the Advance Reports 1970 Census of Population, Department of Commerce, Bureau of the Census, December 1970: statistics made available by the Advisory Commission on Intergovernmental Relations.

[2] From Department of the Treasury, General Revenue Sharing, February 1971.

CHART 5.—*Roots of the fiscal problems of metropolitan center cities*

1. Loss of tax base resulting from the departure of middle class citizens, decline of retail sales and the disappearance of employment opportunities.

2. Tax rates which are already more burdensome than elsewhere.

3. Relatively greater expenses in areas not aided by Federal and state governments.

4. As cities become large there is a diseconomy of scale as regards expenditures for police, fire, sanitation and sewers, and parks and recreation.

5. Necessity of providing services for nonresident, often non-taxpaying, commuters.

6. Increasing proportions of "high cost" citizens—the poor, aged, etc.

7. Social conditions which lead to higher governmental costs such as: higher crime rates; greater population density; lower educational levels; more unsound housing; greater unemployment; lower income levels; more families in poverty; and a larger percentage of non-white population with special problems.

HART 6.—TAX CREDITS—ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS ESTIMATES OF FEDERAL REVENUE FOREGONE AND STATE-LOCAL REVENUE GAIN FOR THE FISCAL YEARS 1970, 1971, AND 1972 UNDER 4 HYPOTHETICAL CONDITIONS

[Estimates in parentheses assume that the acceleration in State income tax collections attributable to tax credit action will reduce the growth in State and local sales and property tax receipts and consequently the drawdown on the Federal Treasury attributable to the itemization of these tax payments]

[In billions of dollars]

Hypothetical conditions	1st year, 1970				2d year, 1971				3d year, 1972			
	Estimated State income tax collections	Federal revenue foregone[1]		State-local revenue gain	Estimated State income tax collections	Federal revenue foregone[1]		State-local revenue gain	Estimated State income tax collections	Federal revenue foregone[1]		State-local revenue gain
		Total	Due to credit			Total	Due to credit			Total	Due to credit	
1. No change in present law (deduction of State-local income tax payments)	8.5	1.9			10.0	2.2			12.0	2.6		
2. Congress adopts a 30-percent ACIR-type credit (relatively weak acceleration effect on State income tax collections)[2]	9.4	3.1	1.2 (1.1)	0.9	11.5	3.8	1.6 (1.5)	1.5	15.0	5.0	2.4 (2.2)	3.0
3. Congress adopts a 40-percent ACIR-type credit (moderately strong acceleration effect on State income tax collections)[3]	10.6	4.5	2.6 (2.5)	2.1	14.0	5.9	3.7 (3.5)	4.0	19.2	8.1	5.5 (5.1)	7.2
4. Congress adopts a 50-percent ACIR-type credit (strong acceleration effect on State income tax collections)[4]	13.6	6.9	5.0 (4.7)	5.1	20.0	10.2	8.0 (7.4)	10.0	30.0	15.3	12.7 (11.7)	18.0

[1] Assumes an average State income tax writeoff against Federal tax of 22 percent under present law and the following percentages under the ACIR-type credit: 30 percent credit—33 percent; 40-percent credit—42 percent; 50-percent credit—51 percent.

[2] Assumes that it will take 3 years before the increase in State income tax collections will offset additional amount of Federal income tax forgone. Specific acceleration assumptions: 10 percent 1st year, 15 percent 2d year, and 25 percent 3d year, and no further State income tax collection acceleration after the 3d year attributable to the tax credit.

[3] Assumes that the breakeven point will be reached in the 2d year. Specific acceleration assumptions: 25 percent 1st year, 40 percent 2d year, 60 percent 3d year, and no further acceleration in State income tax collections after the 3d year attributable to the Federal tax credit.

[4] Assumes that even in the 1st year the increase in State income tax collections attributable to the tax credit will more than offset the reduction in Federal revenue. Specific acceleration assumptions: 60 percent 1st year, 100 percent 2d year, 150 percent 3d year and no further acceleration in State income tax collections after the 3d year attributable to the Federal tax credit.

Source: ACIR staff estimates.

S. 2080

A bill to provide a temporary program for the sharing of Federal revenues with States and communities; to provide for a tax credit designed to encourage States to increase certain aspects of their revenue efforts; and to provide for the collection of State and local income taxes by the Federal government

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 "Intergovernmental Revenue Adjustment Act of 1971."

TITLE I—SHARING OF FEDERAL TAX REVENUE DEFINITIONS

SEC. 101. As used in this title, the term—

(1) "Secretary" means the Secretary of the Treasury or his delegate;

(2) "Fund" means the fund established under section 102; and

(3) "State" means each of the United States and the District of Columbia.

ESTABLISHMENT OF FUND

SEC. 102. (a) There is established in the Treasury of the United States a special fund for the purpose of carrying out the provisions of this title. The Fund shall consist of amounts appropriated to it by subsection (b).

(b) There is appropriated to the Fund, for the following fiscal years, out of any money in the Treasury not otherwise appropriated—

(1) for each of the fiscal years beginning July 1, 1972, July 1, 1973, July 1, 1974, and July 1, 1975, an amount equal to 1.3 percent of the total taxable income reported on Federal income tax returns filed by individuals for the latest calendar year for which published statistical data are available; and

(2) for the fiscal year beginning July 1, 1976, an amount equal to 0.65 percent of such taxable income.

(c) Commencing with the fiscal year beginning July 1, 1972, the Secretary shall determine, on or before the first day of each fiscal year for which appropriations are made by subsection (b), the amount appropriated to the Fund by such subsection for that fiscal year, and shall transfer, from time to time, to the Fund from money in the Treasury not otherwise appropriated, amounts necessary to enable him to make payments to States under section 103.

PAYMENTS TO THE STATES

SEC. 103. (a) Upon application, each eligible State shall be entitled to payments out of the Fund during the fiscal year beginning July 1, 1972, and each of the four following fiscal years, equal to an amount which bears the same proportion to the total amount appropriated and transferred to the Fund for such fiscal year as the income taxes collected from individuals who are residents of that State bears to the income taxes collected from all individuals in the United States for the latest calendar year for which published statistical data are available. Data from the same calendar year shall be used for 11 States to which payments are made during any fiscal year.

(b) For purposes of determining the amounts payable to each State—

(1) an individual who resided in more than one State during a calendar year shall be considered to have been a resident of the State in which he resided the greatest amount of time during that calendar year, and

(2) an individual who was employed for more than six months in any calendar year in a State other than the State in which he resides shall be considered to have been a resident of the State in which he was so employed with respect to half of his taxable income and a resident of the State in which he resided with respect to half of his taxable income.

ELIGIBILITY FOR PAYMENT

SEC. 104. In order to be eligible to receive payments under this title a State must agree—

(1) to make payments to incorporated municipalities located within the State in accordance with the provisions of section 105, and to use the remainder of any payments received under this title for governmental purposes;

(2) to use such fiscal and accounting procedures as the Secretary shall prescribe in order to assure proper accounting for payments received by the States, and political subdivisions within the State, and proper disbursement of amounts to which certain incorporated municipalities are entitled;

(3) to provide to the Secretary or his delegate and the Comptroller General or his dele-

gate, on reasonable notice, access to, and the right to examine, any books, documents, records, or other data of the State and political subdivisions thereof that he may reasonably require for the purpose of reviewing compliance with this title; and

(4) to make such reports to the Secretary as he may reasonably require.

PAYMENTS TO INCORPORATED MUNICIPALITIES

SEC. 105. (a) Each incorporated municipality of a State, which has a population of at least 50,000 persons is entitled, upon application, to receive a portion of the amount received by such State as payments under this title. In order to be eligible to receive a portion of the amounts received by such State, the incorporated municipality must agree—

(1) to use amounts it receives under this section for governmental purposes;

(2) to use such fiscal and accounting procedures as such State shall prescribe;

(3) to provide access to the Secretary or his delegate, and to the Comptroller General or his delegate, or the appropriate State officer, to any books, documents, records, or other data that he may reasonably require for the purpose of reviewing compliance with the requirements of this title; and

(4) to make such reports to the appropriate State officer or to the Secretary as may be required in connection with this title.

(b) Each such incorporated municipality is entitled to receive a portion of the amount of each payment received by the State in which it is located at least equal to the percentage of the population of the State which is made up by the population of that political subdivision. Each incorporated municipality which has a population of at least 75,000 and is located in a Standard Metropolitan Area of at least 500,000 is entitled to receive a portion of the amount of each payment received by the State in which it is located at least equal to the percentage of the population of the State which is made up by the population of that incorporated municipality multiplied by 1.25. After approving an incorporated municipality's application for funds under this section, the State shall transfer to an incorporated municipality the amount to which that incorporated municipality is entitled as it becomes available to the State, or within 30 days thereafter.

(c) The formula set forth in subsection (b) shall not apply to any political subdivision which, through its legislative body, enters into an agreement with the State in which it is located for a different method of determining the amount to which it is entitled.

NONDISCRIMINATION

SEC. 106. (a) No person shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under this title on the ground of his sex, race, color, or national origin.

(b) (1) Whenever the Secretary determines that any State has failed to comply with subsection (a) or any regulation issued to carry out subsection (a), he shall attempt to secure compliance by voluntary means. If the Secretary determines that compliance cannot be secured by voluntary means, he shall have the authority to (i) refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted or (ii) exercise the powers and functions provided by title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d).

(2) Whenever the Secretary determines that a political subdivision receiving funds under the provisions of section 104 has failed to comply with subsection (a) or any regulation issued to carry out subsection (a), he shall notify the Governor of the State in which the political subdivision is located of the noncompliance and shall request the Governor to secure compliance. If within a reasonable period of time the State fails or refuses to secure compliance, the Secretary shall have the authority to (i) refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted or (ii) exercise the powers and functions provided by title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d).

(c) When a matter is referred to the Attorney General pursuant to subsection (b), or whenever he has reason to believe that a State or local government is engaged in a pattern or practice in violation of the provision of this section, the Attorney General may bring a civil action in any appropriate United States district court for such relief as may be appropriate, including injunctive relief.

POWERS OF THE SECRETARY

SEC. 107. (a) The Secretary is authorized to obtain from other Federal agencies statistical data, reports, and other materials which he deems necessary to discharge his responsibilities under this section, and Federal agencies shall carry out their statistical functions in such manner as will, to the maximum extent permitted by other applicable law, assist the Secretary in carrying out his duties and responsibilities under this section.

(b) Whenever the Secretary finds, after reasonable notice and opportunity for hearing to the Governor of a State, that there is a failure by such State to comply substantially with any requirement of this title, the Secretary shall notify the Governor that further payments under this title will be withheld until the Secretary is satisfied that appropriate corrective action has been taken and that there will no longer be any failure to comply. Until he is satisfied, the Secretary shall make no further payments to such State under this title.

(c) Determinations of the Secretary under sections 102 and 103 shall be final.

(d) The Secretary is authorized to issue such regulations as may be necessary in order to carry out the provisions of this title.

JUDICIAL REVIEW

SEC. 108. (a) Any State which receives notice under section 107 that payments to it will be withheld may, within sixty days after receiving such notice, file with the United States Court of Appeals for the circuit in which such State is located a petition for review of the Secretary's action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The Secretary shall file in the court the record of the proceeding on which he based his action as provided in section 2112 of title 28 United States Code.

(b) In accordance with the provisions of this subsection, the court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive. However, if any finding is not supported by substantial evidence, the court may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(c) The judgment of the court shall be 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.

TITLE II—PARTIAL FEDERAL INCOME TAX CREDIT FOR STATE AND LOCAL INCOME TAX PAYMENTS

STATE AND LOCAL TAX CREDIT

SEC. 201. (a) Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits allowable) is amended (1) by renumbering section 40 as 41; and (2) by inserting after section 39 the following new section:

"SEC. 40. STATE AND LOCAL INCOME TAXES

"(a) Allowance of Credit.—If an individual chooses to have the benefits of this section, there shall be allowed to such individual as credit against the tax imposed by this chapter for the taxable year, an amount equal to 40 percent of the State and local income taxes paid or accrued for such taxable year.

"(b) Definitions and Special Rules.—For purposes of this section—

"(1) State and local income taxes.—The term 'State and local income tax' means only—

"(A) a tax imposed upon the income of the taxpayer, after the deduction of an amount for personal exemptions and dependents allowances or the subtraction of a tax credit or credits equivalent in amount to the amount allowed for this purpose under part V of subchapter B of chapter 1 (relating to deductions for personal exemptions);

"(B) the taxpayer's distributive share of a tax imposed upon the income of a partnership of which the taxpayer is a member; and

"(C) the taxpayer's pro rata share of a tax imposed upon the income of an electing small business corporation (as defined in section 1371(b)) of which the taxpayer is a shareholder, by a State or any political subdivision thereof. In the case of a separate return by a married individual, the amount of State and local income taxes imposed upon the income of such individual shall be determined under regulations prescribed by the Secretary or his delegate.

"(2) Change of election.—The choice as to whether an individual shall elect to have the benefits of this section may be made or changed at any time before the expiration of the period prescribed for making a claim for credit or refund of the tax imposed by this chapter for the taxable year with respect to which such State or local income tax was paid or accrued.

"(3) Adjustments on payment of accrued taxes.—If accrued taxes when paid differ from the amounts used by an individual as the basis for claiming a credit under this section, or if any tax paid is refunded, in whole or in part, such individual shall notify the Secretary or his delegate, who shall redetermine the amount of the credit for the year or years affected. The amount of tax due on such redetermination, if any, shall be paid by such individual on notice and demand by the Secretary or his delegate, and the amount of tax overpaid, if any, shall be credited or refunded to the individual in accordance with subchapter B of chapter 66 (section 6511 and following). In the case of a State or local income tax accrued but not paid, but used as the basis for claiming a credit under this section, the Secretary or his delegate, as a condition precedent to the allowance of such credit may require such individual to give a bond, with sureties satisfactory to and to be approved by the Secretary or his delegate, in such sum as the Secretary or his delegate may require, conditioned on the payment by the individual of any amount of tax found due on any such redetermination; and the bond herein prescribed shall contain such further conditions as the Secretary or his delegate may require. In such redetermination by the Secretary or his delegate of the amount of tax due from such individual for the year or years affected by a refund, the amount of the taxes refunded with respect to which credit has been allowed under this section shall be reduced by the amount of any State or local income tax imposed with respect to such refund; but no credit under this section, and no deduction under section 164 (relating to

deduction for taxes), shall be allowed for any taxable year with respect to such State or local income tax imposed on the refund. No interest shall be assessed or collected on any amount of tax due on any redetermination by the Secretary or his delegate, resulting from a refund to the individual, for any period before the receipt of such refund, except to the extent interest was paid on such refund by the State or local government for such period.

"(4) Tax imposed by this chapter.—The tax imposed by this chapter for any taxable year does not include the tax imposed by section 56 (relating to minimum tax for tax preferences).

"(c) Cross References.—

"(1) for deductions of State and local income taxes, see sections 164 and 275.

"(2) for right of each partner to make election under this section, see section 703(b)."

(b) Disallowance of Deduction.—Section 275(a) of such Code (relating to certain taxes not deductible) is amended by adding at the end thereof the following new paragraph:

"(6) State and local income taxes, if the individual chooses to take to any extent the benefits of section 40 (relating to State and local income taxes)."

TECHNICAL AMENDMENTS

SEC. 202. (a) The table of sections for subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 is amended by striking out the item relating to section 40 and inserting in lieu thereof the following:

"Sec. 40. State and local income taxes.
"Sec. 41. Overpayments of tax."

(b) Section 37(a) of such Code (relating to retirement income) is amended by striking out "and section 35 (relating to partially tax-exempt interest)" and inserting in lieu thereof "section 35 (relating to partially tax-exempt interest), and section 40 (relating to State and local income taxes)".

(c) Section 46(a)(3) of such Code (relating to amount of credit) is amended—

(1) by striking out "and" in subparagraph (B);

(2) by striking out the period at the end of subparagraph "and"; and

(3) by adding after subparagraph (c) the following new subparagraph:

"(D) section 40 (relating to State and local income taxes)."

(d) Section 703 of such Code (relating to partnership computations) is amended—

(1) by relettering subparagraphs (D), (E), and (F) of subsection (a)(2) as subparagraphs (E), (F), and (G);

(2) by inserting after subparagraphs (C) of paragraph (2) the following new subparagraph:

"(D) the deduction for taxes provided in section 164 (a) with respect to State and local income taxes;" and (3) by amending subsection (b) to read as follows:

"(b) Elections of the Partnership.—Any election affecting the computation of taxable income derived from a partnership shall be made by the partnership, except that the election under sections 40 (relating to State and local income taxes) and 901 (relating to taxes of foreign countries and of possessions of the United States), and any election under section 615 (relating to pre-1970 exploration expenditures) or under section 617 (relating to deduction and recapture of certain mining exploration expenditures), shall be made by each partner separately."

REPORT BY THE SECRETARY

SEC. 203. Three years after this title has been in effect, the Secretary shall report to the Congress on the operation of the provisions of this title. This report shall include estimates of the amount of Federal revenue foregone and of the amount of additional State and local revenue derived from the provisions of this title. This report may also contain any recommendations on the part of the Secretary for additional legislation.

EFFECTIVE DATE

SEC. 204. The amendments made by this title shall apply to taxable years beginning after December 31, 1975.

TITLE III—COLLECTION OF STATE AND LOCAL INCOME TAXES BY INTERNAL REVENUE SERVICE

AUTHORITY TO ENTER INTO AGREEMENTS

SEC. 301. (a) Chapter 77 of the Internal Revenue Code of 1954 (relating to miscellaneous provisions) is amended by adding at the end thereof the following new section:

"SEC. 7517. COLLECTION OF STATE AND LOCAL INCOME TAXES

"(a) COLLECTION OF TAXES.—The Secretary or his delegate is authorized to enter into an agreement with the chief executive officer of any State or political subdivision thereof under which officers and employees of the Treasury Department, acting on behalf of such State or political subdivision, will, to the extent and in the manner provided in the agreement, collect the income tax imposed under the law of such State or political subdivision, and otherwise administer and enforce such law, if—

"(1) the State income tax is assessed as a percentage of the tax imposed by chapter 1 of this title, and

"(2) the income tax of the political subdivision is assessed as a percentage of the tax imposed by chapter 1 of this title, or as a percentage of a State income tax which is so assessed.

"(b) REGULATIONS.—The Secretary or his delegate is authorized to prescribe such regulations as may be necessary to carry out the provisions of this section."

(b) The table of sections for such chapter is amended by adding at the end thereof the following:

"SEC. 7515. COLLECTION OF STATE AND LOCAL INCOME TAXES.".

AUTHORIZATION OF APPROPRIATIONS

SEC. 302. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 1245

At the request of Mr. Moss, the Senator from Oklahoma (Mr. BELLMON) was added as a cosponsor of S. 1245, relating to the preservation of historical and archeological data.

S. 1408

At the request of Mr. MUSKIE, the Senator from Maryland (Mr. MATHIAS) was added as a cosponsor of S. 1408, a bill to permit certain tax-exempt organizations to engage in communications with legislative bodies.

S. 1461

At the request of Mr. MCGOVERN, the Senator from New Jersey (Mr. WILLIAMS) was added as a cosponsor of S. 1461, the truth in advertising bill.

S. 1442, S. 1443, S. 1444, AND S. 1445

At the request of Mr. Moss, the Senator from Minnesota (Mr. MONDALE) was added as a cosponsor to S. 1442, a bill to amend the Internal Revenue Code of 1954 to provide that the first $3,000 received as civil service retirement annuity from the United States or any agency thereof shall be excluded from gross income; S. 1443, a bill to eliminate the survivorship reduction during periods of nonmarriage and retired employees and members, and for other purposes; S. 1444, to increase the contribution by the Federal Government to the costs of employees' health benefits insurance; and S. 1445, a bill to provide increases in certain annuities payable under chapter 83 of title 5, United States Code, and for other purposes.

SENATE JOINT RESOLUTION 108

At the request of Mr. CRANSTON, the Senator from West Virginia (Mr. BYRD), the Senator from New York (Mr. JAVITS), and the Senator from California (Mr. TUNNEY) were added as cosponsors of Senate Joint Resolution 108, a joint resolution to declare a U.S. policy of achieving population stabilization by voluntary means.

THE MILITARY SELECTIVE SERVICE ACT—AMENDMENTS

AMENDMENT: 208, 209, 210, AND 211

(Ordered to be printed and to lie on the table.)

Mr. CRANSTON. Mr. President, the Selective Service System is inequitable and unjust. It discriminates against the minorities in this Nation, it disrupts the lives of our young and it serves to perpetuate our tragic involvement in Indochina.

The Senate has been considering this legislation for over a month and we have adopted some important reforms, notably the large increase in basic pay for our servicemen. This was a significant accomplishment but many inequities continue to exist in the law.

Our goal must be to abolish this undemocratic and compulsory system and create an all-volunteer structure. While moving toward this important goal, however, there are many changes which we should make in the current system. I am proposing four amendments today, which, if enacted, will help reform and revise many unjust provisions of the draft.

The purpose of this study would be to provide the most effective use of our manpower—and womanpower—while we continue to move toward an all-volunteer military.

One of the major arguments that we are making in favor of a volunteer military is that we must increase incentives and inducements so that the military will attract talented, trained, and educated men and women. We therefore must study and recommend ways of upgrading and improving the status of women in the military for this reason as well as in the interests of equity and women's rights.

Mr. President, each amendment I am introducing is necessary to revise and reform the draft to make its procedures fair and equitable. They deserve the serious consideration of this body.

The first amendment deals with the administration of tests to be taken by State directors of Selective Service, members of local boards and appeal boards and clerks of local boards. There are major administrative problems with the draft and we must take steps to reform these procedures so that while we

still have the draft it can be fairly and adequately administered.

In testimony before the House Armed Services Committee, William Sessions representing the Justice Department indicated that effective prosecution of draft cases is nearly impossible because of the myriad procedural and other legal errors inevitably committed by local boards. U.S. Attorney James Browning of Oakland referred to the current situation as a procedural morass that finds the system drowning in its own errors.

In California, for example, a local board chairman subpenaed in a draft prosecution case was unable to identify various classifications, including the 1-SC category which relates to temporary student deferments and induction postponements. This is a relatively common classification.

To alter this situation we must, at the very least, insure that those who serve on draft boards have a full working knowledge of the rules and regulations of the Selective Service System. Thus the amendment provides that State directors, members of local and appeal boards, and clerks of boards would be required to take a test administered by the Civil Service Commission.

The test would encompass the basic sections of the law as it relates to selective service and would include other pertinent material. State directors would be required to receive a score of at least 75 percent; the members of local and appeal boards as well as clerks would be required to receive at least a 65-percent score.

In our society ignorance of the law is no excuse for its violation. Nor should ignorance of the law be an excuse for the miscarriage of justice. We must not allow our youth to bear an additional burden of possibly unfair, inadequate, or unjust hearings by their local boards. The lives of these men may be at stake, and we must provide them with at least minimal procedural guarantees.

The second amendment I am introducing calls for a more equitable mix on the draft boards. Although Director Tarr has made an admirable attempt to get more minority and ethnic representation on the local boards these efforts have not been totally successful to date.

For example, although nationally blacks make up about 11 percent of local boards, many, many boards, even in virtually all black neighborhoods, do not have any black members. The situation is similar for Mexican-Americans, American Indians, Puerto Ricans, and some religious groups.

It would be difficult and impracticable to insist that all local boards fully and completely reflect the exact nature of the community. Yet there are currently so many inequities in the present composition of many boards that we must make a major attempt to correct this situation.

The draft boards in effect act as judges and juries when considering the case of a young man and his classification. It is unfair to confront a black or a Puerto Rican or a member of another minority group with a local board that is all white or all upper middle class or even all Christian. A young black with an eighth grade education would probably find it difficult and confusing to adequately communicate his feelings to an all white, upper middle class board. Or take a young Jewish man who is trying to communicate his religious feelings about his application for a conscientious objector status to an all Christian board. There are intangible problems of communication and understanding inherent in such situations. We must at the very least, try to break down some of the communication barriers that now exist and afford a young man the kind of compassion and understanding he deserves. The amendment provides that, insofar as is possible, local boards reflect the racial, economic, and ethnic composition of their community.

The third amendment I am introducing deals with a matter which was discussed on the floor when we were considering pay raises for our servicemen—the problem of inadequate and substandard housing. Although there was a good deal of discussion on the question of housing for our servicemen adequate information is not available on the current and future needs of housing for our men both at home and overseas.

I propose that the Department of Defense undertake a long-range study to determine the future housing needs of our men. Whether we move toward an all volunteer military or not we must be able to provide decent housing both on and off base for our men. The study would also encompass reports of discrimination both at home and overseas. For example, in a CBS documentary in January reports were made of discrimination against black servicemen in Germany when they attempted to find adequate off-base housing. The study should investigate these and similar incidents and recommend ways of ameliorating such conditions. I should also quote from a fact sheet which the Department of Defense distributed concerning housing in Germany. DOD states that—

> The Department of Defense has long recognized that there is not enough housing at fair rental cost for all military members in Germany.

It is indeed shocking that American servicemen should be subjected to living in inadequate housing, and we must take firm steps to alleviate such conditions.

Finally, the fourth amendment I am introducing deals with the status of women in the military. There is currently very little information available about this subject. As with most other professional careers in our society, however, it appears that women do not occupy the higher levels of the military hierarchy. Most of the women in the military are nurses or have clerical positions. With all the women who do serve there are only two who have the rank of general.

We must reexamine the role of women in the military with an eye toward bettering her position and eliminating the discrimination which she confronts. We must, for example, determine statistically exactly what roles women currently occupy and how these roles compare with the roles of men. Additional comparisons must be made concerning the overall effectiveness of the performance of men and women in their respective jobs and the policy of promotion and pay for men and women. In addition the study should recommend other areas where women can be utilized effectively. I am sure that women can be trained to take over professional and technical jobs now occupied by men. This would then free the men for other occupations which physically might be too difficult for women.

As with most other sectors in this country we have been reluctant to deal with the real question of true equality of opportunity for women as well as equal pay for equal work. From the evidence that exists we must make the assumption—which the study will refute or document—that the military is yet another segment of the country which discriminates against women in this manner.

The study should also look into the role of women in the military in other societies. Women, for example, occupy a far different role in Israel than they do in the United States.

I must make clear, however, that I am not advocating the drafting of women.

I am not, for that matter advocating the continued drafting of men either.

I am opposed to the concept of conscription which is antithetical to a democracy.

I am deeply convinced that we must institute an all-volunteer Armed Force.

AMENDMENT NO. 212

(Ordered to be printed and to lie on the table.)

Mr. CHILES. Mr. President, there is today no concerted effort on the part of the administration or the Congress to deal directly with the unique problems of returning Vietnam veterans regarding their education at the junior college or university level. On many college campuses throughout the United States, aside from a minimal handling of GI bill paperwork through the registrar's office which deals with veterans already enrolled or soon to be enrolled, little attention is given to the veterans who have a high school diploma or the equivalent GED, but falls short on one or another of the standard admission criteria.

In addition, these local offices on college campuses have no authority to deal directly with the Veterans' Administration. The only function this office now serves is one of answering questions and attempting to direct student veterans with specific problems to the proper office or agency for assistance.

One million Vietnam veterans per year are being separated and tossed into a job market that already exceeds 6 percent in unemployment. Unemployment among white Vietnam veterans with a high school education is 25 percent higher than white nonveterans in a similar age group. Among high school educated black veterans, the unemployment rate is 50 percent higher than similar age black nonveterans.

There is a great need for a central coordinating agency on our college campuses for academic advisement, campus orientation, career guidance, counseling, financial assistance, and the processing of requests for veterans educational and hospitalization benefits. This can be achieved by first, the employment of a full-time veterans' advisory and assistance officer to counsel veterans on all

matters of noneducational and educational related problems, and second, the creation of a special program at the universities for Vietnam veterans who have a high school diploma or the equivalent but who have an academic deficiency which prevents them from qualifying for entrance under standard entrance criteria, to allow them to enroll in a participating institution on a 1-year probationary basis.

This amendment gives the Administrator of Veterans' Affairs the authorization to make grants to any participating institution of higher learning, including junior colleges, to finance the employment of a qualified veterans' advisory and assistance officer, and authorizes the Secretary of Health, Education, and Welfare to carry out on a trial basis a special program for Vietnam veterans with educational deficiencies with participating institutions.

It is fully realized that not every veteran wants, needs, or could successfully earn a college degree. But it is also felt that there is a need for this type of program to enable Vietnam veterans who could not otherwise enroll under the university's restricted ceiling on admissions, an opportunity to compete, perform, and prove themselves to be college-level material. Such a program would not have the general effect of lowering standards of the university because admission is of a provisional nature. Nor would the program be costly, except for administration costs, for veteran educational allowances are now provided under the GI bill.

The passage of this amendment would serve the dual purpose of placing on a University campus a central coordinating office to serve the entire spectrum of veteran problems, both educational and noneducational, and give the veteran with certain academic deficiencies who has a high school diploma or the equivalent, a 1-year opportunity to meet standard admission requirements of a university.

AMENDMENT NO. 213

(Ordered to be printed and to lie on the table.)

Mr. GRIFFIN, for himself, Mr. SAXBE, and Mr. SCHWEIKER, submitted an amendment intended to be proposed by them, jointly, to H.R. 6531, supra.

AMENDMENT NO. 214

(Ordered to be printed and to lie on the table.)

Mr. MANSFIELD, for himself and Mr. SCHWEIKER, submitted an amendment intended to be proposed by them, jointly, to H.R. 6531, supra.

AMENDMENT NO. 215

(Ordered to be printed and to lie on the table.)

Mr. GRIFFIN submitted an amendment intended to be proposed by him to H.R. 6531, supra.

NOISE CONTROL ACT OF 1971—AMENDMENT

AMENDMENT NO. 216

(Ordered to be printed and referred, jointly, to the Committees on Commerce and Public Works.)

Mr. HATFIELD, for himself, Mr. HART, and Mr. CRANSTON, submitted an amendment intended to be proposed to the bill (S. 1016, to control the generation and transmission of noise detrimental to the human environment, and for other purposes.

Mr. HART. Mr. President, the evidence is accumulating that yet another form of pollution has reached serious levels. I refer to noise. Noise is more than a nuisance: Excessive noise, I am told, is a serious hazard to us physically, mentally, and economically. Too much noise can result in temporary, or even permanent, damage to our hearing. Nighttime noise disturbs sleep, while noisy places of work reduce the efficiency of workers. Noise can also influence property values as anyone who lives on the perimeter of an airport or foundry can tell you.

Congress took a major step last year when it created the Office of Noise Abatement and Control in the Environmental Protection Agency. S. 1016, the Noise Control Act of 1971 proposed by the administration, is a further important step in controlling this problem. The President is to be commended for his efforts to bring the seriousness of this problem to the attention of the public and for his commitment to promote an environment which is free from noise that jeopardizes the health and welfare of the citizens of this Nation.

As I join with the distinguished Senators from Oregon (Mr. HATFIELD) and California (Mr. CRANSTON), to introduce several amendments to S. 1016, I think we should pay tribute to our colleague in the House of Representatives, the distinguished Congressman from New York (Mr. RYAN), who has long been a leader in this field. We thank him for the considerable guidance he has given us in developing our thoughts on noise pollution and its control.

The amendments to S. 1016 which we offer today are, we believe, in harmony with the stated goal of that bill. The amendments requiring the Administrator of the Environmental Protection Agency to set certain noise emission standards within a specified time are designed merely to help him implement the original intent of the law. The addition of a citizens suit provision similar to that in the Clean Air Act amendments passed last year is meant to provide an additional vehicle for the enforcement of noise standards. The citizen will be further benefited, it is hoped, by the requirement that products used in and around the home have labels telling the actual level of noise generation. Thus the consumer will be able to choose products on the basis of their noise generation characteristics as well as price, color, and so forth.

Mr. President, the time has arrived to take positive action toward controlling undesirable noise. The administration has come forward with a very useful proposal. The House began hearings on that proposal and several others last week. The Environment Subcommittee of the Senate Committee on Commerce is scheduled next week to begin consideration of S. 1016 and the amendments introduced today. Let us hope that the momentum of our present efforts will not be lost, but will result in the swift passage of legislation necessary to protect the citizens of this Nation from the hazards of excessive noise.

ADDITIONAL COSPONSOR OF AN AMENDMENT

AMENDMENT NO. 173

At the request of Mr. STEVENSON, the Senator from Maryland (Mr. MATHIAS) was added as a cosponsor of Amendment No. 173 intended to be proposed to 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.

ANNOUNCEMENT OF HEARINGS BY SUBCOMMITTEE ON PARKS AND RECREATION

Mr. BIBLE. Mr. President, I ask unanimous consent to have printed in the RECORD a statement announcing opening hearings by the Subcommittee on Parks and Recreation on June 28, 1971, beginning at 10 a.m.

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

ANNOUNCEMENT OF OPEN HEARINGS BY SUBCOMMITTEE ON PARKS AND RECREATION

Mr. President, I wish to announce for the information of the Senate and the public that open hearings have been scheduled by the Subcommittee on Parks and Recreation on the following:

S. 489 (Percy et al.)—To authorize the Secretary of the Interior to establish the Lincoln Home National Historic Site in the State of Illinois.

S. 1475 (Stennis)—To authorize the Secretary of the Interior to provide for the restoration, reconstruction, and exhibition of the gunboat "Cairo."

S. 539 (Mondale)—Directs the Secretary of the Interior to revise a certain lease between the United States Government and members of the Merritt family made in August 1938 so as to include as additional lessees thereon the names of two children of Glen J. Merritt, one of the donors of land situated within the Isle Royale National Park in Lake Superior.

ADDITIONAL STATEMENTS

PUBLICATION OF STOLEN TOP SECRET PAPERS

Mr. HANSEN. Mr. President, when President Nixon took office, he found a Nation divided against itself, bitter about too long a war, distrusting its leadership.

Abroad, he found a world increasingly sharing the distrust of his fellow citizens, wondering how long America could maintain its leadership with the internal suspicions and hostilities they saw in our country. In 2½ years, not all of this has changed. There are still reservations both at home and abroad about our country. But progress has been made—substantial progress.

At the very least, we are much more united than we have ever been in our effort to bring peace in Indochina. And we have been able, as a result, to hold out our hand elsewhere in the world—at the

SALT talks, in the Middle East, in Eastern Europe, and in Latin America—to forge new relationships and make advances which were thought impossible only a few years ago.

Mr. President, as individuals and as a Nation, the progress toward international peace we have made is precious. That is one of the main reasons I strongly feel the New York Times' publication of stolen top secret documents related to the Vietnam war is ethically and even morally wrong. Publication of these documents—distorted and incomplete as they are reported to be—could delay peace in Indochina, rekindle the fires of suspicion and bitterness here at home and lead to new distrusts in our country by the leaders of the world.

Some already have tried to point out what value publication of these documents could have for the Republican Party and President Nixon in next year's elections. None of the disclosures concern a Republican administration. All of them concern Democratic administrations many of whose members are still active politically. And that administration has been attacked by one of the most important Democratic newspapers in the country.

But, Mr. President, no partisan political advantage could have equal standing with the steps toward peace we have made in the last few years. To take political advantage of these documents would be bad for the country. Already we have seen the effect of these documents on the Paris peace talks. Our adversaries have cited them in support of their position that the United States is the aggressor in Indochina. The hand of the hard liners in Russia and China has been strengthened against those who would encourage Hanoi to an early peace.

The publication of these documents has set back the Paris peace talks and delayed the possibility of an early settlement in Indochina.

The impact of these documents will be felt elsewhere in the world, too. Those who would portray us as an imperialistic, warmongering people now have printed material from the largest U.S. newspaper—even if it is biased and incomplete to back up their charges.

Foreign leaders, knowing that their words may appear on the front pages of at least one of our major newspapers will have doubts about talking confidentially with our diplomats and perhaps even our President. The reputations of public servants still in positions of authority have been damaged, maybe to the point of rendering them ineffective in carrying out their duties. The costs of having these documents published now are many. They will be felt for a long time.

Nobody is more interested than I in having the truth about Vietnam disclosed—fully and completely.

But stolen, incomplete, secret documents printed in news pages is not the way to report the facts.

What the Times has published does not constitute the full truth about our involvement. It adds nothing constructive. All it can do is to rekindle the hostilities, at home and abroad, which have made the path to peace so difficult.

I hope that those in public leadership, both governmental and otherwise, will seek to repair the damage that has already been done. I hope we can discourage a recurrence of this type of thing.

Our immediate attention now must be focused on the safety of our Nation—the very physical safety of our prisoners and fighting men in Vietnam.

RELIEF OF OVERCROWDED METROPOLITAN CENTERS

Mr. McCLELLAN. Mr. President, on January 25, 1971, I introduced S. 10, a bill to revitalize rural America and to reverse the migratory trend of our population into the already overcrowded and compacted metropolitan centers.

As of now, some 43 Senators have joined me in cosponsoring this measure, and I am particularly delighted that among the cosponsors are not only Senators who represent the rural States, but also Senators who represent States in which large metropolitan centers are located and States where there is heavy concentration of population.

Bipartisan support for S. 10 is growing. This is not a partisan measure. There is an ever-increasing realization that something must be done to alleviate the distress in our overcrowded and compacted areas, and to develop and revitalize the vast, untapped human and physical resources in the rural sections of our Nation.

S. 10 is designed to achieve a better balanced population and economic growth, thus creating a more healthy environment for all of our people.

Mr. President, I am especially pleased and gratified that on June 17 the Washington Evening Star, by its editorial entitled "Unjamming the Population," endorsed S. 10 and urged its passage. After reviewing briefly the conditions that now prevail and pointing out that this measure would provide relief, the editorial further states:

> The bill should be passed now, not only to benefit the poorer regions, but also to help the metropolitan areas solve their environmental and population problems.

Mr. President, the bill will do just that, and I hope we will be able to get favorable action on it at this session of Congress. I believe the editorial to which I referred is of interest to every Member of this body; therefore, I ask unanimous consent that it be printed in the RECORD.

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

UNJAMMING THE POPULATION

Will Rogers once joked that Congress might help the poor state of Oklahoma by giving it a seaport. That was on the order of those cracker-barrel quips about such and such being as likely as someone flying to the moon. What a pity that Will wasn't down in eastern Oklahoma the other day when President Nixon dedicated the seaport.

Thanks to the Arkansas River Navigation System, which rivals the St. Lawrence Seaway, Tulsa will now be receiving vessels from across the oceans. Port facilities are being developed there, and at Little Rock and other cities downstream, and the industrial expansion prospect is bright. The series of 17 locks and dams on the Arkansas River was the largest civil works project ever carried out by the Army Corps of Engineers, costing $1.2 billion. Some have doubted the wisdom of that outlay, and the proof or disproof may not be seen for many years.

But the President, in dedicating the 440-mile waterway, touched on what may prove to be its redemption: It could be an important factor in the redistribution of population which the country so desperately needs. Ninety percent of the people in America are packed onto about two percent of the land. Unremitting growth is almost a catastrophe in many congested urban sectors, while vast interior areas are underpopulated and still declining. "This region," Mr. Nixon said, "can become a new magnet for people seeking the good life, so that we begin to see a reversal of the . . . migration from rural America to urban America."

A more emphatic national policy to stem that migration is needed, and of course the only effective means is to shift more of the production complex to the less populous places. The waterway will help to do that, but other actions are necessary to cover a broader spectrum. Senator McClellan has offered legislation through which the federal government would provide strong incentives for location of industries in underdeveloped areas. The Arkansan now has 41 cosponsors, including some senators with large Eastern urban constituencies. The bill should be passed, not only to benefit the poorer regions, but also to help the metropolitan areas solve their environmental and population problems.

And the Nixon administration could give immediate assistance by turning loose the money which Congress has appropriated for construction of water and sewer systems in small towns. Applications from communities are piled high, but almost half the money appropriated for this fiscal year hasn't been released by the administration. These projects are essential if rural America is to be made attractive enough to hold its citizenry.

PROMOTION OF HEALTH CARE UNDER FREE ENTERPRISE SYSTEM

Mr. FANNIN. Mr. President, we hear much talk these days about America's nonsystem of health care. There is an attempt to create the attitude in our country that the only way to improve health care is through the Government.

Those who are promoting their pet schemes toward socialized medicine have ignored the innovative and forward-looking developments in health care.

America is blessed with men of vision and determination to create a best possible health care system in the most desirable way—that is under the free enterprise system.

The June issue of the Kiwanis magazine contains an article about one of these dedicated men—Mr. Steven M. Morris, of Phoenix, Ariz.

Mr. President, I ask unanimous consent that the article be printed in the RECORD at this point so that Senators may see one example of the energy and imagination that is being applied to solving health-care problems without excessive Government interference.

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

NEW LEADERS IN THE HEALTH CARE FIELD

(By Richard Gosswiller)

Last summer in Arizona's Grand Canyon a lumberjack let his chain saw get away from him. When a doctor summoned from the twenty-bed Grand Canyon hospital took one look at his badly sliced stomach and ex-

posed intestines, he said, "I can't do much for him except hold down the bleeding. We've got to get him to Phoenix."

A phone call was made and within an hour a plane operated by the Samaritan Health Service took off from Phoenix airport. Just four hours after the accident the lumberjack lay in a fully-equipped Phoenix operating room awaiting the ministrations of a surgeon. As a result, the lumberjack lived and today is back working at his saw, presumably with greater concentration. But the man might not have lived had not a doctor been available at Grand Canyon and had not air transport been available for emergency care. Both these services were provided by an organization that operates hospitals the way any large business chain operates its branches—with one eye on today's realities and another on future possibilities.

Within three short years Samaritan Health Service has given American medicine an object lesson in service. It has joined together a group of more or less marginal small hospitals under the wing of a larger one and provided a sound financial structure for all. It has improved the training of personnel for all hospitals in its system. It has begun to control costs. It has created a unique executive staff. It has made it possible for every patient in its system—from Indians on the Navajo reservation to Phoenix dowagers—to receive medical care in the best facilities the system can offer. And finally, it has found a way to bring patients to those facilities speedily and, say SHS executives, at lower cost than was possible in the past.

All this has not gone unnoticed throughout the rest of the nation. Visitors arrive almost daily to tour the posh Samaritan Health Service Offices near downtown Phoenix. Last year Steven M. Morris, the guiding force behind SHS and its president, was named president-elect of the American Hospital Association. And recently, the AHA made public a plan for organized health care on a national scale that uses as its operational units systems of hospitals very similar to the one Steve Morris has put together.

It's too soon, of course, to know whether Samaritan Health Service will be a prototype for a new deal in health care, but there seems no question now that a drastic change from the haphazard, disorganized, laissez faire method of administering health care in the U.S. is in the wind. Between 1948 and 1968 health care costs for individuals rose from $7.5 billion to more than $60 billion. Hospital costs in the past decade have doubled; physicians' fees have risen by a third. The shortage of doctors and hospital beds in nonurban areas has been called a national scandal. All the while, of course, the quality of health care has improved. New techniques, new equipment, new drugs mean that a man's chance of survival—if he can get to them—is infinitely better than at any time in the past.

But many people aren't getting the medical care they need when they need it. As a result, the U.S. has the fifteenth highest mortality rate among civilized nations, and the country's longevity rate is only seventeenth for men and tenth for women. Small wonder, then, that men like Walter J. McNerney, president of the Blue Cross Association, are stating emphatically that health care "is not a privilege but the right of every citizen." Even the Nixon Administration has embraced "the avowed aim of fostering development of non-profit, prepaid group medical practice(s)," a radical slap indeed at America's traditional fee-for-service bedside manner. In short, change of some sort seems imminent, and, say critics, if it doesn't come via the private sector, it will come from the government.

The problems of health care today are rooted in a system that is not a system. Most of the nation's 250,000 practicing physicians work independently of one another, just as they do most of the nation's 8500 hospitals. What's more, both physicians and hospitals tend to locate in well-to-do population centers. (When Watts blew up, officials suddenly noted that no hospital existed for that community of 200,000 people.) And even in the cities, getting from one doctor's office to another can be an all-day job for a woman without a car.

While hospitals are scarce in many communities (last year Congress passed a $2.8 billion hospital construction bill over a presidential veto—and without a dissenting vote) duplication of facilities is rife in others. Raymond L. Tate, now at Northwest Hospital, Glendale, Arizona, saw duplication firsthand as administrator for seven years of Bannock Memorial Hospital in Pocatello, Idaho. "Our town had two hospitals, but only room for one," he says. "Nevertheless, when the question of remodeling the other hospital in town or merging it with ours came up, the medical staff of the other hospital led a fund drive for $300,000. With the help of the mother hospital and the Hill-Burton bill, $1.6 million was spent on that old hospital—not long after we had spent $1.25 million on ours. Interestingly enough, now that they're stuck with two 150 bed hospitals people in Pocatello are saying they should have built one 250 bed hospital or remodeled Bannock because it was newer. This type of thing is happening throughout the state and the country."

Waste also crops up in the field of equipping hospitals. "Hospitals play keep up with the Joneses," say Steve Morris. "Every large town has too many pediatric and maternity wards, even though they lose money. If your hospital buys a linear accelerator for a half million dollars, then the hospital across the street thinks it needs one. And you both may use it half an hour a day. Medical staffs put pressure on hospitals to buy a lot of equipment that either goes out of date very rapidly or is never utilized. But if you had to run a hospital on a profit basis you couldn't do things that way."

If hospitals operate in a nonbusinesslike way, it's because until recently they were rarely designed to do otherwise. Robert Crichton, a graduate of Harvard Medical School and author of "The Andromeda Strain," put it succinctly when he wrote in *Atlantic* recently, "The American medical system in its full spectrum, from the private specialist's office to the municipal hospital wards, has never been able to structure the kind of competitive situation which encourages and rewards economies. Nor has American medicine tried." But, of course, physicians have never classified themselves as accountants, and while many have influenced the ways hospitals are run, rarely have they been trained to administrate. Also, it goes without saying that faced with the choice of being ministered to by a good physician who puts cost secondary and a poor physician who puts cost foremost, most of us would choose the former without hesitation. Physicians worry—and rightly so—that the eager bookkeeper may, in his zealous desire to shave costs, shave the quality of medicine as well.

Still, the possibility of providing good medical care at reasonable costs cannot be discounted out of hand. The fact is that over the past forty years a movement has existed—gradual though it has been—aimed at an economical as well as efficient administration of hospitals. Today, even as costs skyrocket, the synthesis of this movement is at last taking shape—in the form of hospital corporation executives such as Steven M. Morris.

Back in 1930 the American College of Hospital Administrators was formed for the purpose of setting standards of competency and education for hospital administrators and for research in hospital administration. In effect, the ACHA constituted competition for some of the traditional authority of the physician hospital head.

For many years, however, the game was lopsided. Administrators, it is true, "ran" the hospitals, but generally at the pleasure of physician staffs, a situation due in part to the nature of hospital operation. Since the beginning, hospitals have operated on a cost-plus basis. Whatever is spent by the hospital to provide its services—plus an additional 5 percent to 7 percent "profit"—is returned by the community or insurance or government or somebody. This method is still in use today. Whatever a Blue Cross-Blue Shield accredited hospital spends on Blue Cross-Blue Shield patients, providing such expenditures are genuine, must under contract be paid by Blue Cross-Blue Shield. Thus, physicians have lacked incentive to keep costs down, and administrators have lacked incentive to challenge the physicians.

But today, with costs spiraling and the hand of government looming ominously on the horizon, even physicians recognize that something must be done. That something has begun with an increase in size and sophistication of the hospital system and a consequent rise of the hospital administrator as an influential force both in the philosophy and practice of health care. A striking example, of course, is the privately-owned, profit-oriented hospital chain, several of which are today thriving. But non-profit hospital groups also are appearing on the scene—one in Greenville, South Carolina, another in Minneapolis, a third in Houston. And recently in Illinois the Lutheran hospitals centralized their operations. To lead these groups, men of unusual talents are needed—men like Steve Morris of Phoenix.

Morris looks younger than his 42 years. His face, tanned and creased by the desert sun, gives forth a wry smile now and then, but otherwise betrays little emotion. Morris listens well, talks even better, knows what he wants and where he's going, and refuses to be rushed. Like other executives at his level, he has the capacity for attracting intelligent and productive men around him.

Morris was born in Denmark, Arkansas, in 1928. He served in the army during the Korean War and later received his bachelor's degree at Southwestern University in Georgetown, Texas. He joined Phoenix's largest hospital, Good Samaritan, as administrative resident while working for his Master of Hospital Administration degree at Washington University in St. Louis. From there, it was a double-time march up the Good Samaritan ladder: administrative assistant in 1954, assistant administrator in 1956, administrator in 1960, and president in 1966—at the ripe old age of 38. During this period Morris did not neglect community activities, including membership in the Kiwanis Club of Phoenix, which he served as president in 1966.

Nor did he neglect a plan for the future, which he describes this way: "At Good Sam we found that small hospitals were having increasing problems with personnel recruitment and financing—both operating and capital. So I started building what I call a corporate approach to hospital management structure in 1966, the year I became president." Morris knew where to go for the men he wanted—to industry. He recruited a director of personnel education with fifteen years experience and work already under way toward a PhD in personnel management. He found a Californian who specialized in financial planning for industry. He named as vice-president for public relations a man who had been with Blue Cross for twenty years and in industry before that. "Before long," he says, "it became recognized that Good Sam could help other hospitals in the state."

That recognition came formally from Southside Hospital in Mesa, Arizona, 20 miles from Phoenix. Southside had financial troubles. Located in an older building, it would soon need to be remodeled or face condemnation. But Southside didn't have money for remodeling, so it tried to raise money through a bond issue. The plan was to build

a new hospital to serve jointly the communities of Tempe and Mesa, but while voters in Tempe, most of them young suburbanites, approved the bond issue, voters in Mesa, where retirees resent any added burden to their fixed incomes, defeated it.

Merger was then suggested, since big, prestigious Good Samaritan could get the financial backing needed to build the new hospital. But the merger posed an apparent threat to Southside physicians. Dr. Willis Sanderson, anesthesiologist and former chief of staff of Southside, described the problem to me.

"Mesa is a small community," he said, "and our physicians were worried at first that our abilities and talents would be overshadowed by Good Samaritan. Over the years we Mesa doctors have felt that Phoenix doctors regarded us as country folk who could contribute the basic elements of fairly decent medicine but who lacked sophistication. We feared as physicians that we might be completely at the mercy of Good Samaritan Hospital if a merger took place, that Good Samaritan would dictate to us very strictly the way we practice medicine, and some surgeons even feared that Good Samaritan would direct how surgery be performed at Southside. We were assured by Steve Morris himself that this would not occur, that our hospital would retain its autonomy, that the merger would not suddenly bestow upon a Good Samaritan surgeon or physician privileges at Southside or vice versa. As a result, our physicians voted 100 percent in favor of the merger. No one abstained and no one offered a counter proposal. And the promises made by Good Samaritan have been kept."

In June 1968 the merger took place and construction on a new hospital to be called Desert Samaritan, is now underway. But no sooner had Southside joined God Samaritan than along came Maryvale, a small hospital on the west side of Phoenix with it own financial problems. Good Samaritan bought Maryvale outright, and soon afterward formed the Samaritan Health Service, a corporation that exists for the purpose of administering all of the hospitals under its aegis. Steve Morris became president of that corporation. Since Maryvale, seven other hospitals have joined Samaritan Health Service, either through merger or through a leasing arrangement that retains ownership in the community but grants operational control to SHS.

The eagerness with which these small hospitals flocked to the shelter of Samaritan Health Service, and the speed with which the deals were consummated—nine hospitals in two years—is eloquent testimony to the need. Yet Steve Morris is not scurrying about seeking other hospitals to join his group. "All of our hospitals have come to us—we haven't approached them," he says. "In fact, we've turned down two hospitals because we weren't satisfied that a total commitment to the idea existed in those communities. Nor do we intend to accept hospitals outside Arizona. Six of our hospitals are from 90 to 250 miles outside Phoenix, but all of them are within the trade area of Phoenix. We are a local health care system, and I think this is the way health care systems will develop in this country."

Steve Morris' initial goal was to improve health care by operating his hospitals on a businesslike basis and avoiding waste and duplication. This he has done by consolidating facilities and centralizing such basic operations as purchasing, food service, personnel trainning, and data processing. Some of these changes came easily. When one hospital needs staff help on a temporary basis, another can provide it. Nurses receive ongoing training at Good Samaritan Hospital of a type and sophistication the smaller hospitals couldn't approach. Other changes, however, require time. Presently in the works is a large new facility planned to handle food service, laundry, purchasing, and data processing for the Phoenix area hospitals, plus providing a print shop and a laboratory for the entire system. "We expect a $1 million saving from this facility alone," says Morris.

So far the personnel of the merged hospitals seem well pleased with the new system. Raymond Tate, administrator of Northwest Hospital, says, "This hospital was six months in arrears in accounts payable. We needed to physically upgrade services—a new X-ray room and machines, remodeled emergency and recovery rooms and lab. All this has been done through the merger, but beyond it there has been a change in *esprit de corps* of the medical staff and their viewpoint toward the hospital. We have been able to attract a pathologist on a part-time basis. Before that we had to send all of our tissues out. And this has greatly increased the confidence of the medical staff in the lab work ordered for the patients here. Now we also have a physician on 24-hour duty. I think this approach is the salvation of our voluntary system. I firmly believe that."

Opposition to Samaritan Health Service—even from physicians—has been remarkably scattered, considering the scope of the enterprise and considering that it has fostered the prominence of a nonphysican in the medical care field. Nevertheless, some sharp things have been said and written about one apparently vulnerable spot—SHS's lush, new corporate headquarters, complete with paneled offices and Muzak. And Dr. William Helme, a Phoenix neurosurgeon and president of the Maricopa County Medical Society, has raised doubts about the savings that the Samaritan Health Service has allegedly achieved. (Steve Morris says that while the cost of health care in Arizona increased by 12 percent during 1969, Samaritan Health Service held it to 8 percent within the system.) "One cannot help yearning to see impartial documentation of all the savings accomplished by merger," writes Dr. Helme in the Maricopa County Medical Society's monthly publication *Round-Up*, "particularly since the charges at the biggest merged hospital, Good Samaritan, are still not less than at the nonmerged hospitals and are frequently higher. It will indeed take a larger and more expensive public relations department to persuade the patient that his money is being handled with care under such circumstances."

But if Dr. Helme is not persuaded that Samaritan Health Service is making progress, there are many who are, in particular the Samaritan Health Service board of trustees—twenty-four prominent business and professional men from the community and four physicians from hospitals that are merged with or owned by Samaritan Health Service. Not only has the board supported Steve Morris in his hospital acquisition program, it has permitted Samaritan Health Service to operate in ways customary in business but generally forbidden to nonprofit hospitals—risking capital, for example, on undertakings that may or may not prove economically feasible.

One of these undertakings is Air Evac, the flying service for patients, doctors, and Samaritan Health Service personnel. Air Evac utilizes two small but fast propeller-driven aircraft to bring emergency cases in Phoenix and to carry doctors and other personnel out of Phoenix to outlying hospitals. Plans are now underway to link Air Evac with major airlines to provide for the routine transportation of patients out of Arizona to anywhere in the world—or vice versa.

For patients who need to travel long distances rapidly, such as the injured lumberjack mentioned earlier, Air Evac is an unmitigated blessing—and an economical one. Dr. James L. Schamadan, head of Air Evac for Samaritan Health Service, claims that to transport a patient by ground ambulance in Arizona costs $32 plus $1 a mile, whereas to transport him by Air Evac with a registered, specially-trained nurse in attendance costs him 86 cents a nautical mile—point to point. "Take a person who's going 300 miles, or even 100 miles, which is not terribly unusual out here in the West," says Dr. Schamadan. "This could be a significant savings, if not in money certainly in time. And how about safety? Would you rather be in the back end of a careening ambulance on the highway today or in an airplane?"

But what of the cost to Samaritan Health Service? Dr. Schamadan claims that during the first nine months of 1970 Air Evac cost $109,000 while bringing in $66,000 in revenue, for a loss of $43,000. But part of this loss, he says, is recovered through use of the aircraft to transport Samaritan Health Service personnel and machinery in lieu of paying for automobile travel. "Anyway," adds Schamadan, "we're still experimenting. We estimated a three year loss on Air Evac, and at the end of the second year we're coming in somewhat under our projected loss figures."

The final report on Samaritan Health Service is yet to be written, but it will be. Steve Morris has a two-year demonstration grant of $200,000 from the Department of Health, Education, and Welfare "to demonstrate four things: our effectiveness in cost containment and comprehensiveness of care, quality, and accessibility." He is confident that Samaritan Health Service will make a good showing in each of these areas, and so apparently is his board. "Our primary goal is to provide adequate health care to this entire area," says board chairman Harold L. Divelbess, an attorney. "It seems to be fairly obvious that we are on the right track."

Morris' confidence in his method of dispensing health care appears to be shared by many of his peers. Last fall a committee of physicians and hospital administrators (including Morris) met under the auspices of the American Hospital Association and drafted a national health insurance plan called Ameriplan. The basis of Ameriplan is a proposed network of Health Care Corporations of which Samaritan Health Service could easily become one. Likewise, the Nixon Administration's national health insurance bill recommends what it calls Health Maintainance Organizations to provide health care. SHS may have been a prototype for this concept as well.

Both Ameriplan and the Nixon bill would take health care one step farther than Samaritan Health Service has dared to go. Both advocate prepaid medical care, a system of enabling people to make monthly payments for health care and receive treatment without further cost. Steve Morris, a strong supporter of prepaid medical care, hoped to introduce the concept at Good Samaritan Hospital, but facing opposition by physicians he has abandoned the plan. Nevertheless, the struggle over prepayment has only begun, and as the debate over national health insurance accelerates, it could become the hottest issue of them all.

NAVIGABLE WATERS SAFETY AND ENVIRONMENTAL QUALITY ACT OF 1971

Mr. HOLLINGS. Mr. President, I was pleased to cosponsor S. 2074, introduced by Senator MAGNUSON, to promote the safety and protect the environmental quality of ports, harbors, waterfront areas, and the navigable waters of the United States.

The sources of pollution of our coastal waters and the world's oceans include those originating on land, those from activities such as offshore oil drilling, and ocean dumping of hazardous substances. Another important source is ships. We know well the problems created by the *Torrey Canyon* and the *American Eagle* oil spills. International activity has been

initiated to solve problems of intervention on the high seas in cases of oil pollution casualties and the civil liabilities for oil pollution damage. International conventions on those subjects are now before the Senate for its advice and consent to ratification.

However, previous efforts have concentrated on action after the pollution casualty has occurred. What is needed now is action to prevent casualties. And that is what Senator MAGNUSON'S bill is designed to accomplish. It is a tough bill, that goes to the root of the problems—construction, maintenance, and operation of tankers and other vessels carrying certain liquid cargoes in bulk, and regulation of the movement of all vessels and placement of structures in navigable waters of the United States. These are essential actions that we must take, particularly in the face of the rapidly increasing amount of ocean transport of liquid cargoes in bulk.

At the same time, it is important that other countries join us in applying equally stringent regulations on construction, maintenance, and operation of vessels, and on their movement in international commerce. The problems are of international magnitude. And while strong domestic legislation such as the Magnuson bill will contribute enormously to their solution, the problems cannot be solved unilaterally by the United States. International agreement is essential, and I urge that immediate steps be taken by the United States to strengthen our efforts to reach agreement in IMCO on these important problems. And to strengthen our international negotiations, I urge passage of the Magnuson bill and swift establishment of its enforcement, particularly in those areas—such as vessel traffic control systems—where we are lagging behind other countries.

INCREASED CONGRESSIONAL CONTROL OVER CIA

Mr. CASE. Mr. President, much has been said lately about the efforts of Congress to reassert and redefine its authority in the field of foreign policy. For myself, I am scarcely at all interested in this as an exercise in congressional self-aggrandizement. I am very much interested in it as a means of forcing our Government to conduct foreign policy in the open so that the public may know what is going on and have the controlling voice in important decisions.

In a moment I shall mention briefly several measures I shall soon be proposing to allow Congress to exercise increased control over certain Central Intelligence Agency—CIA—and Defense Department programs.

My purpose is to place some outside control on what has been the freewheeling operation of the executive branch in carrying on foreign policy and even waging foreign wars.

To be perfectly honest, our system has gotten out of whack, and it is time to restore a better balance.

The Constitution does not give the President authority to declare a secret war, and I do not accept that there are any precedents in our history which would permit him now to do so.

Moreover, our recent history in Southeast Asia shows that wars approved by simply a handful of Presidential advisers may well be not only unconstitutional, but relatively unsuccessful, too.

Like most Americans, I was shocked by the cynical manipulation of our political processes revealed in the New York Times' account of the McNamara study on the origins of the Vietnam war. I believe that our country should not go to war as part of a carefully plotted scenario which involves secret attacks on the other side—some apparently with the aim of provoking retaliation against us and our allies. This approach has no place in our open society.

I do not want to get into an extended postmortem on Vietnam, however. Our primary task should not be to engage in recriminations or assign blame, but to bring the war to an end. That is why, last year and earlier this week, I voted for the Hatfield-McGovern proposal to set a definite date for U.S. withdrawal from Vietnam.

The Vietnam war, at least during the last several years, has been waged essentially in the open. The same cannot be said for the war in neighboring Laos. A top American diplomat was quoted recently by the Washington Star saying:

> What we are doing here in Laos is totally inconsistent with our kind of society. We are fighting a war by covert means and an open society cannot tolerate that.

I agree with this diplomat's appraisal and consequently I have done everything I can to bring the facts on the war in Laos before the American public.

For example, I stated several weeks ago that there apparently was an agreement between the U.S. and Thai Governments for the financing and support through CIA of thousands of Thai troops in Laos. Only when the administration became aware of my speech did the Senate receive any kind of explanation of what was going on. And the explanation was incomplete and partially inaccurate despite its secret classification which prevented it from being made known to the public.

Even today, the Government tries to maintain a thick veil of secrecy over some of its programs in Laos. Every so often news trickles out in driblets as an energetic newspaperman digs out a story or a government official leaks out a revelation.

But essentially, we are only told things after they have somehow gotten into the public realm, despite the $350-odd million in taxpayers' funds which are being spent annually in Laos, to say nothing of the estimated $2 billion annual cost of U.S. air activity over Laos.

Successive administrations have been able to carry on the secret war in Laos, as they did earlier in Vietnam, by use of that vast billion dollar treasure chest which Congress has appropriated, but never controlled, for discretionary intelligence and military programs. And the U.S. Government agency assigned to carrying out the administrations' policies such as the running of the 30,000 man Secret Army—Armée Clandestine—and the funding of Thai troops has usually been the CIA.

I do not direct criticism against the CIA, for it has only been following orders issued by several Presidents. I simply question whether a secret intelligence organization should be assigned a war-making role abroad. Certainly this was not the intent of Congress when it originally voted to establish CIA.

So I come to my three proposals to limit the Executive's authority to wage a secret war. These are not all-inclusive, but they are an attempt to get at the questions of the circumvention of congressional intent and the hiring of mercenaries. The specific proposals are:

First, a bill to extend the limitations which now apply to the use by the Defense Department of its funds overseas to all U.S. Government agencies, including CIA. This would prevent the circumvention of congressional intent in the funding of activities such as the Thai troops in Laos through CIA rather than through more open Government agencies. It would also eliminate the possiblity that the Cooper-Church prohibitions against the use of American troops or advisers in Cambodia could be skirted by using CIA personnel.

Second, a bill to prohibit the funding by any U.S. Government agency of military operations by any country outside its borders without specific congressional authorization. This would eliminate the confusing trail of Thais in Laos, Cambodians in Laos, and even Thais in Cambodia. It would not affect the present programs for U.S. payments to Koreans, Thais, and Filipinos in Vietnam, since Congress has specifically voted money for these troops. My bill would, however, require the administration to inform the Congress, on a confidential basis, if necessary, of the details of any agreements with foreign governments to finance their military operations abroad. I would hope this would prevent our Government from offering lavish inducements to foreign governments in return for the use of their troops. As you may remember, it was revealed last year that the U.S. Government in some cases had been secretly paying Koreans and Thais in Vietnam higher levels of combat pay than were being paid to American troops fighting in the same country.

Third, a bill to extend existing limitations on the use by the Defense Department of surplus military materiel to all Government agencies. I make this proposal because of reports I have received of the relatively unrestricted use of surplus materiel by CIA. I have no means of verifying these reports, but if they are untrue, my bill would not interfere with any existing Government programs.

The three proposals I have outlined would serve to plug some loopholes in the law. Of course they would by no means close them all. The Executive can find ways to skirt almost any prohibition if it is so inclined. The solution to the problem lies, in the long run, not in a tighter drafting of the law but in the acceptance by the Executive of Congress and the public as partners in the conduct of the peoples' vital business.

Our country was founded on the principles of democracy, and the essence of a democracy is the participation of the people and their representatives in the decisions which affect their very national existence.

THE PENTAGON DOCUMENTS

Mr. McGOVERN. For the benefit of Congress and the public, I have been endeavoring to place in the CONGRESSIONAL RECORD the newspaper summaries and published documents from the Pentagon study of the Indochina war.

On Saturday, June 19, the Washington Post published the second in its series on the documents, relating to the bombing halts which were designed to "crack the enemy's resistance to negotiations." The plan appears to have been to increase the pressure and then relax it alternately. The plan failed, mainly because it was based on the concept of bringing about negotiations through force.

Mr. President, I ask unanimous consent that the Washington Post article, by Murray Marder, and relating to the Pentagon documents, be printed in the RECORD.

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

VIET STUDY SAYS BOMBING LULL PRESSURE MOVE

(By Murrey Marder)

Johnson Administration strategists had almost no expectation that the many pauses in the bombing of North Vietnam between 1965 and 1968 would produce peace talks but believed they would help placate domestic and world opinion, according to the Defense Department's study of those war years.

The Pentagon study discloses that some strategists planned to use unproductive bombing pauses as a justification for escalating the war. This idea was first outlined privately by U.S. officials soon after the bombing of the North began in 1965. These planners regarded the lulls in bombing as a "ratchet" to reduce tension and then intensify it, to produce "one more turn of the screw" in order to "crack the enemy's resistance to negotiations," the report states.

Throughout these years American officials regarded their terms for peace as virtually irreconcilable with conditions offered by North Vietnam and the Vietcong. They recognized that the terms for peace talks would have to be eased before negotiations could even begin.

The United States eventually relaxed its terms on March 31, 1968. The occasion was President Johnson's dramatic television announcement that he would not run for reelection. At the same time he also announced an indefinite halt to some of the bombing and Hanoi, to the surprise of most U.S. experts, agreed to start preliminary talks.

Through the 1965–1968 period, the most uncompromising U.S. planners insisted that the enemy would interpret the pauses in the bombing as a sign of American softness, the report states. Consequently, the failure of the Communist side to make a conciliatory response to each bombing lull was used as an argument for escalating U.S. involvement, either in the air over North Vietnam, or on the ground in South Vietnam, and usually both.

President Johnson was often caught in the crossfire between the hawks and doves over this issue, as he often protested in private.

The Pentagon review also throws significant new light on the public controversy of recent years about who was primarily responsible for urging the President to order the partial bombing halt of March 31, 1968, to halt U.S. escalation, and to start negotiations.

Former Defense Secretary Clark M. Clifford was lauded by his supporters as the adviser who led what came to be called the "struggle for the mind of the President." President Johnson on Feb. 6, 1970, publicly labeled that claim "totally inaccurate." President Johnson ridiculed the claim that there was any struggle for his mind and said that instead it was his most continually loyal lieutenant Secretary of State Dean Rusk—and not Clifford—who first suggested the partial bomb halt on March 5 or 6, 1968 and that Mr. Johnson immediately instructed him to "get on your horses" and produce an operating proposal swiftly.

The newly disclosed Pentagon study—which is admittedly incomplete, especially on White House and State Department activities—presents information that shows a far more complex background for the President's critical March 31 decision than either party to the continuing public debate has offered so far.

The new documentation asserts, in part, that the idea of a bombing limitation was aired inside the Johnson Administration at least as early as 1966 by Robert S. McNamara, then Defense Secretary, and explored by Assistant Secretary John McNaughton. According to this account, it was Under Secretary of State Nicholas deB. Katzenbach in May, 1967, who first specifically proposed a "territorially limited bomb halt" which is what finally was put into effect at the 20th Parallel of North Vietnam.

This study also confirms, however, that in early March, 1968, it was Rusk, as President Johnson said, rather than Clifford, who proposed the partial bombing halt to the President at that time.

But the new documentation also indicates that Rusk's objectives may have differed from Clifford's. Clifford, a "hawk" who suddenly turned "dove" soon after—but not immediately after—he replaced McNamara as Defense Secretary on March 1, 1968, became convinced, as he later wrote, "that the military course we were pursuing was not only endless, but hopeless."

Clifford's goal was to change the course of the war. Rusk's fundamental commitment to achieving the original goals of the war was unchanged.

U.S. intelligence had pointed out that the weather for bombing over the North was turning bad, and "It is not until May that more than four good bombing days per month can be anticipated." The prevailing view, therefore, was that the United States was risking only another limited bombing "pause."

A State Department advisory cable later in March to all U.S. embassies abroad, cited in the Pentagon study, in part said precisely that:

". . . You should make clear that Hanoi is most likely to denounce the (partial bomb halt and the accompanying offer to Hanoi to 'not take advantage' of it) project and thus free our hand after a short period . . .

"In view of weather limitations, bombing north of the 20th Parallel will in any event be limited at least for the next four weeks or so—which we tentatively envisage as a maximum testing period in any event. Hence, we are not giving up anything really serious in this time frame."

"Moreover," the message to U.S. ambassadors continued, "air power now being used north of 20th can probably be used in Laos (where no policy change planned) and in SVN" (South Vietnam).

"Insofar as our announcement foreshadows any possibility of a complete bombing stoppage, in the event Hanoi really exercises reciprocal restraints, we regard this as unlikely . . ."

According to the study, the initial paragraph of this previously unpublished cablegram emphasized what the United States had expressed with each previous bombing pause, a priority on continuing U.S. "resolve" to pursue the war if necessary:

"You should call attention," ambassadors were instructed initially, "to force increases that would be announced at the same time" (as the partial bomb halt) "and would make clear our continuing resolve. Also our top priority to re-equipping ARVN (South Vietnamese) forces."

The message clearly did not anticipate the President's startling announcement at the end of his March 31 speech, that he was taking himself out of the 1968 election race in order to try to bring the war to an end and unify the war-fractured nation.

Between 1965 and 1968, as optimistic forecasts about the war repeatedly collapsed, the U.S. strategists attempted every form of military pressure they could devise to crack the Communist will to pursue the war in South Vietnam—within limits President Johnson imposed to avoid open, big-power warfare.

As outlined in The Washington Post Friday, the Pentagon study reported that the risk of a major war was recognized as early as the Eisenhower Administration. A National Security Council paper of that period stated: ". . . The United States should recognize that it may become involved in an all-out war with Communist China, and possibly with the USSR. . . ."

The study shows that from the earliest days of the Johnson Administration's massive expansion of the war, many U.S. planners had a more pessimistic assessment of the duration of the war, the cost, and the price of a settlement than was ever communicated to the public.

For example, a month before the partial U.S. halt in the bombing of North Vietnam, the Pentagon survey shows that the Central Intelligence Agency in February forecast the critical issues to be faced to reach any peace settlement:

If the United States stopped bombing North Vietnam (as it did on Nov. 1, 1968 by President Johnson's order after the first Paris peace talks paved the way for that decision), the CIA projected that North Vietnam would engage in "exploration of issues, but would not moderate its terms for a final settlement or stop fighting in the South."

There would be two key demands from the Communist side, the 1968 CIA analysis said: "the establishment of a new 'coalition' government, which would in fact if not in appearance be under the domination of the Communists. Secondly, they would insist on a guaranteed withdrawal of all U.S. forces within some precisely defined period."

It was presumably for these, or related reasons, that Dean Rusk and others who shared his viewpoint were convinced in 1968, it is known from sources other than the Pentagon review, that no negotiated peace settlement could come out of the Paris talks. Rusk was convinced that the United States would hold to its fundamental objectives in South Vietnam and that North Vietnam would do exactly the same for theirs.

According to the Pentagon documents, in a "memorandum" which Rusk wrote in July, 1965, which is not otherwise identified, "Rusk stated bluntly" that:

"The central objective of the United States in South Vietnam must be to insure that North Vietnam not succeed in taking over or determining the future of South Vietnam by force. We must accomplish this objective without a general war if possible."

The document then quotes Rusk on what he, and President Johnson and other officials often said publicly and privately:

"The integrity of the U.S. commitment is the principal pillar of peace throughout the world. If that commitment becomes unreliable, the Communist world would certainly draw conclusions that would lead to our ruin and almost certainly to a catastrophic war . . ."

From the time of the Tonkin Gulf incident of August, 1964 onward, the Pentagon review shows, private warnings against any "rush to the conference table" were repeated through the top layer of the U.S. government. In 1964, and more so in 1965,

South Vietnam's troops were in real danger of outright Communist defeat, as American officials publicly admitted only long afterward when the introduction of large U.S. forces relieved the danger.

This admonition against the risk of peace talks at a time when Communist forces were threatening to take control in Saigon was shared equally by McNamara and his associates and many others throughout government who later became discouraged about the course of U.S. policy.

A July, 1965, McNamara memorandum quoted in the review advocates combining political and military initiatives, but with priority on the latter.

"At the same time as we are taking steps to turn the tide in South Vietnam," McNamara said, the United States should open a "dialogue" with the Soviet Union, North Vietnam "and perhaps even with the VC" (Vietcong) to make diplomatic overtures for "laying the groundwork for a settlement when the time is ripe . . ."

Although McNamara authorized this Pentagon historical review, the unidentified analyst's caustic comment about these and other political initiatives suggested by McNamara was: "McNamara's essentially procedural (as opposed to substantive) recommendations amounted to little more than saying that the United States should provide channels for the enemy's discreet and relatively face-saving surrender when he decided that the game had grown too costly."

The reviewer's commentary adds: "This was, in fact, what official Washington (again with the exception of Ball) meant in mid-1965 when it spoke of a 'political settlement.'" Ball is Under Secretary of State George W. Ball, then the only "dove" in the top layer of the administration. A footnote adds that even McNamara's viewpoint "went too far" for Henry Cabot Lodge, then Ambassador-designate to Saigon, "whose view was that any further initiative by us now (before we are strong) would simply harden the Communist resolve not to stop fighting."

The Pentagon study credits McNamara and the late Assistant Secretary for Internal Security Affairs John McNaughton in July, 1965, with proposing a major 37-day bomb halt at the end of the year. The first pause in the air war was a five-day suspension, in May, 1965. The review, which is especially incomplete on White House actions, states that the five-day pause was "apparently inspired by the President himself in an effort to see if the North Vietnamese government—which had previously indicated that any progress towards a settlement would be impossible so long as its territory was being bombed—would respond with de-escalatory measures of its own."

The reviewer comments:

"To have expected a meaningful response in so short a time, given the complexity of the political relationships not only within the North Vietnamese government and party, but also between Hanoi and the NLF (National Liberation Front) in the South, and between Hanoi and its separate (and quarreling) supporters within the Communist world, was to expect the impossible."

In projecting his ideas for what came to be the 37-day bombing interregnum, a McNamara memorandum to the President on Nov. 30, 1965 stated:

"It is my belief that there should be a three-or four-week pause . . . in the program of bombing the North before we either greatly increase our troop deployments to Vietnam or intensify our strikes against the North.

"The reasons for this belief are, first, that we must lay a foundation in the mind of the American public and in world opinion for such an enlarged phase of the war and, second, we should give North Vietnam a face-saving chance to stop the aggression."

The Pentagon analyst adds:

"John McNaughton had perfectly encapsulated the Washington establishment's view of a bombing pause the previous July, when he had noted in pencil in the margin of a draft memorandum the words 'RT [i.e. Rolling Thunder] (incl. Pause), ratchet.' The image of a ratchet, such as the device which raises the net on a tennis court, backing off tension between each phase of increasing it, was precisely what McNaughton and McNamara, William Bundy and Alexis Johnson at State, and the Joint Chiefs of Staff, had in mind when they thought of a pause. The only danger was, as McNamara put it in his memorandum of 3 November, 'being trapped in a status quo cease-fire or in negotiations which, though unaccompanied by real concessions by the VC, made it politically costly for us to terminate the Pause."

"Rolling Thunder" referred to the bombing campaign against North Vietnam.

The study states that "McNamara and McNaughton were optimistic that, by skillful diplomacy," it would be possible to avoid getting "trapped" in such a way.

But the Joint Chiefs of Staff, the chronology continues, "who were professionally distrustful of the diplomatic art and of the ability of the political decision-makers in Washington to resist the pressures from the 'peace-movement' in the United States were not so sure.

"The Chiefs (echoing Gen. Westmoreland and Admiral Sharp) were also opposed to any measure which would, even monentarily, reduce the pressure on North Vietnam." Gen. William C. Westmoreland was then U.S. military commander in South Vietnam; Admiral U. S. G. Sharp was U.S. commander in chief in the Pacific.

At that point, according to the review, a State Department "paper—speaking for Secretary Rusk—came down against a bombing pause."

The Pentagon study said that after reviewing pro and con arguments, the State memorandum said: "On balance, the arguments against the pause are convincing to the Secretary of State, who recommends that it not be undertaken at the present time.

"The Secretary . . . believes that a pause should be undertaken only when and if the chances are significantly greater than they now appear that Hanoi would respond by reciprocal actions leading in the direction of a peaceful settlement.

"He further believes that, from the standpoint of international and domestic opinion, a pause might become an overriding requirement only if we were about to reach the advanced stages of an extrapolated Rolling Thunder program involving extensive air operations in the Hanoi/Haiphong area.

"Since the Secretary of State believes that such advanced stages are not in themselves desirable until the tide in the South is more favorable, he does not feel that, even accepting the point of view of the Secretary of Defense, there is now any international requirement to consider a 'Pause.'"

The review states than on the same day the State viewpoint was received McNaughton informed McNamara in a memorandum that Rusk's basic "assumption" was "that a bombing pause was a 'card' which could be 'played' only once."

"In fact," McNaughton worte, "it is more reasonable to think that it could be played any number of times, with the arguments against it, but not those for it, becoming less valid each time." The analysis said that one chief reason why the Defense Department wanted the "pause" was "that even if it were to produce no response from Hanoi, it might set the stage for another pause, perhaps late in 1966, which might be more 'productive.'"

According to the Pentagon review, President Johnson, for reasons not revealed in the documents "delayed positively committing himself either for or against a pause until very shortly before the actual pause began."

The reviewer cites additional arguments for and against a pause, submitted by Assistant Secretary of State William P. Bundy on Dec. 1.

While the Bundy memorandum lacked any recommendations, the unnamed analyst's assessment of it was that it "amounted . . . to the contention that just as the United States could not afford to initiate a bombing pause that might fail to produce negotiations and a deescalation, neither could it afford to initiate one that succeeded."

The interests of the Joint Chiefs of Staff, according to the survey, transcended arguments about pauses which they consistently resisted. The military chiefs, it was stated "pressed throughout the autumn and winter of 1965–66 for permission to expand the bombing virtually into a program of strategic bombing aimed at all industrial and economic resources as well as at all interdiction targets."

The review stated, "The Chiefs did so, it may be added, despite the steady stream of memorandum from the intelligence community consistently expressing skepticism that bombing of any conceivable sort (that is, any except bombing aimed primarily at the destruction of North Vietnam's population) could either persuade Hanoi to negotiate a settlement on US/GVN terms or effectively limit Hanoi's ability to infiltrate men and supplies into the South."

This then was the tenor of much of the debate behind the scenes while U.S. Ambassador W. Averell Harriman, the President's chief searcher for peace, and other U.S. envoys, were circling the globe for 37 days in a spectacular search for negotiations.

The documents show that at the end of this pause period, with the Joint Chiefs pressing for more bombing, inside the Pentagon McNaughton was examining the overall situation and suggesting some major changes in U.S. policy.

McNaughton said in early 1966 that South Vietnam's forces were "tired, passive and accommodation prone" while North Vietnam and the Vietcong "are effectively matching our deployments." The effect of bombing on reinforcing infiltration into the South was uncertain. In addition, said McNaughton, "pacification is stalled despite efforts and hopes." Saigon's "political infrastructure is moribund and weaker" than the Vietcong's in rural areas, and "South Vietnam is near the edge of serious inflation and economic chaos."

"The present U.S. objective in Vietnam," said McNaughton, "is to avoid humiliation." McNaughton's central point, according to the review, was that both the Communist side and the United States, in the reviewer's words, "should consider coming to terms," because, in part, "we are in an escalating military stalemate."

McNaughton said that the U.S. objective of preventing a Communist takeover by force "does not necessarily rule out" a "coalition government including Communists."

In the reviewer's words, McNaughton was maintaining that the U.S. commitment could be fulfilled "considerably short of victory."

"It takes time to make hard decisions," McNaughton wrote. "It took us almost a year to make the decision to bomb North Vietnam; it took us weeks to decide on a pause; it could take us months (and could involve lopping some white as well as brown heads) to get us in position to go for a compromise. We should not expect the enemy's molasses to pour any faster than ours. And we should 'tip the pitchers' now if we want them to 'pour' a year from now."

Yet while advocating a "lowering of sights from victory to compromise," McNaughton acknowledged that this would "unhinge" the Saigon regime and give North Vietnam "the smell of blood." Therefore, he said that to follow this course "requires a willingness to escalate the war if the enemy miscalculates,

misinterpreting our willingness to compromise as implying that we are on the run."

McNamara, who had recently visited South Vietnam, recommended increased air and ground measures in January, 1966, in a memorandum to the President. The review said, however, that McNamara in a November memorandum also said "we have but two options . . . one is to go now for a compromise solution. . . . The other is to stick with our stated objectives and with the war, and provide what it takes in men and material . . ."

The report states that McNamara did not commit himself to a "compromise" solution and, "The President, of course, decided against it."

But McNamara was to become disenchanted with the effectiveness of constantly increased bombing as Rolling Thunder soared into tremendous bombing tonnages which McNamara appeared to take pleasure in citing publicly.

"Disenthralled" by the inability of the bombing to alter the escalating pattern of the war, the review states, McNamara seized an idea for a "barrier" or "fence" extending across the northern border of South Vietnam in an attempt to cut infiltration. The idea, according to the survey, "was first proposed in January, 1966, by Roger Fisher of Harvard Law School in one of his periodic memos to McNaughton."

The Joint Chiefs protested that to man the barrier would take seven to eight divisions on the ground, extensive air resources, and as much as three and a half to four years to complete the combined air and ground fence which Adm. Sharp at CINCPAC labeled "impractical." Instead, CINCPAC favored "the relentless application of force" to curtail "North Vietnam's war-making capacity."

McNamara asked a group of Cambridge, Mass., experts including Jerome Weisner of the Massachusetts Institute of Technology and George Kistiakowsky and Karl Kaysen of Harvard to study the idea.

President Johnson approved the barrier concept. But the record reports a "running battle" over strategy continued through 1967.

Inside the administration, the review reports that during 1967 the tide began to turn inside the government. A consensus of civilians registered opposition "either in whole or in part" to the military calls for intensifying warfare.

But the military chiefs turned to a powerful ally, Sen. John C. Stennis (D-Miss.), chairman of the Senate's Preparedness Subcommittee. Stennis' committee agreed with the Joint Chiefs' claims that they were being unjustifiably restricted on bombing targets in North Vietnam. The report was recorded under a section heading, "Senator Stennis Forces an Escalation."

The pressure on the President was effective, since added brief bombing pauses during 1967 "produced, as expected, no major breakthrough to peace," the analysis say, Then came the jolting, still-disputed consequences of the massive Communist offensive at Tet, starting Jan. 31, 1968, smashing at South Vietnam's cities and assaulting the optimism created in the United States about progress in the war.

The pressures to put a ceiling on the American share of the war became immense, President Johnson did so, and banked his hopes instead on the peace table.

SOVIET DEPORTATIONS OF LITHUANIANS IN 1940–41

Mr. FANNIN. Mr. President, the Second World War spelled tragedy to the peoples of Europe. They have suffered, endured privations and faced hardships throughout the war. But some peoples suffered more than others, and others are still suffering today from its tragic consequences. The Lithuanians were among the first victims of that war, and unfortunately their suffering is not over yet.

These sturdy and stouthearted people, justly proud of their distinct individuality and undaunted spirit of freedom, had regained their independence at the end of the First World War, and were enjoying their richly deserved freedom in their historic homeland under their chosen form of democratic government. For two decades they worked hard in making their country a safe haven for themselves, and they were perfectly content with their lot. But the Second World War ushered in a period of misery and misfortune which has become part of their unenviable lot for more than three decades.

Early in the war the Soviet Government took advantage of the weakness and helplessness of these people and imposed its despotic system upon them. First the government of the country was forced to sign a mutual assistance pact with the Soviet Union; then the Lithuanians were compelled to allow Russian garrisons to be stationed in the country; and finally, in June of 1940 the Red army attacked and occupied it. By this time the people were robbed of their freedom and independence, and had become prisoners of the Red army. Meanwhile Soviet agents had instituted a reign of terror. Lithuanians by the tens of thousands were arrested, imprisoned, and then deported to distant parts of the Soviet Union. The terror continued until the Red army was forced out of the country by the Nazis in late June of 1941. In mid-June, however, just before their eviction, Soviet authorities had intensified their reign of terror, and in 1 night alone, on June 13–14, many tens of thousands of innocent people were deported. All told, during the first stage of their occupation Soviet authorities had deported many thousands of people whose sad fate is not accounted for to this day.

It is sad and tragic that while we solemnly observe the anniversary of this event this week, the survivors of that tragedy still suffer in their homeland under Soviet totalitarian tyranny. We pay homage to the memory of those who have died for their righteous cause, and pray for the freedom of those who still suffer in Lithuania.

ENVIRONMENTAL MATTERS ON THE STATE LEVEL

Mr. McCLELLAN. Mr. President, in the March 1971, issue of the Arkansas Lawyer, Associate Prof. George P. Smith II, of the University of Arkansas Law School, published an article detailing actions taken by Arkansans to date to improve the environment of Arkansas.

In addition, Professor Smith made a number of recommendations as to actions which should be taken by State and Federal legislatures. Although I do not agree with all of Professor Smith's recommendations, I do believe that the article is illustrative of the interest in environmental matters on the State level in all States. This is particularly relevant in the light of proposed legislation which I have introduced, S. 907, on which 2 days of hearings have been held in the Senate Judiciary Committee.

Mr. President, the States, and State environmental groups, are anxious to play as large a role as they possibly can in improving the ecology of their respective areas. The Senate may well have a chance in the near future to accord them their proper role in our Nation's environmental efforts. Professor Smith's article is interesting and informative reading for all who have expressed an interest in preserving and improving one's environment. 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:

AN ECOLOGICAL PERSPECTIVE FOR ARKANSAS

(By George P. Smith, II)

From its territorial declaration in 1819, until its subsequent statehood in 1836 and down to the present day, Arkansas has enjoyed a good balanced, healthy environment. As it seeks to develop its industrial capabilities, however, great care must be exerted to ensure a proper balance between economic development and the preservation and conservation of the vast abundance of natural resources within the state. New, tighter legislative controls must be structured if an ecological equilibrium is to be maintained.

The pollution of a stream of water—a lake, a river, even a pond—is a grave offense against the public health of all citizens within the state. At present, the maximum penalty for each and every offense of water pollution is a classification of the act of pollution as a misdemeanor and the subsequent levy of a fine of $200.00.[1]

Mr. S. Ladd Davies, Director of the Arkansas Pollution Control Commission, while acknowledging the fact that such a penalty would not obviously damage most polluters, nonetheless maintains adverse publicity associated with such a violation would serve as a compensatory factor. This later point is indeed rather dubious.

In order to bring itself more in line with stream preservation practices in other states, and particularly with the 1899 Federal Refuses Act,[2] which sets penalties for violating the Act of not more than $2,500.00 nor less than $500.00 for each day of violation or imprisonment for not less than 30 days nor more than 1 year, or both a fine and imprisonment,[3] Arkansas must introduce a similar statutory scale. Such an upgrading of penalties by the Legislature would underscore its commitment to provide for the citizens of the state, a clean, healthy and an aesthetically pleasing environment.

The Arkansas legislature has chosen to define pollution as, "such contamination or other alteration of the physical, chemical or biological properties, of any waters of the state, or such discharge of any liquid, gaseous or solid substance in any waters of the state was, will or is likely to create a nuisance or render such waters harmful or detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock wild animals, birds, fish or other aquatic life." [4] A less cumbersome and more direct definition of water pollution would be that it is any man made alterations of the quality of waters that appreciably impairs its usefulness for a particular purpose.[5]

A current survey of water pollution

See footnotes at end of article.

revealed that 29 per cent of all stream miles in the Southern plain states were polluted.[6] Two percent of the miles in the White River in Arkansas were found to be polluted; 2 per cent of the Middle Missisippi River from Cairo, Illinois, to Telena, Arkansas, was polluted; 1 per cent of the waters in the Lower Mississippi River from Helena, Arkansas, to Natchez were polluted.[7] The Arkansas River was polluted 10 per cent while the Lower Missouri River and the Kansas River were found to be 90 per cent polluted.[8] No percentage of pollution was recorded for the Ouachita River in Louisiana and Arkansas.[9]

In reporting the fact that mercury was found in significant amount in the waters of at least 17 states, the Arkansas Gazette recorded the fact that similar mercury deposits were being found in the Arkansas River and continued by observing that raw sewage was also being discharged into the River at the confluence of Fourche Creek.[10] The report continued by noting that the city of Little Rock had dumped treated sewage into Fourche for some time and that some residential areas outside the city limits dumped untreated or raw sewage into it.[11]

An estimated 71 billion dollars will have to be expended during the next five years nationally in order to repay the debt to Nature that has been incurred through the years; 54 billions to clean up the waters; 13 billions to combat unclean air and 4 billions to improve methods of disposing solid wastes.[12] Air pollution alone costs each American $65.00 a year.[13] By 1975, new proposed automobile emission standards will be in effect and will drastically curtail the more than 91 million tons of toxic gases spewed annually into the atmosphere by automobiles.[14]

It is well to remember that development of natural resources is basically wealth-generating. However, in some cases, resource development is an extractive process involving an exhaustible supply. Water is, however, renewable and, therefore, the benefits of the development are virtually perpetual if the supply is properly conserved, developed, and used. Prudent conservation practices are compatible with and, indeed, essential to water development.

For those industries which bear the Herculean task of correcting their individual processes in order to preserve the ecology, state tax incentives (i.e., tax credits, property tax exemptions, sales and use tax exemptions) to encourage a strong fight against pollution must be granted.[15] In some cases, an industry may be forced to spend millions of dollars over several years in order to correct pollution imbalance. Similarly, some businesses expend large sums of money every year to prevent and/or contain pollution. In both cases, appropriate tax relief should be seriously considered.

The National Congress on Optimum Population and Environment recently expressed its belief that manufacturers' financial responsibility for pollution control be absorbed in the cost of the products produced. This is certainly a valid proposal since the tenor of public demand for greater manufacturing perfection and development in product marketability alone, places a heavy responsibility on industry to meet this demand if a business profit is to be realized and the public is to be satisfied.

Working in close co-operation with municipalities within the state, the Arkansas State Pollution Control Commission should seek to develop—in all such communities where practical—local control boards which would administer local air and water pollution programs. As presently structured, it becomes increasingly difficult—because in large part of budgetary restrictions—for the State Pollution Control Commission to operate as efficiently as it would prefer throughout the State. Since multiple pollution problems arise in nearly all communities within the State, it would appear logical to let the burden and responsibility for resolving these problems rest with them.

The establishment of a State Department of Ecology, along the lines of a similar department created in New York, should receive serious consideration by the Legislature. Such a Department is needed in order to coordinate the various activities of some 13 or more commissions engaged in ecological matters.[17] Under this proposal, the commissions would become offices or divisions under the State Department of Ecology—retaining as such, their staff functions, but transferring their managerial line duties to the Department of Ecology. Appointment to the various offices or divisions would be made in the same manner as such appointments are presently done for the boards and commissions.

The State Plant Board should be encouraged to remove from the public market all economic poisons (i.e., insecticides, pesticides, etc.) which pose an immediate threat to the public health. At the same time, it should be developing efforts to stress the use of natural parasites over continued spraying in order to thereby curb the threat of pollution. Herbicides, insecticides and other pesticides pose a serious pollution problem. This is due to the fact that residues run off in streams and ponds, build up in ground water and are often transported by air currents.[18]

Arkansas should follow the bold pathway charted by the State of Michigan in passing an Environmental Protection Law for its citizens.[19] Under such a law—already being considered by Colorado, New York, Massachusetts, Pennsylvania, Tennessee and the United States Congress—any private citizen may sue against a public nuisance on behalf of the general public, whether or not the nuisance affects him personally. Under such a law, the courts are no longer required to defer to governmental actions. Thus, all citizens are given a new legal right to raise environmental issues. Any individual can challenge lax state agencies as well as polluting industries. Finally, the burden of proof is on the defendant to show that the alleged pollution in unavoidable.

Absent a detailed Environmental Bill of Rights engrafted on the Arkansas Constitution assuring for all citizens a right to a clean, healthy and aesthetically pleasing environment, a law comparable to the Michigan Environmental Protection Act is vitally needed to safeguard the interests of all Arkansas.[20]

Unquestionably, the most pressing and significant problem presented to the continued development of a workable ecological perspective for Arkansas is the need for the preservation of the Buffalo River as a National River and cessation of construction of the Gillham Dam Project on the Cossatot River.[21]

Anyone who has been afforded the opportunity to float the Buffalo River or to enjoy its other pleasures, carries with him a deep sense of dedication and affection: dedication to the legislative cause sponsored by Senators J. W. Fulbright and John L. McClellan and Congressman John Paul Hammerschmidt in the United States Congress to create a national river along 128 miles of the scenic Buffalo and an affection for, and appreciation of, this vast natural resource in the state. The development—to be administered by the National Park Service—would embrace some 103,000 acres.

This project to make the Buffalo a national river was first formally introduced by Senators Fulbright and McClellan January 30, 1967, with a companion bill being introduced in the House by Congressman Hammerschmidt March 9, 1967.[22] Despite rather concerted efforts to press for consideration of the Bill, it has lanquished in Committee. Even if development funds are lacking for the project, authorization of the Buffalo as a National River must proceed with dispatch.

The Buffalo is an invaluable asset in the national conservation picture as well. It should be preserved as a national park-type area for basically the same reasons that the giant California redwoods should not be cut in order to make lumber and the Grand Canyon should not be dammed so that local economic designs may be complemented. As a National River, the Buffalo would greatly aid the economy of the area by providing a new kind of outdoor preserve and recreational area. Of course, the ultimate beneficiaries of the Buffalo development are the citizens of Arkansas. On a larger dimension, however, the whole of society benefits by the preservation of a national ecological equilibrium.

The dwindling national treasury of free flowing Ouachita Mountain streams is nearly bankrupt. With the completion of the Gillham Dam project and its two sister projects—the Queen and Dierks Dams on the nearby but considerably small Rolling Fork and Saline Rivers anticipated in June 1973—the demise of the free flowing stream will be recorded with deep regret by conservationists.

The Dam project will not produce hydro electric power; its purposes are flood control and water supply. The project will inundate or otherwise modify 152.5 miles of stream fisheries in Little River—212.4 miles of streams directly tributary to Little River and over 41 miles of additional tributaries within proposed reservoir sites. The streams affected are of particular importance to sportsmen over a wide area in Oklahoma, Arkansas and adjoining states. Fishing resources will be greatly threatened. More important, is the destruction of the aesthetic beauty of the area—a beauty that man is slowly beginning to appreciate and indeed, treasure as his daily working environment becomes more dreadfully polluted.

Public hearings were never held in regard to the Gillham Dam project. This rather shocking fact alone should be sufficient reason for Congress to authorize a restudy of the water development plans for the Cossatot River and a suspension of the project, itself, until the Department of Interior can complete its study of the problems here and thorough public hearings may be conducted. Four organizations—the Environment Defense Fund, the Arkansas Audubon Society, the Ozark Society and the Arkansas Ecology Center—have sought judicial assistance by filing a suit requesting the restudy of the project and the suspension of work on the dam.

CONCLUSIONS

In order for Arkansas to remain in the vanguard of the movement for ecological preservation, it must reassess, and thereby reshape, certain present legal attitudes. The right to a clean, healthy and aesthetically pleasing environment should be a fundamental right guaranteed to all. The legislature must provide the courts with guidelines for judicial decision making in this area through new, responsive legislation and thereby ensure the health of the citizens of the State.

The pioneer work of the Ozark Society to conserve the natural resources of the State should be recognized and indeed applauded by all. The establishment of the Arkansas Ecology Center and the Society for Environmental Stabilization are healthy indicators that the citizens are truly concerned with preserving an ecological perspective.

Efforts to educate the public to the present crisis in the environment cannot be totally accomplished by groups of this nature, however. The primary task comes at the public education level. As a direct first step toward resolving the problem area, courses in Conservation of Natural Resources at elementary,

Footnotes at end of article.

secondary and college levels should be required.

The preservation of the Buffalo River and the Cossatot should be of central importance and, indeed, a primary environmental enhancement goal.

If Arkansas is to remain a land of opportunity, a balance must be sought between continued expansion of the industrial base and the preservation of an ecological balance. Tax incentives should be structured for those state industries who attempt to consciously meet the problem of pollution by pursuing corrective procedures.

All Arkansans must have air to breathe which is not filled with drifting poisons, water to drink which is free from pollution, and food to eat which is not super-saturated with toxic pesticides. Man is one of nature's animals—the last link in the chain of food consumption. What is poison for nature's goose is certainly manifold poison for the human gander.

FOOTNOTES

[1] Ark. Stat. Ann. 35–407 (Repl. 1962.)

In a telephone conversation with the Arkansas Pollution Control Commission, September 8, 1970, it was learned that a penalty of $250.00 was usually meted out against those who polluted the waters of the State. There are few reported cases of violation when such fines were assessed, however. The $250.00 arose from apparently administrative practice.

[2] 33 U.S.C. 407 (1964).

The Federal Act specifically prohibits anyone—corporations, etc.—from throwing, discharging or depositing any refuse matter of any kind or any type from a vessel or shore based building into the nation's navigable rivers, lakes, streams and other navigable bodies of water or any tributary to such waters unless he has first obtained a permit to do so. The Act applies to inland waters.

[3] 33 U.S.C. 411 (1964).

[4] Ark. Stat. Ann. 82–1962 (Repl. 1969).

[5] 3 B. Gindler, Water and Water Rights: Water Pollution and Quality Controls 5 (1967).

See generally, Ohrenschall & Imhoff, "Water Law's Double Environment: How Water Law Doctrines Impede the Attainment of Environmental Enhancement Goals," 2 Land & Water L. Rev. 259 (1970); R. Revelle, H. Landsberg (eds.), America's Changing Environment (1970).

[6] U.S. News & World Report, August 17, 1970, p. 42.

[7] Ibid.

[8] Ibid.

[9] Ibid.

[10] Arkansas Gazette, August 13, 1970, pp. 22 at, cols. 1, 2.

[11] Ibid.

[12] U.S. News & World Report, August 17, 1970, at p. 38.

[13] Id., p. 40.

[14] Ibid.

[15] See generally, McNulty, "State Tax Incentives to Fight Pollution," 56 A.B.A.J. 747 (1970); Ayres, "Air Pollution in Cities," 9 Natural Resources J. 1, 20 (1969).

Some authors, to the contrary, have suggested an effluent tax scale for meeting the problem. Under such a tax producers would pay to the government—as a surrogate for the public—in proportion to the quantity of residuals dispersed in the environment. Ayres, supra, at 19.

[16] Trial Magazine, June-July, 1970 at 7.

This Congress also recommended the establishment of a national environmental defense corps as an alternative to military service.

[17] State Board of Health, Arkansas Planning Commission; Industrial Development Board; Arkansas Pollution Control Commission; State Committee on Stream Preservation; Game and Fish Commission; State Forestry Commission; Oil and Gas Commission; Soil and Water Conservation Commission; State Park, Recreation and Travel Commission; White River District Commission; Arkansas Waterway Commission; State Plant Board.

[18] "Animal Waste and Sediment Are Top Agricultural Pollutants in Arkansas," Arkansas Farmer 4 (September, 1970).

[19] Public Act No. 127, effective October 1, 1970. Mich. Comp. Laws Ann 691.1201—691.1207.

[20] See also generally Miller & Borchers, "Private Lawsuits and Air Pollution Control," 56 A.B.A.J. 465 (1970).

[20] See generally, "Current Conservation Problems in Arkansas," 1 Ozark Society Bulletin 6 (Summer, 1967, No. 2); "Stream Preservation in Arkansas," Report of the State Committee on Stream Preservation, 1969.

Section 12, Article 11 (General Provisions) of the Proposed Arkansas Constitution of 1970 provides:

(a) It is the policy of the State that its natural beauty and resources be conserved and developed. The General Assembly shall enact such laws as may be required for the conservation, development, management, and use of the natural beauty and resources of the State, with due regard for the general welfare of its citizens, and the right of private property.

(b) The General Assembly shall be the guardian and conservator of the water resources of the State, which shall be reserved for the present and future needs of the State and its people. The vested right of the State in its interstate water resources is hereby declared, and such right shall never be surrendered in perpetuity, nor otherwise except by law.

(c) The General Assembly shall provide for protection against environmental pollution.

This Section was never in any of the other State Constitutions and is, therefore, completely new. Subsection (a) states the broad principle of conservation and development of the State's natural beauty and resources, and directs the General Assembly to pass appropriate legislation to further this principle.

Subsection (b) sets forth again the board principles of conservation of water resources and declares the State's right to use its interstate water resources. These water resources may be contracted away only by statute for a limited period of time. Subsection (c) is self-explanatory.

[21] See generally, "Fierce Controversy Surrounds Proposal to Dam Last Wild Stream in Ouachitas," Arkansas Gazette, September 13, 1970; Jack, "Crisis on the Cossatot," Ozark Society Bulletin 4 (Winter, 1969–70, No. 1); "Conservation Bill of Rights," 3 Ozark Society Bulletin 11 (Summer, 1969, No. 3); "The Buffalo: A Fight to the Death," Pine Bluff Commercial, August 18, 1965.

[22] Senate Bill 704; House Bill 7020.

MARYLAND'S WELCOME FARMS PROGRAM

Mr. MATHIAS. Mr President, many of us often feel trapped by the hustle and bustle of city and suburban life. It is indeed welcome to have an opportunity to return, even if briefly, to the countryside in which the vast majority of city dwellers have their ancestral roots.

Next Sunday, the Maryland Farm-City Committee will sponsor a "Welcome Farms Program," in which 24 farms in various parts of the State will be holding open house for visitors.

I am pleased that the Washington Post called attention to this program in its editions of Sunday, June 20, and I take this opportunity, in turn, to call the attention of the Senate to this occasion.

I ask unanimous consent that the Post article be printed in the RECORD.

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

TWENTY-FOUR MARYLAND FARMS TO WELCOME VISITORS NEXT WEEKEND

(By Barbara Guinn)

Remember when a visit to grandmother's farm meant touching a new baby calf, helping grandfather with the milking, picking sun-ripened strawberries for supper? Most of us who have these memories no longer have relatives with old fashioned farms—or farms of any sort, for that matter.

If you're looking for a place to view modern agriculture in action, there are 24 Maryland farms where visitors will be welcome next Sunday afternoon, June 27, from 1 to 5 p.m. under a "Welcome Farms Program" sponsored by the Maryland Farm-City Committee.

Animals and crops that may be seen during this fifth annual open house include dairy and beef cattle, sheep, horses, hogs, French hybrid grapes, tobacco, grain and nursery stock.

Beall Bros. Inc., near Hyattstown in Frederick County, one of the largest dairy operations not only in Maryland but in the nation, is taking part in the program. The entire operation is conducted by one family—five brothers and their six sons, John Beall, who is president of this 2,000-acre enterprise that produces 2,000 gallons of milk a day, says that visitors may watch the Holstein cows being milked in shifts, touch the baby calves, and see acres and acres of knee-high corn destined for the three enormous shiny silos.

The Beall's 160-year-old farmhouse overlooks a shady lawn where you are welcome to picnic.

Directions: take Interstate 70S north toward Frederick, exiting at Hyattstown, approximately 22 miles from the Washington Beltway. When you leave 70S, stay on 109 for a short distance to Hyattstown. At the stop sign, turn left and proceed until you reach Maryland 75. Turn right and follow 75 for approximately 1½ miles, watching for the huge farm with three gigantic silos on your right. The turnoff into the farm is to your right and will be marked by a sign.

Details concerning the other farms participating in this event and directions to reach them may be obtained by phoning the following county agents: Baltimore County, G. Richard Curran at Cockeysville, 666–1022; Cecil County, Raymond G. Mueller at Elkton, 398–3200; Frederick County, Allen B. Bryant at Frederick, 663–8300; Hardford County, Lynn T. Warman at Bel Air, TE 8–6000, Ext. 255; Howard County, Jack Corbett in Ellicott City, 465–5000, Ext. 293; Montgomery County, Robert D. Raver in Gaithersburg, 948–6740; Prince George's County, John J. Lancaster, in Upper Marlboro, 627–5626; Washington County, Richard Schukraft at Hagerstown, 739–0466—or contact Roy D. Porter, coordinator of special agricultural programs for the University of Maryland Extension Service at 454–3712 (College Park.)

At many of these farms, milk, iced tea and home-made cookies will be served by local farm organizations.

Although the Welcome Farms Program is limited to next Sunday afternoon, there are a number of nearby farmers growing pick-your-own crops who welcome visitors throughout the growing season.

Right now, strawberries are available. Remember the wonderful aroma of ripe strawberries as you pluck them from their hiding places under a mass of green leaves? Whether or not you've experienced this fun before, you can pick gorgeous berries now and most every day for the next two weeks at George Darrow's farm only 10 minutes from the Beltway near Glendale, Md.

Darrow's fruits are superb—and justly so, for he is recognized as one of the world's

leading authorities on growing fruit. His operation covers over 20 acres at the edge of a woods and several varieties are available including Red Chief, Midway, Sun Rise, Earlidawn, Armore and Guardian. The berries are marvelous to eat "as is," for freezing, or you can make them into preserves to savor with your breakfast toast. The cost for the fruit is usually about half of what one would pay in a market.

Bring your own containers—several large firm cardboard boxes, even roast pans or pails (it's best not to crush the berries by piling too many on top of each other.) Plastic bags and containers are not recommended. You'll be charged only for the actual weight of what you pick—not the container. And, the sun-warmed berries you sample are free!

The entire family will enjoy this—wear gardening type clothes and comfortable old shoes. Bring along something cold to drink in case you get thirsty. Portable restroom facilities are available.

George Darrow will probably be in the fields or on hand to greet you—he's a spry 82 with a marvelous sense of humor and a twinkle in his eye.

Picking starts at 8 a.m. and continues as long as ripe berries are available. Be sure to call 390-6611 and a recording will tell you if the fields are open and what type of berries are available.

Directions: to reach Darrow Bros. Strawberry Farm, take Exit 29 from the Washington Beltway and go north on the Baltimore-Washington Expressway for only one-half mile and exit to route 193 heading east past the main exit of NASA. Follow 193, which is also known as Glendale Road, after it narrows from four to two lanes. Cross the railroad tracks and go approximately one mile until you see signs, directing you to the fields that are open.

THE UNITED STATES SHOULD BRING U.N. TO CONSIDER RIGHTS OF BALTIC STATES

Mr. PROXMIRE. Mr. President, 31 years ago this month Soviet Russia overran the Baltic States of Lithuania, Estonia, and Latvia, imposing its authoritarian brand of government on these nations.

The peoples of these three nations are still unable to speak for themselves.

In 1965 and 1966, the House and Senate both spoke decisively to this question. House Concurrent Resolution 416 of the 89th Congress was adopted 298 to 0 in the House and was unanimously agreed to by this body.

The concurrent resolution urges the President to bring before international forums—including the United Nations—the deprivation of rights of the peoples of Estonia, Latvia, and Lithuania.

Mr. President, I urge President Nixon, Secretary of State Rogers, Ambassador Bush, and other members of the administration to see to it that the intent and spirit of the concurrent resolution is upheld.

I ask unanimous consent that the concurrent resolution be printed in the RECORD.

There being no objection, the concurrent resolution (H. Con. Res. 416) was ordered to be printed in the RECORD, as follows:

H. CON. RES. 416

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary of the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlements of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

PROTECTION OF PRODUCERS' INCOMES

Mr. MCGOVERN. Mr. President, I ask unanimous consent that the text of S. 2093, a bill I introduced on June 17 to protect producers' incomes when rebuilding reserve stocks of wheat or feed grains, be printed in the RECORD.

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

S. 2093

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. Section 107(a) of the Agriculture Act of 1949, as amended, is further amended by striking the period at the end, inserting a semicolon, and adding: "Provided further, that whenever the Secretary of Agriculture announces a wheat adjustment program which will result in an addition to reserve stocks, the minimum loan level available to producers during that crop year shall be increased by at least 25 per cent."

SEC. 2. Section 105 of the Agriculture Act of 1949, as amended, is further amended by substituting a semicolon for the period at the end of the sentence in (a)(1) and adding "whenever the Secretary of Agriculture announces a feed grain adjustment program which will result in an addition to reserve stocks, the minimum loan rates available to producers during that crop year shall be increased by at least 25 per cent."

SEC. 3. The amendments contained in this Act shall be effective in relation to crops harvested in 1971.

TIME MAGAZINE APPRAISAL OF VIETNAM

Mr. MOSS. Mr. President, into the torrent of discussion about winding down the war in Vietnam has come a calm, dispassionate appraisal of America's stake and status in the war today, and of the choices still open to us as we end it.

The discussion, entitled "Coming to Terms With Vietnam," appeared in Time magazine and is well worth a few minutes of anybody's reading time.

Perhaps I am particularly impressed with this appraisal, because it makes some of the points I have been trying to make. And then through a careful review of past events and history—"a sort of Vietnam autobiography"—it expands upon them to provide a fresh perspective on the history we are writing today.

I have long stood for bringing American troops out of Vietnam just as rapidly as possible. I rejoice that now, in June 1971, half our troops are out. But I find it difficult to reconcile the 250,000 men still there with the statement Richard Nixon made 3 years ago in March of 1968:

It is essential that we end this war and end it quickly.

Surely 3 years is long enough.

I find myself in agreement with Time on America's reasons for going into the war, and our reasons for coming out now.

I agree furthermore that the quickest way to liberate U.S. prisoners of war is to end the war. History teaches us that POW's are released when the fighting stops—when peace comes.

The article poses some of the questions we must put to ourselves individually and as a whole.

How can each of us reconcile our early views on the war—and come to terms with ourselves?

How can the executive branch break free from the past—from vested error. It "needs the possibility of being wrong."

How can future Vietnams be prevented?

How can America keep from becoming so embittered from its tragic experience that we simply do not withdraw within ourselves, and abdicate our responsibility as a world power?

Mr. President, now is the time to seek answers to these questions; now is the time we can still make some choices on Vietnam.

I commend the Time article to the Senate and ask unanimous consent that it be printed in the RECORD.

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

COMING TO TERMS WITH VIETNAM

There are still important choices to be made about Viet Nam. The U.S. is halfway out of the war, and the further troop withdrawals that the President has announced will see us two-thirds of the way out by the end of this year. But it is still far from clear just how we are going to come the rest of the way out. *Can* we come all the way out? When? And do we come out in ways that make it possible to live with the result?

There are also choices to be made regarding how Americans think about what they have been through in Viet Nam. These are choices that could be quite critical for the future of the country for a good many years to come. There are things that we as a nation can reasonably ask the President and Congress to do, or stop doing, now.

We must all begin by recapturing some sense of astonishment that the U.S. is still engaged in this war. Very few people can say

any longer just when the U.S. did begin fighting in Viet Nam. It could be dated all the way back to the death of the first American soldier there in 1961; in the next year or two, about 250 Americans were killed while serving as military advisers. There are college seniors graduating this week who, if they began paying some attention to the news when they were, say, 14 years old, have never known a time when the U.S. was not fighting in Viet Nam.

The major intervention began on Feb. 7, 1965, with the first U.S. bombing of the North, followed in early March by the first U.S. ground-combat units going ashore near Danang. Surely nobody then in the White House, the Pentagon or Congress could have imagined that the commitment would grow to more than half a million men and the cost, at its peak, to nearly $30 billion a year; that more than six years later there would still be a quarter of a million Americans there; that in the first week of June 1971 the total of American dead would increase from 45,183 to 45,231. Richard Nixon could not have foreseen this when, while campaigning in New Hampshire in March 1968, he said, "It is essential that we end this war, and end it quickly." That was more than three years ago and, as matters have turned out, the U.S. was then less than halfway through the war. We must try to stay astonished by this. President Nixon, in his present statements about Viet Nam, ought to put more stress on the sheer staggering length of the war, because so much else flows from that.

About a year ago, an editorial in Life advocated a fixed date for total withdrawal of U.S. forces from Viet Nam; the end of 1971, then 18 months away, was proposed. That date has now drawn too close to be practical, but a deadline of April 1, 1972, or July 1, could be met. This is not too different, of course, from what may be inferred from various statements by the President and members of his Administration, which suggest that virtually all U.S. ground troops will be out some time in the second half of 1972. So far, however, the President stoutly refuses to commit himself publicly to a final date or to specify what residual forces might be left behind. The impression—but it cannot be pinned down—is that the U.S. ground-combat role will end late this year, but that U.S. air-combat operations and logistical support could continue a year or two longer, with up to 100,000 Americans still involved in Southeast Asia. The President's desire to hold back one or two cards for bargaining vis-à-vis North Viet Nam is understandable, but no longer worth what it costs in the U.S. or in South Viet Nam.

In South Viet Nam there are important elections coming up—in August for the Lower House of the National Assembly, in October for the presidency (see The World). The South Vietnamese candidates and voters are entitled to a clear understanding of what is now quite fuzzy: the limitations on the future U.S. role in South Viet Nam. There begins to be a good deal of evidence that the South Vietnamese do more on their own behalf when the U.S. does less. For better or worse, however, they should now have to plan on the Americans being gone, instead of assuming, because U.S. leaders never quite say otherwise, that our presence can always be prolonged. It would be good to get this out in the open before the South Vietnamese elections; to postpone the news is to export a bit of our own credibility gap.

Senator Adlai Stevenson III of Illinois has proposed that a commission from the Congress go to Viet Nam to make sure that the American Embassy is neutral in the coming elections. This would surely be seen as a sign that the Congress was neutral against President Thieu. His regime has severe corruption problems, and he has thrown some of his most prominent political opponents, not necessarily Communists, into jail. But his government is fairly effective and has shown remarkable staying power. It is not up to the U.S. to try to "dump" Thieu.

There is an election coming up in the U.S. too. As between President Nixon and the various Democratic candidates and warmers-up, it is hard to say who would be helped and who hurt by a clear presidential commitment this summer that we will be out by next summer. But the U.S. would be helped in many ways by having such a resolve finally understood, and the general quality of next year's presidential campaign would certainly be improved. We would give both Viet Nams, North and South, far less opportunity to interfere in our election.

Coming out of Viet Nam means removing all American combat and support forces—land, sea and air—from South Viet Nam, and ending air operations, carrier-based or Thailand-based, over Viet Nam, Laos, Cambodia. The U.S. should continue supply military equipment to South Viet Nam, as it does to twelve other countries, and could maintain a small military advisory group there, perhaps a few thousand men. It is true that this leaves the North Vietnamese with no need to negotiate to get us out. Over the years, however, they have shown very little interest in negotiating no matter what we did, whether we bombed them, stopped bombing, put troops in, took troops out.

The U.S. must regain control of its own policy. Many thoughtful Americans are honestly doubtful that a non-Communist South can survive after we go, and at least a few Americans will apparently be disappointed if it does. Actually, there are grounds for thinking that the South has a fighting chance, but it is also clear that the U.S. can no longer stay indefinitely to protect or improve that chance. It really is up to the Vietnamese.

Way back in 1966, Republican Senator George Aiken of Vermont suggested that the U.S. should claim victory and come home. We may well have accomplished more in South Viet Nam than in our present mood we give ourselves credit for. The point is, we have now done what we could. President Nixon should stress more often that America has made an enormous effort, far beyond anything that could have been considered a diplomatic or moral contract with South Viet Nam. He should also emphasize America's willingness to contribute generously to the postwar economic development of Viet Nam, North as well as South, and all of battered Indochina. Nixon, and President Johnson before him, have been strangely reluctant to make this a major theme. We do not need to flagellate ourselves—as various church groups, student organizations and so on have suggested—by calling such aid "reparations." But economic assistance surely is a duty as well as an opportunity to give an affirmative cast to U.S. policy in Southeast Asia.

There are particular people who should be very much on our minds and consciences. We owe special honor and comfort to the families of the Americans who gave their lives in Viet Nam, and we owe a special scorn to any politicians who might seek to exploit their sorrow. We owe far better medical care to the Viet Nam wounded than they are getting in many of our hospitals. We must, of course, bring home our prisoners from North Viet Nam, though it may not help to treat this as a condition for, instead of a consequence of, peace. We may need to prepare some kind of asylum opportunities for individual South Vietnamese who may feel that they have to leave when the last American troops leave. Meanwhile, it is reckless for American officials to raise the specter of a bloodbath. That could be an argument for staying in Viet Nam forever.

We are not talking here about deserting an ally, and we are certainly not talking about the defeat of the U.S. We are discussing one specific and important failure: despite a tremendous effort, we were not able to project American power into a very complicated little country 8,000 miles from San Diego in such a way that a non-Communist government was certain to prevail. We are having to settle for a possibility that it will prevail.

Was our mistake to try at all? Or was it the way we went about it? For my own part, I happen still to think that the U.S. was right to try in 1965 to prevent the forcible takeover of South Viet Nam by Communism, and that such a takeover would have happened if we had not moved in as we did. I would say now, though I did not see it then, that we went on in 1966 and 1967 to expand the U.S. effort far out of proportion to our original purposes, and that this enlarged commitment then began to take on a life of its own and even to work against our original purposes. It took me the better part of those two years to begin to see that. I wish I had been wiser sooner.

I mention my own record not because it is important in itself but to suggest a kind of Viet Nam autobiography that many of us carry around, whether we like it or not. Government officials, journalists, academics, business executives, clergymen, student leaders, military men—all the Americans who have spoken out about Viet Nam need some perspective today on their own earlier views. Some will conclude that they were right all along, and perhaps some were. But if the country is to come to terms with the Viet Nam experience, the process must begin with a good many individuals studying and acknowledging their own errors.

Such a process could help arrest any wave of national bitterness and recrimination. The President should do more to prepare the public for an ambiguous or even painful outcome in Viet Nam. This would be good immunization against the "right-wing backlash" that the White House professes to fear.

There are those who worry about a new "stab in the back" legend—an American equivalent of the Nazi notion that the German army really was winning World War I but was betrayed by the softness of the home front. But it would be surprising if such an unpopular war as Viet Nam, in such a cloudy cause, could spawn similar postwar legends. It would take an absolutely brilliant demagogue to get much mileage from the question: Who lost Viet Nam?

There was a left-wing rumor that had a few days of life earlier this spring. A story was printed about stupendous petroleum possibilities in the waters off South Viet Nam. One could almost hear a great cry of "Aha!" rise up from all those people who have known all along that the Viet Nam War must be a plot of American capitalists. The great oil bonanza was soon deflated; among other things, a wire service had made a mistake in a figure, and 4,000,000 bbl. had become 400 million. Except to the farthest-out, craziest left, U.S. business really is not a satisfactory Viet Nam villain; it is not easy to name many American corporations that have been getting much good out of the war, and it is easy to show that corporate profits and the whole economy have been hurt. The sophisticated Marxist comment about U.S. business and Viet Nam would perhaps be that the ruling class is not always bright.

Our Viet Nam policy was not the work of any lobby. It has not been deeply influenced by Republican or Democratic partisanship and certainly has not been a vehicle for individual careerism. It has been quite "pure" executive policy, conceived and carried out by honorable and able men; indeed, some very brilliant men have had a hand in it. Yet in many respects it has been badly bungled under three Presidents of two parties.

One of the ways a stable individual recovers from a frustrating or wounding ex-

perience is by telling himself that at least he learned something from it. As a nation there is plenty we might learn from Viet Nam.

One lesson, surely, is that Viet Nam has been and still is too much a President's war, first Johnson's and now Nixon's. A democracy does not fight at its best that way. Senator John Stennis of Mississippi, chairman of the Armed Services Committee, has proposed legislation that would not apply to Viet Nam but thereafter: permitting the President to send troops into battle without a declaration of war only to repel an attack against the U.S. or to protect Americans abroad. These troops would have to be withdrawn within 30 days unless Congress approved the action. Senator Jacob Javits of New York had already put forth a similar bill. Some such legislation is very much in the national interest. There is no question that the President needs sweeping powers to deal with one of those 15-minute thermonuclear decisions that he, and we, pray that he will never have to face. But Viet Nam has been about as far from the midnight showdown as anything that could be invented: each major decision in the whole long, agonizing process has been studied for days, weeks, sometimes months, within the Executive Branch. There would have been plenty of time for full collaboration with Congress at every step of the way.

It is very difficult—practically impossible, fortunately—to visualize another place in the world where another Viet Nam could develop, where conditions of enough complexity could sustain such a baffling and inconclusive war over so many years. But it is not impossible to imagine other local and limited wars with American involvement. The warmaking responsibility should be shared by the President and the Congress, not only because the founding fathers so clearly intended it but because this is a decision that needs the benefit of collective wisdom and collective accountability. And if the decision is for war, then the war will be, better understood and better prosecuted.

The Executive Branch of the Government urgently needs some possibility somehow of being wrong. That is, it needs arrangements that would allow men to change their minds. In March of 1968, Lyndon Johnson finally came to a momentous shift in Viet Nam policy: the decision to level off U.S. troop strength, to stop bombing the North, to pursue negotiating possibilities more actively. In short, the beginning of de-escalation. But it had taken the enemy's *Tet* offensive of January and February, Senator Eugene McCarthy's stunning showing in the New Hampshire primary in March, and the entrance to Robert Kennedy into the presidential campaign to bring about this policy shift.

We keep learning of important figures in the Johnson Administration who are now said to have been increasingly skeptical about the Viet Nam policy in 1966 and 1967. In those years the President and his men apparently found no way to stand at a distance and periodically re-examine Viet Nam policy with open minds. It is conceivable that some day we will learn of men within the present Administration who in 1970 and 1971 also had the feeling that there was no way to break free of vested interest in past error. The question is whether there is some political mechanism that can operate in between presidential-election years to provide a tough internal review of Executive policy.

If Richard Nixon is re-elected, he might tackle this question in his second term. He has shown a very strong interest in the organization of the presidency and the flow of work and responsibility within the Executive Branch. Some of his critics treat this as a trivial preoccupation with mechanics, but that is a quite mistaken view. Management instruments, in government as well as corporate life, can have highly creative consequences.

Still within the Executive Branch, there are important questions to be asked about the effectiveness of our intelligence operations and our ability to draw policy conclusions from intelligence information. It is extraordinary how often our side was wrong about what the North Vietnamese and Viet Cong could and would do. We have consistently underestimated their military capability—especially their ability to adjust to our moves—and we have overestimated their interest in negotiating. We possess tons of captured enemy documents. We have interrogated thousands of prisoners and flown thousands of reconnaissance sorties. Our South Vietnamese allies presumably have agents on the ground in North Viet Nam. Yet the enemy has repeatedly surprised us.

There are some other questions to be asked, in due course, about the quality of the U.S. military strategy and performance in Viet Nam. We are up against the most experienced guerrilla fighters in the world, but we tried to force much of the South Vietnamese military effort into conventional U.S. military forms. The whole Kennedy-McNamara-Johnson doctrine of slowly stepping up the levels of force was a failure. The enemy was always able to adapt and respond. The fantastic complexity of the U.S. command structure, the mystifying extra layer at Pearl Harbor, the tremendous logistical and bureaucratic component in our forces in Viet Nam—all of these deserve rigorous review. So do the American doctrines of airpower.

There is one large lesson not to be drawn from Viet Nam. Some cynic has said that Viet Nam has given war a bad name, and it sometimes seems as though Viet Nam has also given foreign policy a bad name. Thomas Hughes, the new president of the Carnegie Endowment for International Peace, deplores "the flight from foreign policy." Surely it would be the greatest of all tragedies of Viet Nam if it so soured or embittered us that we tried to draw back in on ourselves. The U.S. cannot escape the consequences of American power even if it wanted to, but just to try could be costly and dangerous.

President Nixon obviously remains a world-minded man. He is pursuing some very skillful diplomacy, both patient and imaginative, in regard to the Middle East, China and the Soviet Union. He was proud last month (and rightly so) to be able to announce the possibility of an anti-ballistic missile, agreement with the Russians, and he is plainly pleased and intrgued by the opening in our relations with China. And this brings us to the final irony of our Viet Nam War, now in its seventh year. We first became involved in Viet Nam to contain China, and our contain-China policy first developed in the days when China and Russia seemed to be a monolithic Communist bloc. If it is now safe for us to trade with China and safe to negotiate an ABM agreement with Russia, it would be safe, at last, to bring our soldiers home from Viet nam.

INDIVIDUAL RESPONSIBILITY, NUREMBERG, AND THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, the Genocide Convention holds individuals responsible for acts of genocide. Article IV of the Convention states:

Persons commiting genocide or any of the other acts enumerated in article III shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals.

There is no other party that can be held responsible for this heinous crime. Individuals kill. Individuals main. Individuals destroy.

How can a government be tried and convicted of any crime? Individuals merely use officialdom as an alibi for their illegal acts. This was demonstrated again and again at Nuremberg. Many defendants claimed innocence because they had only acted on orders. They gassed; they tortured; they followed orders.

In an article published in the New York Times of May 28, 1971, Bruno V. Bitker reviewed the development of the Nuremberg principles of individual responsibility. Mr. Bitker, a Milwaukee attorney who has compiled a long and distinguished career, has long been in the forefront of the fight for human rights. He is a charter member of the World Peace Through Law Center in Geneva.

Mr. President, I strongly urge the Senate to heed Mr. Bitker's words by ratifying the Genocide Convention. I ask unanimous consent that Mr. Bitker's article be printed in the RECORD.

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

NUREMBERG HAS NOT FAILED—YET

(By Bruno V. Bitker)

MILWAUKEE.—Burke Marshall's positive assertion "that the Nuremberg experiment has failed" may be an understandable reaction of revulsion against the Mylai incident and frustration at the Calley verdict. But to dismiss the principles of Nuremberg because of these feelings is to invite a reversion to what, in the early years of this century, were regarded as acceptable legal doctrines concerning war.

Essentially these doctrines were that a sovereign nation could use war at any time as an extension of its foreign policy without any restraint; whatever the heads of state or the military leaders did in furtherance of national policies were "acts of state" making the individual actors immune from personal accountability and finally, obedience to orders of a superior relieved an individual of responsibility.

Whatever doubts may have existed as to applicable international law prior to World War II were resolved through the adoption of the Nuremberg principles. Crimes against peace, war crimes and crimes against humanity were thereby recognized as crimes under international law. This disposed of the claim that as an act of state the crime was excusable. Nuremberg also provided that if the accused was the head of state, or a responsible government official, he was not thereby free from personal responsibility. Further, said Nuremberg, the "fact that a person acted pursuant to order of his Government or of a superior does not relieve him from responsibility under international law, provided a moral choice was in fact possible for him."

In 1946, while the Nuremberg case was in process, the United States Supreme Court recognized the doctrine of individual responsibility in the Yamashita decision. It held the Japanese general responsible for atrocities upon civilians by soldiers under his command even though he may not have ordered or known of the acts. Two justices, Murphy and Rutledge, dissented because they considered the trial unfair. Aware of the significance of the Yamashita decision, Justice Murphy felt compelled to comment as to the personal responsibility doctrine, that under the Court's opinion "no one in a position of command in the army, from sergeant to general, can escape those implications."

The Calley verdict evokes reactions of all sorts. It makes for strange alliances based on entirely conflicting reasons. But none of them would justify abandoning the great advance in international law flowing from Nuremberg. The point in history has not been reached where it can be said that "the Nuremberg experiment has failed." Indeed, the Calley case itself has not run its course. We may yet witness verdicts against others with more brass than a lieutenant's single bar.

It was asserted at the time of the Nuremberg trials by a small but respectable minority that the prosecution was a flagrant example of "ex post facto" liability, and that the whole proceeding was unjust because only sovereign states and not individuals were recognized in international law. If these objections had any validity then certainly they do not now.

In the manner in which international law historically develops, the Nuremberg principles may now be considered imbedded into that general classification. As for the United States, it is committed to Nuremberg by its support of the London agreement and the charter creating the Nuremberg Tribunal, and by its participation in the trials in Germany and in Tokyo.

Whether we are prepared to face the consequences of the concept of personal responsibility, and the other principles, may become major issues before the American people. If we refuse to follow the logical steps wherever in good sense they lead, then, and only then, can we say that Nuremberg has failed.

LITHUANIAN INDEPENDENCE

Mr. HRUSKA. Mr. President, last week marked the 31st anniversary of the enslavement of the Baltic States by the forces of communism. It was on June 15, 1940, that the Russian military juggernaut bathed the peace-loving nations of Lithuania, Latvia, and Estonia in the blood of their valiant defenders.

Thereafter dissenters against the Soviet tyranny were executed summarily or shipped to prison camps in Siberia. During the turbulent war and early postwar years of the 1940's, hundreds of thousands of these once-free people were torn from their homelands to serve their Russian masters.

In a short time, during the week of July 18–24, we will be observing Captive Nations Week. We will endeavor then to bring to the attention of the world the sad plight of the growing number of nations which have fallen victim to Communist tyranny.

The list grows longer, as Dr. Lev E. Dobriansky of Georgetown University notes in the summer issue of the Ukrainian Quarterly:

Country, people, and year of Communist domination	
Armenia	1920
Azerbaijan	1920
Byelorussia	1920
Cossackia	1920
Georgia	1920
Ideal-Ural	1920
North Caucasia	1920
Ukraine	1920
Far Eastern Republic	1922
Turkistan	1922
Mongolia	1924
Estonia	1940
Latvia	1940
Lithuania	1940
Albania	1946
Bulgaria	1946
Yugoslavia (Serbs, Croats, Slovenians, etc.)	1946
Poland	1947
Rumania	1947
Czechoslovakia	1948
North Korea	1948
Hungary	1949
East Germany	1949
Mainland China	1949
Tibet	1951
North Vietnam	1954
Cuba	1960

After listing those ill-fated nations, Dr. Dobriansky appropriately asks:

Who's next?

South Vietnam? Algeria? Cambodia? Israel? Laos? Tanzania? Bolivia? Thailand? Egypt? Guatemala? Chile?

Indeed, it is important that we ask ourselves that very question: Who is going to be next?

We should also ask ourselves another question: Are we contributing to the downfall of another free nation? Are our actions helping to drive into the dark folds of communism another freedom-loving people?

These questions are very pertinent to all our considerations which touch upon Southeast Asia. The Vietnam struggle certainly cannot be separated from the captive nations picture.

American troops were sent to Vietnam in the beginning to protect that nation from falling to the Communist forces. President Nixon is now bringing the war to a conclusion, and in such a way that will allow the South Vietnamese the best possible opportunity to preserve their freedom.

Anyone who undermines these efforts—and that unmistakably would be the net result of any proposal to withdraw our troops arbitrarily and immediately—must face the fact that he is potentially contributing directly to the lengthening list of captive nations.

We all want to end the war as soon as possible, but those who would end it by consigning one or two or three more countries in Southeast Asia to communism must bear the burden of their actions. No matter what their reasons or motivation, those who destroy President Nixon's Vietnamization program are driving more free people into the camp of communism.

Memories are all too short, Mr. President. Many who in the past have supported the efforts of freedom-loving people to remain free now appear to be little concerned by the Communist plan of world conquest.

These Americans, I fear, have forgotten the seriousness of the threat—not just to European and Asian nations, but to those in the Western Hemisphere as well. They may forget we have the seeds of Western Hemisphere communism fermenting in Cuba—only a few miles from our own shores.

Among our Nation's writers, those who chronicle the events of the day and draw conclusions which affect the thinking of so many millions of citizens, far too many have forgotten the sad facts of history.

That is why it is gratifying, Mr. President, to see the anniversary of the enslavement of the Baltic States memorialized by a writer who has not forgotten its significance. I refer to that eminent Washington columnist, Walter Trohan.

Noting that "the loss of one man's freedom to tyranny steals from each one of us a bit of our freedom," Mr. Trohan reminds us with graphic example and unimpeachable logic that the men of the Kremlin have not deviated in any way from their plan of world conquest.

He observes that descendants of the 21 nations which have been enslaved by Russia realize so much more acutely than most Americans that Russia has not retreated from its long-range goal. These Americans, many of whom have close relatives still suffering under the oppression of communism, continue the fight for freedom for all nations.

It is good to see Mr. Trohan state the problem so clearly. His comment is a welcome reminder that some of our eminent national journalists at least are keeping the question of our relationship with communism in a proper historical perspective. It is unfortunate there are not more.

Mr. Trohan is a veteran on the Washington news-gathering scene. His memory certainly would seem to be more sensitive and acute than those of some of his colleagues. Therefore, I commend his article to you, Mr. President.

I ask unanimous consent that the text of his column in the Chicago Tribune on Monday, June 15, be printed in the RECORD.

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

WORLD DOMINATION STILL RED GOAL

(By Walter Trohan)

WASHINGTON, June 13.—The loss of one man's freedom to tyranny steals from each one of us a bit of our freedom; the loss of one man's life to tyranny robs us of a bit of our precious lives.

Yet so many millions have been enslaved and so many millions have died resisting aggression or the cruelty of aggressors, that we have grown callous and forget that each enslavement and each death diminishes some of what we hold most dear.

Thirty-one years ago, freedom shrieked when the greedy maw of Communism gobbled up Estonia, Latvia and Lithuania at a single gulp. Millions of these three countries died in resisting Soviet planes, tanks and artillery. Others died in prison camps or were starved.

The world was so full of the sounds of moans of the dying, the cries of the wounded, the screams of the tortured and the tramp of marching conquerors that the shrieks of freedom were not as compelling as they might have been.

However, there were those who turned deaf ears to the rape of the three nations because the marauding Russians were allies. These persons had high hopes Russia might become surfeited by conquests and reform to become a force for freedom and justice.

But this was not to be. At the end of the war Russia forged a mighty bastion of captive nations, including East Germany, Poland, Czechoslovakia, Hungary, Bulgaria and Romania.

In so doing, the masters of the Kremlin borrowed from the czars they professed to hate in replacing the old imperialism of anointed despots with Communist imperialism, no less terrible for the conquered.

Russia is not a single nation by any means, but one cemented by the blood of many peoples over many centuries, including the

Ukrainians, the Byelorussians, the Armenians, the Georgians and, more recently the people of Outer Mongolia.

Some among these have dreamed of independence and nationhood for centuries, even as have the Irish, the Israeli and many in the nations of Africa. The arrival of the emerging nations has been applauded, but little or almost nothing has been done to advance the freedom of the captives of czarism and Communism.

Descendants of the peoples of the captive nations in America remember and hold observances of the various days of shame and outrage in the Kremlin calendar. These people are the better Americans for these observances because they strive to free us of our fearful responsibility for silence or acquiescence in the various crimes. They do not seek to return to the lands of their fathers for power or profit, but would transmit the freedom and justice they delighted in finding here to their kinfolk abroad.

They are aware more than most Americans that Russia hasn't changed its purpose, which is domination of the world. The peoples of some 21 captive and enslaved nations know this as well and must remain silent under Communist guns even tho their dead cry out for vengeance.

Not all the sins against freedom are chargeable to Communist Russia, Communist China, Communist Yugoslavia or the Communist satellites. Some are chargeable to emerging nations, including the recent action of Congolese President Joseph Mobuto in closing Lovanium University and forcing the induction of its 3,000 students into the army after a battle between students and the military on its campus.

Some might applaud this action as a prompt end to protest. But we who protest the right of protest and the rights of individuals in general see some loss of our freedom in such despotism and in the punishment of the innocent along with the guilty.

COMMENTS BY SENATOR ALLOTT ON THE NEW YORK TIMES

Mr. ALLOTT. Mr. President, there has been considerable confusion in the debate about the action of the Times in publishing classified documents relating to the origins of the American involvement in South Vietnam. Much of this confusion has been fostered by the Times.

The Times' justification for its action has been both lame and self-serving. It has consisted of the claim that publication of the classified documents at this time does not jeopardize national security. This argument deliberately misses the point. The point at issue between the American people and the Times is so obvious, so clear, so unambiguous that not even the Times editors could miss it unless they contrived to do so.

The point is that the Times has neither the right nor the duty to decide which documents should be classified in which way.

That the Times received, and published stolen documents testifies to the political fanaticism which now grips that once great paper. That the Times now tries to justify this action testifies to the arrogance of that paper. The Times quite simply believes that it has no duty to obey the law.

The relevant law is the Espionage Law, title 18, United States Code, section 793. Publication of top secret information is illegal. The Times can understand that. But the Times has chosen to display contempt for the law.

It should be noted that the Times and its agents may well be charged with the receipt of stolen property, and with conspiracy to obtain, analyze, and publish classified documents relating to the national defense. In the latter instance, each person involved in the conspiracy, be he an agent of the Times or Defense Department or an intermediary between the two, is chargeable with the crime. In fact, the reading of plainly marked "Top Secret" documents by agents of the Times and other as yet unknown accomplices is criminal offense in and of itself. Certainly, to my knowledge, there is no one employed by the Times holding a security clearance which would authorize receipt or examination of top secret information. Those responsible for these articles must be well aware that they do not enjoy first amendment protection of freedom of the press in this instance under the U.S. Constitution. The Constitution has never protected the unauthorized disclosure of classified information relating to the national defense.

In displaying contempt for the law the Times is also displaying contempt for the representative Government that passes laws. It is displaying contempt for the American people who elect the Government that passes the law. And it is displaying contempt for the interests of the American people which the laws are designed to serve.

It is interesting to speculate about Times' motives for publishing the stolen document. Did the Times risk publication of top secret Pentagon documents in the sincere belief that they would contribute to a better understanding of the war and America's involvement, or was it simply a dramatic attempt by the Times to further its own editorial commitment against the war?

Was it the Times' intention to enlighten public understanding of the war knowing full well that its disclosures would cause untold damage to our allies and to America's international relations? Were the articles' contribution to public debate over the war in the Times' view worth the destructive implications of disclosing personal private communications between heads of State? Surely the Times understands enough about world affairs to appreciate the importance of trust among world leaders in international diplomacy. It has succeeded in causing a breach of that trust, a feat which will have serious consequences for our Government's future conduct of foreign policy.

The real motive of the Times is not hard to decipher.

The timing of the publication of these stolen documents demonstrated the Times' redolent contempt for both Houses of Congress. It is perfectly clear that the Times timed publication to closely precede the votes on amendments to end the war.

The publication was part of a carefully orchestrated campaign to spread distrust, confusion, and hysteria. The Times knows full well that the amendments it advocates cannot indeed, did not—withstand calm scrutiny. So the Times set out to destroy the atmosphere of calm deliberation. Fortunately, the atmosphere of reason in the Congress is more durable than the Times imagined.

Congress is calm and orderly while the Times is frantic and duplicitous.

The Times has given birth to a delicious irony.

The pages of the Times these days are soggy with righteous indignation. The Times is busy excoriating public officials, past and present, for various imagined immoralities. But the only clearly immoral act involved in this whole dispute has been committed by the Times. The Times stands before us flouting the law and lecturing the rest of us on good citizenship.

The Times would just be comical and pathetic if its behavior were not such a corrupting example. The climate prevailing in this Nation makes it an especially bad time for conspicuous men and institutions to be arrogantly setting themselves above the law.

Mr. President, I have not chosen to address myself to the question of how the Times' action jeopardizes the American program of withdrawal from Vietnam.

It is appalling to think that the Times would fail to consider that any inspiration for the enemy to stall and be obstinate at the negotiating table means further unconscionable delays in the release of our prisoners of war. There can be no disagreement that these articles do not improve the chances for such a negotiated settlement.

The foregoing questions do not even consider the very practical side of the issues at stake. Did the Times consider the advantage derived by Hanoi in gaining insights into America's intelligence and communications capability? The articles published by the Times will surely furnish our actual and potential enemies with numerous pieces to their jig-saw puzzle in coping with this Nation's military capability.

We are faced with a challenge to the fundamental integrity of the Government. If the security of the policy formulation process cannot be protected particularly as it relates to the conduct of military operations, this Nation will be unable to survive in our dangerous world of international conflict.

The New York Times has violated the laws of the country, has breached the trust of our Nation's leaders in their dealings with foreign governments, and has by its actions, jeopardized the chances for an early end to America's involvement in the Vietnam war. It is doubtless the most tragic demonstration of public irresponsibility we have seen in recent years and likely will have very damaging and far-reaching consequences for our country.

Let us not allow the Times to distract attention from the inescapable implication of the deed. If the Times' action is allowed to go unpunished, then this kind of behavior becomes acceptable. And if this behavior becomes acceptable, then this Government will be without a classification system for sensitive information.

The Times is arguing that anyone who comes into possession of any document—no matter how sensitive, no matter how the document is obtained—has a right to publish that information.

The Times is asserting that anyone in possession of any document has a right to give that document whatever classification he chooses. Thus with one fell swoop the Times is trying to repeal the established Government classification procedures. In addition, the Times is attempting to repeal the espionage law.

Well, I have a bit of unpleasant news for the Times. The Times does not make or repeal the laws of this land. The Times is not entitled to violate those laws which it finds inconvenient to obey. The Times does not have a right to violate the law when it finds it profitable to do so.

Finally, Mr. President, in order that all Senators can consider the depth of hypocrisy involved in the Times' current moral posturing, I ask unanimous consent to have printed in the RECORD the column by Stewart Alsop, published in Newsweek of June 28, 1971.

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

BREACH OF SECURITY

(By Stewart Alsop)

WASHINGTON.—It is interesting—and rather wryly amusing—to juxtapose a couple of editorials that have appeared in The New York Times. One appeared on June 16 after a Federal judge ordered the Times to suspend publication of the top-secret Pentagon studies of the U.S. role in Vietnam.

The Times called this "an unprecedented example of censorship," which indeed it is. But then, the verbatim publication of great masses of top-secret papers is also unprecedented.

"What was the reason that impelled The Times to publish this material in the first place?" the Times asks rhetorically. "The basic reason is, as we stated in our original reply to Mr. Mitchell, that we believe 'that it is in the interest of the people of this country to be informed' . . ." The editorial continues on that lofty note: "We publish the documents and related running account not to prove any debater's point . . . but to present to the American public a history—admittedly incomplete—of decision-making at the highest levels of government . . ."

The other editorial, which was even more righteously outraged, appeared in the Times some years ago. It was entitled "Breach of Security," and it denounced an article "purporting to tell what went on in the executive committee of the National Security Council . . . The secrecy of one of the highest organs of the United States has been seriously breached."

"M'CARTHY TECHNIQUE"

"What kind of advice can the President expect to get under such circumstances?" the Times asked, again rhetorically. "How can there be any real freedom of discussion or of dissent; how can anyone be expected to advance positions that may be politically unpopular or unprofitable? Does no one in Washington recall the McCarthy era and the McCarthy technique? . . . The various positions of the members of the NSC taken during deliberation must remain secret . . . The integrity of the National Security Council, and of the advice received by the President, is at stake."

The article that inspired the Times to this burst of righteous indignation was a Saturday Evening Post piece on the Cuban missile crisis by Charles Bartlett and this writer. It too was an attempt "to present to the American public a history—admittedly incomplete—of decision-making at the highest levels of government." Although the Times, fortunately, could not know it at the time, the article had been read in advance (and rather badly edited) by no less an authority on national security than the President of the United States. It contained no word from any NSC paper, or from any other secret document.

REASONS—AND REASONS

The writers' reasons for writing the article were perhaps less lofty than those claimed by the Times in its recent editorial. They included a desire to do a good reportorial job (the account was later confirmed in detail in Robert Kennedy's book on the Cuban crisis). They even included a desire to make a bit of money. But like most reporters, we also believed that "it is in the interest of the people of this country to be informed . . ."

No doubt a desire to inform the people was a major reason for the Times's decision to publish the secret papers. But (to adopt the Times's own rhetorical style) might there not have been other reasons too? Does it not matter a great deal to the Times who does the informing? Is it not the Times's criterion that if the Times does the informing, that is in the national interest, and if somebody else does it, that is "a breach of security"?

And is the Times really indifferent to whether or not the information, which it is "in the interest of the people of this country" to publish, supports the views of the Times? The article that so enraged the Times pictured the late Adlai Stevenson, then a major Times icon, in a somewhat dubious light, and that perhaps had something to do with the rage. The Times has long passionately supported the cause that the leaking of the Pentagon papers was obviously intended to serve.

The purloined papers printed by the Times were first offered to Sen. George McGovern and Rep. Paul McCloskey, the leading doves in the Senate and House. Obviously, the purpose of the leak was to prove that this country became involved in Vietnam by a process of stealthy deception; and that therefore the United States should withdraw forthwith, leaving the South Vietnamese to their fate.

In fact, the documents do not really prove what they are intended to prove. Allowing for the need for contingency planning, and allowing also for Lyndon Johnson's well-known passion for concealment, there is less deception of the public in the documents than self-deception.

There is the ancient American illusion that wars can be won cleanly in the air, rather than bloodily on the ground, of course. But the basic self-deception was the illusion that, if the United States could only find the right combination of sticks and carrots, the Vietnamese Communists would (in Robert McNamara's phrase) "move to a settlement by negotiation." The unswerving goal of the Communists, then and now, was and is the imposition of Communist rule on all former French Indochina. There is no stick short of "bombing them back to the stone age," and no carrot short of turning Saigon over to their tender mercies, that will divert them from that goal.

No American President who was also an honorable and humane man could hit them with that stick, or offer them that carrot. Yet the illusion that the North Vietnamese are capable of "reasonable" compromise is amazingly persistent, especially among liberal Democrats—its most recent manifestation is the "Clifford Plan," strongly supported by the Times.

NONSENSE

Despite its ineffable self-righteousness, the Times is certainly a great paper, though not as great as when it had the Herald Tribune to Worry about. Moreover, anyone who has been around Washington for some time knows that a lot of governmental nonsense has been perpetrated in the name of "security." Most reasonably diligent reporters, including this one, have been investigated by the government for publishing information the government found it inconvenient to have published.

Yet surely there is a problem of security worth worrying about when "the various positions of the members of the NSC," as well as National Intelligence Estimates and secret coded messages from foreign governments, are reproduced verbatim in great quantities. Indeed, the Times series, by the Times's own standards, is the most serious "breach of security" in modern history. Yet those who wait for the Times to denounce this particular breach will have a long wait.

THE PENTAGON PAPERS

Mr. BENNETT. Mr. President, the cases pending before the U.S. courts in New York and Washington involving the New York Times, the Washington Post, and the Federal Government on the issue of publishing the Vietnam study papers are of great historical significance.

As I review the situation, there are two questions. First, what are the rights of the press to publish documents of this kind, and second, what are the rights of the U.S. Government to protect itself in certain aspects of its foreign policy which cannot or should not be made public. On balance I believe the Federal Government should win the court decisions. I, in no way, advocate censorship or an abridgement of the great freedoms the press holds under our Constitution; however, I do not believe that question is at issue. Anyone who has studied foreign policy knows there are certain things which must remain confidential. There are debates, position papers and recommendations which by their very nature are not public and cannot be public.

We find from time to time, even in this body, that we must go into executive session and we know from experience there are times and places when our committee deliberations are also held in private. Government should operate as freely as possible but it cannot and must not be forced always to operate in a glass house.

The Nixon administration at this time is conducting some very important and some very delicate negotiations throughout the world.

The United States is attempting to find a peaceful solution to a very complex and bitter rivalry in the Middle East. President Nixon is attempting with all of the resources at the command of the executive branch to negotiate an agreement at the SALT talks for the reduction of armaments. We are negotiating in Paris, albeit unsuccessfully, for an end to the war in Vietnam. These and other aspects of our foreign policy will be jeopardized if foreign governments know that top-secret papers and discussions in the United States and with the United States are no longer secure. They will hesitate to make proposals to this Government. Acceptable and workable solutions to these foreign policy problems will be more difficult to achieve and will

possibly be delayed or eliminated. It is asking too much to allow the newspapers in question to publish these documents when they have been leaked to the press in violation of the laws of the United States. Our security laws, written by the Congress, preclude the very underhanded process by which the newspapers have acquired the documents, and to allow their publication under those circumstances would, in my view, be condoning a violation of the law. If it is necessary to review American involvement in Vietnam, it should be done by an investigation of the Congress and not in violation of current security laws through the press. I certainly hope the appellate courts find for the Government, not because I believe the Government is attempting to hide the facts, but because to allow the publication of the newspaper accounts would only do an injustice to American foreign policy, our position throughout the world, and the security laws of the United States.

OFCC FORM MAY COST INDUSTRY $75 MILLION

Mr. ERVIN. Mr. President, on behalf of the Senator from Texas (Mr. TOWER) and the Senator from Arizona (Mr. FANNIN), I would like to make the following statement:

On June 28, the Office of Management and Budget will conduct a hearing of sorts, in the form of a panel discussion, on "Form A" which has been devised by the Office of Federal Contract Compliance of the Labor Department. Businessmen who have Federal contracts of $50,000 or more and at least 50 employees will be required to file form A annually on their affirmative action minority hiring programs. If this "hearing" proceeds, as I think it will, OMB will approve form A, and another arbitrary intrusion by the Federal bureaucracy will be forced upon the Nation's businessmen who contract with the Federal Government.

I have received reliable information to the effect that it will cost businessmen in the neighborhood of $1,000 to complete the detailed form A for each of their facilities. The Labor Department, I understand, estimates that about 75,000 "establishments" will be affected—meaning that the total annual cost to industry will be about $75 million. I regard this estimate as extremely conservative, and I would not be suprised if the actual cost is many times this amount.

In essence, form A will require each contractor to submit detailed statistical information for each of his establishments—listing such information as the totals and percentages of minority employees on each project, a listing of the results of tests given employees during the reporting period, a review of all job applications for the period, with the reasons each applicant was not given a job, and several other types of information that will require an unjustified amount of time to gather and prepare.

Mr. President, I fail to see why this new, detailed form will be necessary to assure successful affirmative action programs on each Federal project. It is excessive in detail, and the volume of information required will result in an enormous increase of paper work.

Many Federal contractors have already invested heavily in methods of keeping track of their affirmative efforts to hire qualified minority employees, and many of these programs will be made obsolete by form A. The costs of preparing the form will detract from the efforts of companies which have made substantial efforts at minority employment.

I have always believed that each individual in this great Nation should have every opportunity commensurate with his skills and qualifications. Race, sex, creed, color, or national origin should not be used arbitrarily in determining the qualifications of employees—and this means no quotas or other means of administering preferential treatment to any person on account of his or her race, sex, creed, color, or national origin. The Civil Rights Act of 1964 was designed to make the Government and employers color-blind, not conscious of the race of job applicants.

I have consistently opposed all forms of Government intervention in the area of minority hiring, and I am just as firmly opposed to OFCC's form A. There are alternatives available to administer affirmative action programs, means which will not require the unjustified amounts of work which will be generated by form A.

American business deserves more trust and confidence than is reflected by the bureaucrats' invention of form A. Affirmative action works—and more minority employees are, in fact, being hired as the result of good faith efforts by businessmen—without the stringent requirements of form A.

Mr. President, on behalf of Senators TOWER and FANNIN, I call upon OMB and the Labor Department not to enslave Federal contractors with form A. The costs can better be applied in reduced expenditures for Federal projects or in the creation of more and better jobs for the very workers form A would be designed to help.

At best, I predict that form A—if finally adopted and forced upon the contractors—will result primarily in additional bureaucrats being required to handle the increased paperwork.

APPALACHIAN REGIONAL DEVELOPMENT PROGRAM PROVIDES CONSTRUCTIVE RECORD

Mr. RANDOLPH. Mr. President, I have stood before Senators many times in the past to discuss the importance, significance, and impact of the Appalachian regional development program and to bring to them important information on the record of the Appalachian Regional Commission.

This unique and innovative Federal-State-local governmental partnership has been a valuable tool to the economic and social development, not only in my own State of West Virginia, but for the entire 13-State Appalachian region. The Commission came into being in 1965 when the problems of Appalachia were massive and a dulled sense of hope prevailed. The nature of Appalachia—its physical isolation, a largely one-industry economy, inadequate capital—left it without the resources in which to build a sound economy. The Appalachian effort, through the regional commission's worthy efforts, is geared to help the States and communities marshal their resources, supplementing them with Federal assistance, and developing a sound infrastructure as the beginning of the long climb to prosperity.

The Appalachian program was never intended as an antipoverty program in the sense of that conducted by the Office of Economic Opportunity. Rather the effort has been designed to stimulate the development of a diversified economic structure capable of a self-sustaining pattern of growth. A statistical review of accomplishments throughout the 13-State Appalachian region is impressive.

More than 508 miles of the Appalachian development highways have been completed; 380 miles are under construction, engineering and right-of-way progress is being conducted on 991 miles and location studies have begun on 627 miles of the system. The 2,500-mile system is designed to supplement and complement the Federal Interstate System and to open the long isolated sections of the Appalachian region to the major markets of the East and Midwest.

The Appalachian commission has approved 312 vocational and technical training centers with more than one-half already in operation. The impact on the region has been profound. In 1965, only 20 percent of the regional manpower needs were being met by our vocational and technical schools. Today, more than 40 percent of our needs are being served by the new vocational and technical system.

Throughout the region improvements are being made to health services. In selected sections where health problems are dire, comprehensive networks of health services are being developed. Fifty-one new health services were inaugurated in fiscal 1970. I have reason to believe that some of our health programs are among the finest in the country.

The Appalachian Housing Fund, approved by the Senate in 1967, has helped to initiate $100 million in construction of low- and moderate-income housing, representing more than 7,071 units.

Work has been completed on 28 mine-reclamation projects, including 16 mine-fire extinguishment projects, six mine-subsidence projects, and six surface reclamation projects. Another 16 are underway and there are 13 additional projects awaiting contract. Also, communities with potential for growth are improving their public facilities.

Under section 214 supplemental grants program and other sections of the program the commission has approved—233 health facilities; 157 higher education facilities; 185 water pollution control facilities; 85 libraries; 49 airports; 37 grants for school equipment; 71 other public improvements.

These accomplishments represent a valid response by the participating State and local jurisdictions to the opportunities afforded by the Appalachian Act.

But, this numerical review of the program does not indicate the primary impact of the Appalachian program. It does not on its face record the new sense of hope and optimism which these improvements have brought to many areas of the region. It does not record the enormously improved capacity of the State and local governments—particularly through the development district programs—to respond to the needs and concerns of people.

Development districts are the building block of the Appalachian program. They bridge local and State programs in much the same way as the Appalachian regional commission provides a bridge between Federal and State governments. The commission represents genuine partnership between the National Government and the Appalachian States. But in developing the physical, economic, and human resources of Appalachia, it was necessary to develop strong local partners.

The Appalachian States and the Federal Government through the vehicle of the Appalachian commission set about encouraging the formation of multicounty development districts through which the local citizens and their elected leaders could present their views and plans to the States and the commission. Thus, the local citizenry, the people of Appalachia, have a major voice in shaping the development of the area. And in several instances, local people have planned and designed beyond the confines of even State boundaries. Several of the local development or health council districts serve people in more than one State.

Most of the region's 63 development districts are already operational. Each local development district is governed by a board of directors composed largely of locally elected county or city officials. Mayors, county judges, city council members, and aldermanic chairmen as well as local business, financial, and other civic leaders serve on these boards of directors. As a usual rule, the boards hire executive directors and staffs to carry out board policy and to oversee the day-to-day operations of the district.

We find, then, the concerted effort of the leadership of counties and cities within a district working toward the solution of common, regionwide problems. Under their policy guidance a staff develops areawide plans to seek out and to utilize those programs—Federal, State, local, and private—which will increase the rate of economic growth of the area. That same staff seeks to encourage mutual cooperation between different government jurisdictions in the area, thus leading to coordinated programs across political boundaries.

As I have suggested previously, much of the work of local development districts has been directed toward the economic development of a particular part of Appalachia. Oftentimes this was required as the first order of business. But as localities have progressed, the scope of activities by local districts has also broadened.

Many districts are now involved in planning for the development of human-resource potentials in their areas. Such activities as child development programs, comprehensive health planning, education, and manpower are examples of this type planning.

Underpinning this broadened scope of activities is the realization by all of us, the Congress, the Appalachian commission, the States, and the local citizens, that human development is what the Appalachian experiment is really all about. While it is absolutely critical that the economic health of Appalachia be assured, it is equally important that the children of Appalachia be reared in healthy homes, attend schools adequately staffed and equipped for their needs, so that they become not burdens on our already overworked welfare system, but instead become full and productive members of our society. It is essential that they become complete persons in every way, able to earn a respectable living, able to enjoy the fruits of modern technology, and able to cope with the tensions that same technology has produced. It is to these questions that the districts have addressed themselves.

Important as these activities which I have enumerated are, they stand second to what is the major accomplishment of the local development districts. These districts on the whole have been able to achieve a major degree of coordination not only between governmental levels, but also between different governmental programs emanating from a variety of sources.

A major reason why such a level of coordination has come about is the nature of the Appalachian commission itself. Around a common table sit representatives of the region's Governors and the President's representative, the Federal cochairman. Together they set policy for their region; together they share ideas for the betterment of their respective States. Oftentimes they do not agree on precisely what policy is best for the region, but after sometimes lengthy debate they achieve consensus. The beneficiaries are the people of Appalachia, whom the Senate sought to help when we passed the Appalachia Act of 1965 and when we amended it in 1967 and 1969. The Applachian region, largely through State and district efforts, is rapidly becoming tied together in a network of mutual cooperation that the entire Nation would do well to note and to emulate.

It is, then, at the local level, that level where government is closest to its people, that real progress can be seen. These districts through the efforts of their boards and staffs have succeeded in having locally elected officials work together toward the solution of common problems. These districts have attempted to make some sense out of the hodge-podge delivery system of Federal categorical grant programs. In many instances they have succeeded admirably.

At the local level where differences often arise the district boards have served as forums for the airing and the reconciliation of these differences. From this type endeavor a spirit of cooperation has arisen which extends beyond local boundaries and local interests. An example of this was the decision to build an industrial park in the Appalachian portion of a particular State. Three counties and a city jointly planned and funded and, through a subsidiary council, jointly control this industrial park even though it is physically located in only one of the participating jurisdictions. In one Appalachian State a comprehensive effort toward regionwide law enforcement planning had been undertaken with some assistance from the Law Enforcement Assistance Administration of the Department of Justice.

These districts have come to perform a unique role in our ever-changing Federal system. They and the men who staff and direct them are, first, movers in our system. They get jobs done, get action started at the local level. Second, they are the fixers in our system.

They channel scarce resources where those resources will bring the greatest benefit, not just for persons within a particular political jurisdiction, but for all people in a wider area. And, third, these districts are the new "brokers" in the federal system bringing together local, State, and national interests, demands, resources, and leaders in a single common effort. And in our federal system that single common effort has remained unchanged throughout the years of this Republic. We are determined to take steps to insure that the people of this country have the opportunity to have a large degree of determination in the making of those decisions which affect their daily lives. These districts have made the local voice heard in State capitals and around the Appalachian commission's table. Their experience is one from which the entire country may benefit.

In addition to concentrating on transportation, public improvements, and local government, the Appalachian Commission has embarked on a youth leadership development program designed to introduce the young people of the region to Appalachia's problems and other opportunities for solving them. The commission seeks to encourage some of the region's concerned youth to stay in Appalachia and to help plan and build a better future. Hitherto, little emphasis was placed on involvement of mature Appalachian youth in making a contribution to the development of their home region. Together with a lack of emphasis on youth involvement, a significant portion of the Appalachian region's out-migration consisted of the more talented and energetic young people. This drain on the young talent of Appalachia is serious; studies show that 52 percent of the persons who leave Appalachia are between 18 and 34 years of age.

The youth leadership program was established by the commission:

To assess the nature of the impending crisis in leadership in Appalachia, statistically define the problem, and help the States and development districts create public awareness of the need for more young people to become educated and trained as future leaders of the region.

To enlist the public and private institutions of the region, particularly the schools, to more effectively meet their responsibilities in the development of new leadership.

To work with various service and voluntary associations to promote more active participation by talented citizens in developing the region. Also, to work with businesses and other groups to stimulate youth employment.

To create among the young people of Appalachia a pride in its past, an awareness of the region's considerable future potential, an understanding of its problems, and a commitment to stay in the region and help build a better future.

The goal of the project is to assist the student in realizing that he can cause things to happen rather than have them happen to him. The project also gives the student an opportunity to see how today's leaders fulfill their leadership roles.

Several thousand Appalachian young people have been involved in youth council activities, youth involvement seminars, day-care programs, youth opportunity camps, and many other development projects initiated with Appalachian Commission support.

During the summer of 1970, more than 400 Appalachian young people were enrolled with commission assistance to work as interns with various public agencies. Other summer programs involved the youth of the region in youth council activities, services, day-care programs, and youth opportunity camps.

A sampling of some of the 1970 programs conducted with commission assistance:

In West Virginia, 15 youth opportunity camps were established for 2,300 underprivileged children aged 9 to 14.—25 student nurses worked with 45 Alice Lloyd college students to help improve the medical services in the isolated hollows around Pippa Passes, Ky.

In Pennsylvania, 130 college students worked as summer interns for seven local development districts, assisting local government units with a variety of tasks.

In North Carolina, the State Internship Office arranged for over 200 summer internships with public agencies. Utilizing the resources of a number of local colleges and universities, the internship program made use of the "service-learning" concept to provide benefits to students, colleges and the larger community.

Mr. President, I make no pretense that the Appalachian regional development program and the Appalachian regional commission has reached all of its initial goals of achieving the development of a sound, diversified, and self-sustaining economy for the region. But, as I have discussed now, and many times in the past, there has been sound progress. The growth of innovative, social, and governmental structures is so encouraging that its continuation, with your support, is fully justified.

NEW DIRECTIONS IN AGING IN 1971?

Mr. MUSKIE. Mr. President, 2 weeks ago the National Council of Senior Citizens conducted their 10th annual convention.

More than 2,000 delegates attended the Washington conference, and actively participated in formulating national legislation goals for the elderly.

One of the keynote speakers at the convention was Senator FRANK CHURCH, the able and dedicated chairman of the Committee on Aging. Senator CHURCH presented an excellent, well-reasoned statement, worthy of the attention of the elderly, experts in the field of aging, and lawmakers.

Mr. President, I commend this speech to Senators and ask unanimous consent that it be printed in the RECORD.

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

NEW DIRECTIONS IN AGING IN 1971?

(An address by Hon. FRANK CHURCH)

Thank you, Nelson Cruikshank.

One of the big satisfactions about being here today is that I am on the same platform with a man who has been so effective for so many good causes over so many years.

Nelson is one of those people who are supposed to be retired. But—even though his work with AFL–CIO, and with government agencies before that, kept him busy—perhaps he sometimes thinks that his *real* work began with his so-called retirement.

And is he good at that work.

I've been Chairman of the Senate Special Committee on Aging only for the past few months, but I've already worked with Nelson on several occasions.

And, as a member of the Senate Special Committee on Aging over the last decade, I've had a good view of Nelson and his predecessors at work. They are men that you can be proud of. They are men I have been proud to work with.

I mentioned just now that I've been with the Committee for ten years.

And I was a charter member of that Committee, which means that the Committee—like the National Council of Senior Citizens—is celebrating a significant anniversary in 1971.

We could send birthday cards to each other, I suppose.

But frankly, there's something better than birthday cards in the mailboxes of 27 million Americans this year.

It is a Social Security check which is 10 percent higher than it was last month.

And, later this month, it will be another check that will equal the 10 percent increase for the months since January.

You of NCSC helped make that 10 percent possible. The Senate Committee on Aging played its part, too. I think we can say that our report on the "Economics of Aging" told the story—as no other Congressional unit has done—of the barebones existence endured not only by the one in four older Americans who live in poverty, but the millions more who are just above that arbitrary statistical level.

But, even though we can take some satisfaction from the latest Social Security increase.

And even though we can look upon the accomplishments of the past ten years: Medicare, the Older Americans Act, some progress in housing for the elderly, pilot community service programs, and others.

We know that some of the biggest jobs still lie before us.

We have to face hard facts:

We live in a nation where older Americans are more than twice as likely to be poor as younger people.

We live in a nation where—even with the new ten percent Social Security increase—Social Security benefits for the typical retired worker average only about $1,560 a year, or nearly $300 below the poverty threshold.

We live in a nation where the older person has an average medical bill of $791; and we know that Medicare pays only about 43 percent of all medical costs of the elderly.

We live in a nation where more than 2 million elderly persons live on welfare payments averaging about seventy-six dollars a month.

And we live in a nation where, at the start of 1971, there was good reason for foreboding about Federal policy toward older Americans.

A White House Conference on Aging, to be held in November 1971, appeared in January to be stalled or at least way behind schedule.

And, if you will remember, no Social Security bill had emerged in 1970, despite great exertions within Congress. And the Administration seemed willing to accept far less in the way of benefit increases and other reforms than did members of Congress.

The Administration on Aging—the Federal agency created almost six years ago to be communications center and prodder on programs for the elderly—seemed to be fading from view.

Its budget request was actually below the paltry amounts appropriated the year before. Its programs were being stripped from it, one by one. It seemed to be a stepchild agency, diminished in statute and in visibility by reorganizations which ignored Congressional intent.

And there were other causes for concern, including the Administration's refusal to use $10 million appropriated at the insistence of Congress for a direct loan program of housing for the elderly.

That's the way things looked in January.

Since then, a few heartening things have happened. The first, of course, is the House Ways and Means Committee bill to improve Social Security and welfare. In spite of some shortcomings and possibly harmful provisions, H.R. 1 could become a landmark law in the social history of this nation. I'll have more to say about that later.

A second welcome development was the 10 percent Social Security increase I mentioned earlier. I'm happy that there was no threat of a Presidential veto this time, but there was some grumbling about financing.

In fact, the President seemed to be participating in a shotgun wedding, and he was the groom.

There was a third significant development, which was especially heartening to me and to Senator Tom Eagleton of Missouri.

Senator Eagleton, as you may know, is the new Chairman of the Subcommittee on Aging of the Committee on Labor and Public Welfare. That subcommittee is a legislative unit. Unlike the Committee on Aging—which is a fact-finding arm of the Senate—the Eagleton subcommittee can consider bills and report them to the floor. I might add that Senator Eagleton is also a member of my Committee.

When we heard, at the start of the year, that the Administration on Aging was in such trouble, we decided that we would conduct joint hearings.

We wanted to know why, during a White House Conference year, AoA funds were to be reduced, not increased.

We wanted to know why the NCSC and other organizations in the field of aging had lost confidence in the AoA and its ability to fulfill its mission.

And we wanted to know more about complaints that the White House Conference on Aging was bogged down and apparently unduly influenced by political considerations.

For three days in March we heard the complaints. Nelson Cruikshank and Bill Hutton, I might add, were at the peak of their form. There was no doubt where they stood: they want the AoA to be effective, not pathetic. They want the White House Conference on Aging to look honestly at the problems because they want action, not empty statements of policy.

Our hearing record was like a boiling kettle with a lid rattling around on top. And so on April 27 we invited the Secretary of

Health, Education, and Welfare to visit us and to take a peek at what was cooking.

Instead of lifting the lid, however, he decided to turn down the gas.

He announced that the proposed cutbacks in the AoA budget would be rescinded.

Instead of asking for only $29.5 million, he would ask instead for $39.5 million. I might add, however, that this is less than 38 percent of the amount authorized by the Congress.

But at least it was better than a cutback.

In addition, the Secretary has named a former Health, Education, and Welfare Secretary, Arthur Flemming, to work full-time on directing the White House Conference. I understand that the former Secretary has in turn begun to assemble his own staff on a crash basis.

And Secretary Richardson also announced at the hearing that he would reconsider the HEW policy which would withdraw all funding for several promising nutrition programs.

These actions suggest that the Administration has finally realized that it had thoroughly aroused members of both parties in Congress about its apparent lack of concern in important matters affecting our 20 million persons of 65 years of age and over, and millions more near retirement age.

Belated as the Administration's new policies are, they are welcome.

But they are not yet adequate.

I am convinced, for example, that the Administration on Aging has been downgraded to the point of ineffectiveness.

For that reason, the Committee on Aging will soon receive recommendations from an Advisory Council I have named to consider means of strengthening the AoA or replacing it. And I am happy to say that Nelson Cruikshank has agreed to serve on that Council, as have about 20 others, including several prominent Republicans.

Frankly, I hope that the Council will challenge the Executive Branch into producing its own recommendations for a beefed-up AoA, and I hope that this recommendation will be made *before* the White House Conference. An Administration position on this issue—even if it is a tentative position—should help the conferees grapple more effectively with a very important question, and that is: if not the AoA, what?

Thus far, I've talked about limited progress on a few scattered fronts. It is a victory when a threat is averted, such as the AoA cutbacks. It is a victory when Congress insists that Social Security benefits stay at least neck-and-neck with the cost-of-living. But these victories are limited; they simply keep us in the race. What is needed in 1971 are historic advances for the elderly.

After all, we are devoting precious little of our national wealth to older Americans, when all is said and done.

Just consider: one and a half month's cost of the war in Indochina would fully fund the Older Americans Act through the end of the century.

Last year we spent $27 million more in foreign military assistance for Greece than we did for programs under the Older Americans.

The Pentagon probably spends close to $40 million for publicity. Yet, only $32 million was appropriated for all the programs under the Older Americans Act last year: about $1.60 per senior citizen.

In the face of all this, the Administration likes to claim that it is spending billions upon the elderly. To reach that startling conclusion, the Administration relies heavily upon Social Security and Medicare payments, *including* the premiums that people pay for Part B of Medicare. Yes, the premiums come out of your pocket. And in other years, you and your employers contributed to the Social Security trust fund.

How on earth can the Administration justify such distortions? You are not fooled by them. But others might be. I think that we should be on the watch for any misleading statements that might tend to pit one generation against the other.

We are all in the same boat: the United States of America. You—many of you—are grandparents. You want what is wholesome and right for your children and your grandchildren. Your legislative program makes this quite clear. You want a nation in which *all* Americans of *all* ages can live with dignity and security, and with hope of fulfillment *throughout* life.

For all these reasons—despite the problems and limited victories I've already described—I'd like to close today by expressing the hope, almost a conviction, that 1971 could be the most significant year in the field of aging since passage of the Social Security bill more than 35 years ago.

Yes, it could be even more significant that 1965, the year in which we passed Medicare.

It could become the year in which our nation decides to eliminate poverty among older Americans.

As Chairman of the Senate Committee on Aging, I gave my plan earlier this year for reaching that goal.

I say it is a national scandal when one out of every four persons 65 and older lives in poverty.

And it was inexcusable that from 1968 to 1969 200,000 older persons were actually added to the poverty rolls.

We have the capacity to end this condition. We also have a proposal—my comprehensive Social Security-Welfare reform measure—to make this goal a reality.

Briefly, this bill would utilize the Social Security system as the umbrella for lifting large numbers of elderly out of poverty. This would be achieved principally in these three ways:

(1) Benefit increases for all Social Security recipients, weighted to provide larger raises for those who need them the most—persons who now receive low benefits because of low lifetime earnings.

(2) A $120 minimum monthly benefit for persons with at least 20 years of covered employment.

(3) Automatic adjustments to protect the aged from inflation.

Additionally, S. 1645 would establish a new income supplement program to bridge the poverty gap when an aged individual's income falls below this threshold.

Several of these provisions, I am pleased to say, have been incorporated in H.R. 1, the landmark bill recently reported by the House Ways and Means Committee. You have already heard at this convention from the chairman of that committee, Wilbur Mills; you know what a monumental achievement H.R. 1 could be.

Impressive as it is, however, the bill can be improved, in ways which, I am sure, you have already discussed. For that reason I join the National Council of Senior Citizens, former Health, Education, and Welfare Secretary Wilbur Cohen, and others in urging passage of this bill in the House, and some major changes for the better in the Senate.

If amended and passed, H.R. 1 could end the welfare stigma once and for all among older Americans.

It could, at last, end poverty among people in retirement.

It could, if changed considerably, lead to stronger and better Medicare.

In any one year, these accomplishments alone would be significant.

But I think that 1971 can also be the year in which a genuine national senior service corps could be established. The goal of matching up idle talents among the elderly to pressing service needs could be reached.

Your Senior Aides project has clearly demonstrated the value and importance of community service employment—not only for the elderly participants but also for the communities being served. The fact that you have seven applicants for each position available is more than ample evidence for me that the Senior Aides program is a striking success.

Now, I believe that we should promptly enact legislation—such as the Older American Community Service Employment Act—to convert these pilot projects into permanent, on-going national programs. As a sponsor of this legislation, I consider it one of my top legislative priorities.

There are other encouraging developments: there is strong support in the House of Representatives, for example, for a House Committee on Aging. Believe me, it would help the Senate Committee on Aging if it had a counterpart in the House. When it comes to support for measures sponsored or supported by members of our Committee, we need two Houses, not one, to get the job done.

Yes, there are many good reasons for hoping that 1971 can be a memorable year in the field of aging.

But I think that the single most important basis for that hope is simply that 1971 is the year of the White House Conference on Aging.

Now, please understand me.

The mere fact that we are holding a conference won't mean much, if it is a half-hearted effort.

In fact, the National Council of Senior Citizens has found it necessary to become a watchdog over all preparations for that conference. The Senate Committee on Aging has already conducted hearings on preparations for that conference, and thus far we have received more assurances than real reassurance. We will continue to ask questions, right up to the opening day of that conference. And if necessary, those questions will be blunt and even embarrassing to the Administration.

In addition, the Senate Committee on Aging will make reports and recommendations well in advance of the White House Conference on Aging on several vital issues, such as: deterioration of Medicare and Medicaid services to the elderly; unique problems of elderly members of minority groups; the slow pace of Federal housing programs for the aged, when compared with need; the role that the model cities program can play in assisting the elderly; and the problems facing the aged in rural areas.

If we can continue to exert pressure, we can help shape a conference which will be worthy the goals set by Congress when we passed the legislation which resulted in the call for that conference.

The dynamics of aging in this Nation are far too vigorous to be channeled into a timid or inconsequential conference.

Elderly delegates will not stand for such a conference. The Committee on Aging will not be satisfied with such a conference. Now it appears that the Administration realizes that it, too, runs a grave risk if it attempts to settle for less.

1971 can and should be a productive year for older Americans, and the White House Conference must be more than a recitation of problems that we already know exist. It must provide a forum for coming to grips with the real issues and challenges affecting an aging society.

And I pledge to you, today, my commitment to that goal.

COURT REJECTS JUSTICE DEPARTMENT DOMESTIC SECURITY WIRETAPPING

Mr. ERVIN. Mr. President, the U.S. Supreme Court has scheduled for argument in the next term a case which

touches upon one of the fundamental constitutional rights of American citizens, the right to be secure "against unreasonable searches and seizures" under the fourth amendment. The case to which I refer involves the controversial issue of the constitutionality of the asserted Presidential power to authorize wiretapping and electronic surveillance in domestic security matters without judicial sanction or review and without legislative authorization from Congress.

It is my understanding that arguments in the case of United States against U.S. District Court for the Eastern District of Michigan, Southern Division and Hon. Damon J. Keith will be heard next fall. This case is before the Supreme Court by virtue of a petition for writ of certiorari to the U.S. Court of Appeals for the Sixth Circuit. On April 8, 1971, the Sixth Circuit Court, in an opinion written by Judge George C. Edwards, denied the U.S. Government's petition for a writ of mandamus to compel District Court Judge Damon J. Keith to vacate his order directing the Government to make full disclosure to the defendant in a criminal proceeding of his monitored conversations. The defendant in this case, Lawrence R. Plamondon, has been charged with violation of sections 371 and 1361 of title 18 of the United States Code, conspiracy to destroy and the actual destruction of Government property exceeding $100 in value.

In the course of pretrial proceedings, Judge Keith granted the defendant's motion for an order requiring the Government to disclose information procured as a result of electronic surveillance of the defendant. Judge Keith ordered disclosure on the grounds that the Government's failure to obtain a court warrant authorizing the surveillance violated the defendant's right to be protected against "unreasonable searches and seizures" pursuant to the fourth amendment.

In its brief opposing the defendant's motion, the Government stated that the electronic surveillance being challenged was "expressly authorized by the Attorney General of the United States to protect the Nation from attempts of domestic organizations to use unlawful means to attack and subvert the existing structure of the Government." The Government argued that the President possesses an inherent constitutional power to authorize such surveillance without judicial approval when he determines that it is necessary in the interest of domestic security. It asserted:

> The question whether it is appropriate to utilize electronic surveillance to gather intelligence information concerning the activities and plans of such organizations, in order to protect the nation against the possible danger which they present, is one that properly comes within the competence of the executive and not the judicial branch.

The Government's publicly stated rationale for adopting this position is its belief that our society is threatened as seriously by "domestic" subversion as by foreign subversives. In order to protect against what the President determines is a threat to the Nation's security from within, he is to be armed with an inherent power to wiretap and survey without any judicial or legislative sanction. The usual requirements of the fourth amendment—proof of probable cause, issuance of a warrant restricting the nature, manner, and duration of the surveillance, and subsequent reporting to the court of surveillance results—are to be excused whenever the President determines that a threat to the national security exists. The administration asserts that only the Executive can be trusted to decide whether or not circumstances exist which can be fairly characterized as posing a threat to the national security. Once the Executive determines that a threat to the national security justifies warrantless surveillance, no other constitutional or political unit of our Government, including the Congress and the courts, shall have power to review that decision.

In denying the Government's petition for a writ of mandamus, the Court of Appeals for the Sixth Circuit concurred with Judge Keith's rejection of the Government's assertion of an inherent presidential power to authorize surveillance without judicial sanction in domestic security cases. Judge Edwards wrote:

> We hold that in dealing with the threat of domestic subversion, the Executive Branch of our government, including the Attorney General and the law enforcement agents of the United States, is subject to the limitations of the Fourth Amendment to the Constitution when undertaking searches and seizures for oral communications by wire.

Judge Edwards emphasizes in his opinion "the historic role of the Judiciary" in preserving constitutional freedoms in periods of crisis. As he correctly observes:

> That which has distinguished the United States of America in the history of the world has been its constitutional protection of individual liberty. It is this which has created the wonderful diversity of this great country and its many varied opportunities. It is this which has created Justice Holmes' free market-place of ideas from which have come our most signal advances in scientific and technological achievement and in social progress. Beyond doubt the First Amendment is the cornerstone of American freedom. The Fourth Amendment stands as guardian of the First.

Judge Edwards' opinion is based expressly upon the language of the Constitution:

> The government has not pointed to, and we do not find, one written phrase in the Constitution, in the statutory law, or in the case law of the United States, which exempts the President, the Attorney General, or federal law enforcement from the restrictions of the Fourth Amendment in the case at hand.

In addition, Judge Edwards has illuminated the meaning of the fourth amendment by reexamining the circumstances which prompted its adoption as part of the Bill of Rights.

> An additional difficulty with the inherent power argument in the context of this case is that the Fourth Amendment was adopted in the immediate aftermath of abusive searches and seizures directed against American colonists under the sovereign and inherent powers of King George III. The United States Constitution was adopted to provide a check upon "sovereign" power. The creation of three coordinate branches of government by that Constitution was designed to require sharing in the administration of that awesome power.
>
> It is strange, indeed, that in this case the traditional power of sovereigns like King George III should be invoked on behalf of an American President to defeat one of the fundamental freedoms for which the founders of this country overthrew King George's reign.

While the Supreme Court has decided a number of cases in which it has had occasion to apply fourth amendment standards to the Government's use of wiretapping and electronic surveillance in criminal proceedings, it has not yet confronted squarely the present administration's assertion of power to authorize warrantless surveillance in domestic security cases. In Katz against United States, 389 U.S. 347 (1967), the Supreme Court expressly deferred a decision on this issue. At the present time, there are several other cases pending in the Federal courts in which the Government has asserted the President's power to authorize warrantless surveillance in domestic security matters. Very different results have been reached in these cases at the District Court and Court of Appeals levels. Whatever decision the Supreme Court ultimately reaches in disposing of the Government's appeal from the Sixth Circuit holding, that decision will surely have tremendous significance for the meaning of the fourth amendment.

Mr. President, I believe that the opinion of Judge Edwards in the Sixth Circuit case thoughtfully sets forth the important constitutional issues raised by the Government's assertion of an unreviewable Executive power to place American citizens under surveillance when it determines such surveillance is in the interest of domestic security. Therefore, I ask unanimous consent that his opinion in the case of United States against U.S. District Court for the Eastern District of Michigan, Southern Division, and Honorable Damon J. Keith be printed in the RECORD.

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

[U.S. COURT OF APPEALS, FOR THE SIXTH CIRCUIT, NO. 71–1105]

UNITED STATES OF AMERICA, *Petitioner* v. UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MICHIGAN, SOUTHERN DIVISION AND HONORABLE DAMON J. KEITH, *Respondent*

ON PETITION FOR WRIT OF MANDAMUS

(Decided and Filed April 8, 1971)

Before: PHILIPS, Chief Judge, WEICK and EDWARDS, Circuit Judges.

EDWARDS, *Circuit Judge*. At issue in this case is the power of the Attorney General of the United States as agent of the President to authorize wiretapping in internal security matters without judicial sanction.

This case has importance far beyond its facts or the litigants concerned.

If decided in favor of the government, the citizens of these United States lose the protection of an independent judicial review of the cause and reasonableness of secret recordation by federal law enforcement of thoughts and expressions which had been uttered in privacy. If it is decided in favor of the respondent, it may prejudice an important criminal prosecution. And more important, of course, in all future surveillances undertaken in internal security matters, it may add at least some dimension of risk of

exposure of federal investigatorial intentions.

The background of this case is the pending trial in the United States District Court for the Eastern District of Michigan in Detroit of three young men for conspiracy to destroy government property in Ann Arbor, Michigan, in violation of 18 U.S.C. § 371 (1964). One of them named Plamondon was also charged with destruction of government property in a value exceeding $100, in violation of 18 U.S.C. § 1361 (1964). The particular case before us is a petition for writ of mandamus filed originally in this court by the United States to compel the District Judge who is presiding at the Detroit trial to vacate an order directing the United States to "make full disclosure to defendant Plamondon of his monitored conversations."

STATEMENT OF FACTS

For purposes of this case, we accept the statement of facts from the petition filed by the United States:

"On December 7, 1969, defendants in the court below were indicted by a Federal Grand Jury for destruction of Government property in violation of 18 U.S.C. 1361. In the course of the pre-trial proceedings, defendants filed a motion for disclosure of certain electronic surveillance information. That motion was granted by respondent, and petitioner has been ordered by respondent to disclose the information sought. Respondent's Order is the subject of this petition.

"On October 5, 1970, defendants filed a 'Motion for Disclosure of Electronic or other Surveillance, For a Pretrial Hearing To Suppress Evidence and to Dismiss the Indictment.' . . .

"On December 18, 1970, petitioner filed, in response, an opposition to defendants' motion. By way of affidavit of the Attorney General of the United States, John N. Mitchell, which was attached to petitioner's opposition, petitioner acknowledged that one of the defendants, Lawrence Robert "Pun" Plamondon had participated in conversations which were overheard by government agents.[1] The logs of these surveillances were given to respondent in the form of a sealed exhibit for respondent's *in camera* inspection only and are available to this Court on those terms as well.

"Oral argument was had before respondent on January 16, 1971; on January 25, 1971, respondent, holding that the surveillance was illegal, granted defendants' motion and ordered petitioner to disclose the information sought. Respondent then granted petitioner a 48-hour stay which was, in turn, extended to and including February 9, 1971, to afford petitioner an opportunity to present this matter to this Court."

To this statement of facts the United States also attached the affidavit of Attorney General Mitchell—the full context of which follows:

"John N. Mitchell being duly sworn deposes and says:

"1. I am the Attorney General of the United States.

"2. This affidavit is submitted in connection with the Government's opposition to the disclosure to the defendant Plamondon of information concerning the overhearing of his conversations which occurred during the course of electronic surveillances which the Government contends were legal.

"3. The defendant Plamondon has participated in conversations which were overhead by Government agents who were monitoring wiretaps which were being employed to gather intelligence information deemed necessary to protect the nation from attempts of domestic organizations to attack and subvert the existing structure of the Government. The records of the Department of Justice reflect the installation of these wiretaps had been expressly approved by the Attorney General.

"4. Submitted with this affidavit is a sealed exhibit containing the records of the intercepted conversations, a description of the premises that were the subjects of the surveillances, and copies of the memoranda reflecting the Attorney General's express approval of the installation of the surveillances.

"5. I certify that it would prejudice the national interest to disclose the particular facts concerning these surveillances other than to the court *in camera*. Accordingly, the sealed exhibit referred to herein is being submitted solely for the court's *in camera* inspection and a copy of the sealed exhibit is not being furnished to the defendants. I would request the court, at the conclusion of its hearing on this matter, to place the sealed exhibit in a sealed envelope and return it to the Department of Justice where it will be retained under seal so that it may be submitted to any appellate court that may review this matter."

This court stayed the order of the District Court pending hearing and final disposition of the petition for writ of mandamus.

From the above-quoted statement of facts, it appears that the exact question this court must answer is:

Where the Attorney General determines that certain wiretaps are "necessary to protect the nation from attempts of domestic organizations to attack and subvert the existing structure of the government," does his authorization render such wiretaps lawful without judicial review?

THE MANDAMUS QUESTION

Preliminary to answering this question, there is a challenge to our jurisdiction. It is claimed that mandamus is not an appropriate form of action in which to review the question just posed in the context of the instant case. It is clear that the District Court order under attack is a pretrial order, interlocutory in nature, and hence, not appealable under 28 U.S.C. § 1291 (1964) which conveys appellate power to this court to review only "final" orders of the District Courts. *Cogen* v. *United States*, 278 U.S. 221 (1929). Nor is the order here under attack subject to appeal under 28 U.S.C. § 1292 (1964), which grants appellate power to this court in certain limited classes of interlocutory orders, nor under 18 U.S.C. § 3731 (Supp. V, 1965–69), which deals specifically with criminal appeals.[2]

It is, of course, the general rule that mandamus may not be substituted for appeal. *Roche* v. *Evaporated Milk Ass'n.*, 319 U.S. 21, 30–31 (1943); *Bankers Life & Casualty Co.* v. *Holland*, 346 U.S. 379, 382 (1953); *Black* v. *Boyd*, 248 F.2d 156, 159 (6th Cir. 1957); *Hoffa* v. *Gray*, 323 F.2d 178, 179 (6th Cir.), *cert. denied*, 375 U.S. 907 (1963); *University National Stockholder's Protective Comm., Inc.* v. *University National Life Ins. Co.*, 328 F.2d 425, 426 (6th Cir.), *cert. denied*, 377 U.S. 933 (1964).

Petitioner United States, however, points to the All Writs Statute (28 U.S.C. § 1651 (1964)) as source of this court's power to grant the writ prayed for and argues that this is an extraordinary case wherein the respondent has entered an illegal order which if allowed to stand, "would result in grave and irreparable harm to legitimate Governmental interests."

Concerning the use of mandamus in "exceptional cases," this court has said:

"It is settled that although sparingly used, the power to issue a writ of mandamus exists and will be exercised by the court when in its discretion the exceptional circumstances of the case require its use. Its use in such exceptional cases, however, does not mean that the All Writs Statute grants the appellate court a general power to supervise the administration of justice in the district court and to review any otherwise unappealable order." *Black* v. *Boyd*, 248 F.2d 156, 159–60 (6th Cir. 1957).

See also Ex parte United States, 287 U.S. 241 (1932); *LaBuy* v. *Howes Leather Co.*, 352 U.S. 249 (1957); *Will* v. *United States*, 389 U.S. 90, 95–98 (1967).

In this last case, Justice Black in a concurring opinion said:

"I agree that mandamus is an extraordinary remedy which should not be issued except in extraordinary circumstances. And I also realize that the granting of mandamus may bring about the review of a case as would an appeal. Yet this does not deprive a court of its power to issue the writ. Where there are extraordinary circumstances, mandamus may be used to review an interlocutory order which is by no means 'final' and thus appealable under federal statutes." *Will* v. *United States*, *supra* at 108.

From what has already been said, it is obvious that we agree that this is in all respects an extraordinary case. Great issues are at stake for all parties concerned. Further, the government asserts the illegality of the order, that it represents an abuse of the District Judge's discretion, and claims that it will have the effect of forcing the government to dismiss the prosecution of one defendant.

If this were not enough to occasion our deciding this case on the merits rather than on procedural grounds, it also clearly appears that the issue posed here is a basic issue which has never been decided at the appellate level by any court. It has been decided favorably to the government's position by two District Courts and adversely to the government by two others.[3] The Courts of Appeals have the power to review by mandamus "an issue of first impression," *Schlagenhauf* v. *Holder*, 379 U.S. 104, 110 (1964), involving a "basic and undecided problem." *Id.* at 110.

We hold that this court has jurisdiction to decide this petition.

THE FOURTH AMENDMENT

The District Judge in issuing the disclosure order relied upon the Fourth Amendment to the Constitution of the United States, which provides:

"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized." U.S. CONST. amend. IV.

In a series of cases, the United States Supreme Court has held that electronic surveillance and recordation by wiretap is a search and seizure governed by the Fourth Amendment. *Silverman* v. *United States*, 365 U.S. 505 (1961); *Katz* v. *United States*, 389 U.S. 347 (1967); *Alderman* v. *United States*, 394 U.S. 165 (1969); *Giordano* v. *United States*, 394 U.S. 310 (1969); *Taglianetti* v. *United States*, 394 U.S. 316 (1969).

The basic holding of these cases is set forth in the *Katz* case by Mr. Justice Stewart:

"The Government urges that, because its agents relied upon the decisions in *Olmstead* and *Goldman*, and because they did no more here than they might properly have done with prior judicial sanction, we should retroactively validate their conduct. That we cannot do. It is apparent that the agents in this case acted with restraint. Yet the inescapable fact is that this restraint was imposed by the agents themselves, not by a judicial officer. They were not required, before commencing the search, to present their estimate of probable cause for detached scrutiny by a neutral magistrate. They were not compelled, during the conduct of the search itself, to observe precise limits established in advance by a specific court order. Nor were they directed, after the search had been completed, to notify the authorizing magistrate in detail of all that had been seized.

See footnotes at end of article.

In the absence of such safeguards, this Court has never sustained a search upon the sole ground that officers reasonably expected to find evidence of a particular crime and voluntarily confined their activities to the least intrusive means consistent with that end. Searches conducted without warrants have been held unlawful 'notwithstanding facts unquestionably showing probable cause,' *Agnello* v. *United States*, 269 U.S. 20, 33, for the Constitution requires 'that the deliberate, impartial judgment of a judicial officer . . . be interposed between the citizen and the police . . .' *Wong Sun* v. *United States*, 371 U.S. 471, 481–482. 'Over and again this Court has emphasized that the mandate of the [Fourth] Amendment requires adherence to judicial processes,' *United States* v. *Jeffers*, 342 U.S. 48, 51, and that searches conducted outside the judicial process, without prior approval by judge or magistrate, are *per se* unreasonable under the Fourth Amendment [4]—subject only to a few specifically established and well-delineated exceptions.[5]

"It is difficult to imagine how any of those exceptions could ever apply to the sort of search and seizure involved in this case. Even electronic surveillance substantially contemporaneous with an individual's arrest could hardly be deemed an 'incident' of that arrest.[6] Nor could the use of electronic surveillance without prior authorization be justified on grounds of 'hot pursuit.' [7] And, of course, the very nature of electronic surveillance precludes its use pursuant to the suspect's consent." [8] *Katz* v. *United States*, 389 U.S. 347, 356–58 (1967). (Footnotes in quotation.)

These cases and the requirement of judicial review just quoted represent settled law which the government does not dispute as generally applicable. It is, as we have noted, however, the government's position that in "national security" cases the President of the United States, in his capacity as Chief Executive, has unique powers of the "sovereign" which serve to exempt him and his agents from the judicial review restrictions of the Fourth Amendment.

THE PRESIDENTIAL POWER

The sweep of the assertion of the Presidential power is both eloquent and breathtaking. In the memorandum of law filed with its petition, the government asserts:

"The President, in his dual role as Commander-in-Chief of the armed forces and Chief Executive, possesses another serious power and responsibility—that of safeguarding the security of the nation against those who would subvert the Government by unlawful means. *This power is the historical power of the sovereign to preserve itself.*" (Emphasis added.)

In a supplemental memorandum, the claim is somewhat broadened:

"The power at issue in this case is the inherent power of the President to safeguard the security of the nation."

We find in the government's brief no suggestion of limitations on such power, nor, indeed, any recognition that the sovereign power of this nation is by Constitution distributed among three coordinate branches of government.

While the government briefs do not identify them, there are important constitutional grants of power to the President of the United States. We find these express powers of the President of the United States set forth in the Constitution which are arguably relevant to this case:

"The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected, as follows . . ." U.S. CONST. art. II, § 1.

"The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment.

"He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the Supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments." U.S. CONST. art. II, § 2.

". . . he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States." U.S. CONST. art II. § 3.

No express grant of power to the President to make searches and seizures without regard to the Fourth Amendment may be found in these constitutional provisions. As we have noted, the government cites no constitutional language to support its position, but it does cite some case law.

Decision of six of the cases relied upon is based upon the war powers or foreign relations of the presidency—*Chicago & Southern Air Lines, Inc.* v. *Waterman Steamship Corp.*, 333 U.S. 103, 109 (1948); *United States* v. *Curtiss-Wright Corp.*, 299 U.S. 304, 319–20 (1936); *Cafeteria Workers* v. *McElroy*, 367 U.S. 886, 890 (1961); *Oetjen* v. *Central Leather Co.*, 246 U.S. 297 (1918); *United States* v. *Pink*, 315 U.S. 203 (1942); *Totten* v. *United States*, 92 U.S. 105 (1875). None of these cases are criminal cases. None of them involve the Fourth Amendment. None of them involved wiretapping. These cases we deem totally inapplicable to the instant case where the Attorney General has certified that we deal with a domestic security problem.

Generally concerning presidential power in domestic affairs the government cites two other civil cases. *In re Debs*, 158 U.S. 564 (1895); *Marbury* v. *Madison*, 1 Cranch (5 U.S.), 137 (1803).

The *Debs* case was a petition for writ of habeas corpus. It dealt with contempt of court sentences meted out by a federal court for violation of an injunction issued during the Pullman Car strike of 1894. The opinion upheld the jurisdiction of the court which issued the injunction and entered the contempt sentences.[9] The opinion does contain dictum which described broad powers on the part of "the national government" to employ force to "brush away" obstructions to interstate commerce and to the mails. The instant case has no relation to interstate commerce or the United States mails. And the *Debs* case can hardly be read as authority for ignoring judicial processes.

As to *Marbury* v. *Madison, supra*, the government's citation seems to us to be questionable from its point of view. The case does deal with presidential power vis-a-vis the Constitution. But it is also Chief Justice Marshall's ringing affirmation of the supremacy of the Constitution over all three branches of government and of the authority and obligation of the Supreme Court of the United States to make binding interpretations of that document. We shall quote from Justice Marshall's language in the last section of this opinion.

As for *in re Neagle*, 135 U.S. 1 (1890), we thank the government for calling to our attention this fascinating story of the problems of the judiciary in an earlier day. But the holding that the President has a right under Article II, § 3 to appoint a Deputy Marshal to protect the threatened life of a Supreme Court Justice is hardly precedent for this case.

The government also cites *Abel* v. *United States*, 362 U.S. 217 (1960). This case involved a prosecution for espionage against the most important foreign spy known to the American public in the Twentieth Century. He was an alien and, hence, subject to statutory regulations providing for administrative procedures for deportation for violations of the laws and regulations of the United States. He was arrested by warrant, which the opinion of the Court found to have been lawfully issued by a lawfully authorized magistrate, and the materials seized at the time of his arrest were held legally admissible as incident to that arrest. *Cf. Chimel* v. *California*, 395 U.S. 752 (1969). Although there were issues in this case which divided the Court 5–4, it cannot appropriately be cited as precedent for seizure without warrant of wiretap materials in domestic security problems.

Finally, the government relies upon the fact that there are certain established exceptions to the requirement of a prior judicial warrant for a search. *See Chambers* v. *Maroney*, 399 U.S. 342 (1970); *Terry* v. *Ohio*, 392 U.S. 1 (1968); *Warden* v. *Hayden*, 387 U.S. 294 (1967); *Schmerber* v. *California*, 384 U.S. 757 (1966). None of these cases, however, were wiretap cases. All involved emergency situations which were held to prevent obtaining or excuse absence of a prior warrant. And in all instances there was submission of evidence for subsequent judicial review.

The point at which the claim of broad inherent power of the presidency in domestic affairs actually came to decision is found in *Youngstown Sheet & Tube Co.* v. *Sawyer*, 343 U.S. 579 (1952). There President Truman's seizure of the steel mills to avoid a nationwide steel strike was defended as within his inherent power as Chief Executive charged with seeing that the laws are "faithfully executed." The Supreme Court squarely rejected the inherent power doctrine in an opinion by Mr. Justice Black, from which we quote the controlli g language:

"It is clear that if the President had authority to issue the order he did, it must be found in some provision of the Constitution. And it is not claimed that express constitutional language grants this power to the President. The contention is that presidential power should be implied from the aggregate of his powers under the Constitution. Particular reliance is placed on provisions in Article II which say that 'The executive power shall be vested in a President . . .'; that 'he shall take Care that the Laws be faithfully executed'; and that he 'shall be Commander in Chief of the Army and Navy of the United States.'

"The order cannot properly be sustained as an exercise of the President's military power as Commander in Chief of the Armed Forces. The Government attempts to do so by citing a number of cases upholding broad powers in military commanders engaged in day-to-day fighting in a theater of war. Such cases need not concern us here. Even though 'theater of war' be an expanding concept, we cannot with faithfulness to our constitutional system hold that the Commander in Chief of the Armed Forces has the ultimate power as such to take possession of private property in order to keep labor disputes from stopping production. This is a job for the Nation's lawmakers, not for its military authorities.

"Nor can the seizure order be sustained because of the several constitutional provi-

See footnotes at end of article.

sions that grant executive power to the President. In the framework of our Constitution, the President's power to see that the laws are faithfully executed refutes the idea that he is to be a lawmaker. The Constitution limits his functions in the lawmaking process to the recommending of laws he thinks wise and the vetoing of laws he thinks bad. And the Contitution is neither silent nor equivocal about who shall make laws which the President is to execute. The first section of the first article says that 'All legislative Powers herein granted shall be vested in a Congress of the United States. . . .' After granting many powers to the Congress, Article I goes on to provide that Congress may 'make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.'

"The President's order does not direct that congressional policy be executed in a manner prescribed by Congress—it directs that a presidential policy be executed in a manner prescribed by the President. The preamble of the order itself, like that of many statutes, sets out reasons why the President believes certain policies should be adopted, proclaims these policies as rules of conduct to be followed, and again, like a statute, authorizes a government official to promulgate additional rules and regulations consistent with the policy proclaimed and needed to carry that policy into execution. The power of Congress to adopt such public policies as those proclaimed by the order is beyond question. It can authorize the taking of private property for public use. It can make laws regulating the relationships between employers and employees, prescribing rules designed to settle labor disputes, and fixing wages and working conditions in certain fields of our economy. The Constitution does not subject this lawmaking power of Congress to presidential or military supervision or control.

"It is said that other Presidents without congressional authority have taken possession of private business enterprises in order to settle labor disputes. But even if this be true, Congress has not thereby lost its exclusive constitutional authority to make laws necessary and proper to carry out the powers vested by the Constitution 'in the Government of the United States, or any Department or Officer thereof.'

"The Founders of this Nation entrusted the lawmaking power to the Congress alone in both good and bad times. It would do no good to recall the historical events, the fears of power and the hopes for freedom that lay behind their choice. Such a review would but confirm our holding that this seizure order cannot stand." *Youngstown Sheet & Tube Co.* v. *Sawyer, supra* at 587–89.

The *Youngstown* case, of course, had nothing to do with wiretaps. But it is the authoritative case dealing with the inherent powers of the Presidency—a doctrine which is strongly relied upon by the government in this case.

THE WIRETAP ISSUE IN THE SUPREME COURT

Historically there have been four positions stated on the legality of wiretapping or the admissibility of evidence derived therefrom.

1. In its first encounter with the problem, the United States Supreme Court simply decided that since there was no trespass involved in the wiretap there concerned, it was therefore not a search and seizure and the Fourth Amendment did not apply to it. *Olmstead* v. *United States,* 277 U.S. 438 (1928); *Goldman* v. *United States,* 316 U.S. 129 (1942).

2. In *Olmstead* Justice Brandeis in dissent (joined by Justice Holmes, who called wiretapping a "dirty business") staked out a position which has many adherents today. This position is that wiretapping represented an unfair invasion of privacy which the government should not undertake under any circumstance.

3. The third position, one which the Supreme Court came to gradually,[10] is now the dominant one in our law and best expressed in *Katz* v. *United States,* 389 U.S. 347 (1967). The Supreme Court now clearly regards the protection of the Fourth Amendment to be one afforded to the right of privacy rather than to property. In *Katz* and its progeny (discussed and cited above) the Supreme Court specifically held that wiretapping which did not invade property rights was nonetheless governed by the restrictions of the Fourth Amendment.

4. The fourth position is the one just set forth in the preceding section of this opinion wherein the Attorney General and his representatives claim special powers for the presidency and for law enforcement officials acting with the authorization of the Attorney General to wiretap in "national security cases." The argument for this power is best exemplified by articles by former Attorney General Brownell and former Deputy Attorney General Rogers. Brownell, *The Public Security and Wire Tapping,* 39 CORNELL L.Q. 195 (1954); Rogers, *The Case for Wire Tapping,* 63 YALE L.J. 792 (1954). This position is also explicated in memoranda exchanged between three former Presidents of the United States and their Attorney General commanding or authorizing them to make greater or lesser use of this asserted Presidential power. *See* Appendix A.

It appears to us that this fourth position could (and perhaps should) be further subdivided as between foreign and domestic applications. (Note that the American Bar Association has recently adopted a similar position. ABA STANDARDS FOR ELECTRONIC SURVEILLANCE, 8 CRIM. L. REP. 3097 (Feb. 17, 1971); ABA DELEGATES APPROVE ELECTRONIC EAVESDROPPING STANDARDS, *Reports and Proposals,* 8 CRIM. L. REP. 2371 (Feb. 17, 1971)). But it is clear that in neither event has the specific power thus asserted ever been the subject of adjudication in the United States Supreme Court. In fact, in footnote 23 in the *Katz* case, Mr. Justice Stewart, writing for the Court, expressly reserved decision thereon:

"23. Whether safeguards other than prior authorization by a magistrate would satisfy the Fourth Amendment in a situation involving national security is a question not presented by this case." *Katz* v. *United States supra* at 358 n. 23.

Even more recently in a foreign intelligence wiretap context, the Supreme Court had this issue presented on application for writ of certiorari. It denied the writ as applied to this issue. *United States* v. *Clay,* 430 F.2d 165 (5th Cir. 1970), *cert granted,* limited to question 4, 39 U.S.L.W. 3297 (U.S. Jan. 11, 1971) (No. 783).

From what has been said, it is clear that as far as the Appellate Courts are concerned, we write upon a clean slate.

CONGRESSIONAL ACTION

The wiretap problem has also been the subject of great concern in the Legislative Branch of government. Early in the history of the wiretap controversy, and with little debate, Congress enacted § 605, which says in part:

"no person not being authorized by the sender shall intercept any communication and divulge or publish the existence, contents, substance, purport, effect, or meaning of such intercepted communication to any person; . . ." 47 U.S.C. § 605 (Supp. V, 1965–69).

Section 605 played some role in the development of the Supreme Court case law. But its language (forbidding interception *and* divulgence is describing the offense) failed to establish a decisive policy. Private wiretappers, many of them criminal, had every interest in not divulging. And successive Attorneys General took the statute as a license to wiretap so long as their agents did not divulge. See Brownell, *The Public Security and Wire Tapping,* 39 CORNELL L.Q. 195 (1954); Rogers, *The Case for Wire Tapping,* 63 YALE L.J. 792 (1954).

The Omnibus Crime Control & Safe Streets Act of 1968, 18 U.S.C. § 2510 et seq. (Supp. V, 1965–69), was, however, a very different matter. It followed the Supreme Court decision in *Katz* v. *United States, supra,* in point of time. In many respects it followed *Katz* in content.

For our purposes the important sections of the bill are those which set out search warrant application procedures, those which allow an emergency exception from those procedures for 48 hours, and those which indicate that Congress was not seeking to restrict whatever constitutional power the President possessed in this field.

"(1) The Attorney General, or any Assistant Attorney General specially designated by the Attorney General, may authorize an application to a Federal judge of competent jurisdiction for, and such judge may grant in conformity with section 2518 of this chapter an order authorizing or approving the interception of wire or oral communications by the Federal Bureau of Investigation, or a Federal agency having responsibility for the investigation of the offense as to which the application is made, when such interception may provide or has provided evidence of—

"(a) any offense punishable by death or by imprisonment for more than one year under sections 2274 through 2277 of title 42 of the United States Code (relating to the enforcement of the Atomic Energy Act of 1954), or under the following chapters of this title: chapter 37 (relating to espionage), chapter 105 (relating to sabotage), chapter 115 (relating to treason), or chapter 102 (relating to riots);

"(b) a violation of section 186 or section 501(c) of title 29, United States Code (dealing with restrictions on payments and loans to labor organizations), or any offense which involves murder, kidnapping, robbery, or extortion, and which is punishable under this title;

"(c) any offense which is punishable under the following sections of this title: section 201 (bribery of public officials and witnesses), section 224 (bribery in sporting contests), section 1084 (transmission of wagering information), section 1503 (influencing or injuring an officer, juror, or witness generally), section 1510 (obstruction of criminal investigations), section 1751 (Presidential assassinations, kidnapping, and assault), section 1951 (interference with commerce by threats or violence), section 1952 (interstate and foreign travel or transportation in aid of racketeering enterprises), section 1954 (offer, acceptance, or solicitation to influence operations of employee benefit plan), section 659 (theft from interstate shipment), section 664 (embezzlement from pension and welfare funds), or section 2314 and 2315 (interstate transportation of stolen property);

"(d) any offense involving counterfeiting punishable under section 471, 472, or 473 of this title;

"(e) any offense involving bankruptcy fraud or the manufacture, importation, receiving, concealment, buying, selling, or otherwise dealing in narcotic drugs, marihuana, or other dangerous drugs, punishable under any law of the United States;

"(f) any offense including extortionate credit transactions under sections 892, 893, or 894 of this title; or

"(g) any conspiracy to commit any of the foregoing offenses." 18 U.S.C. § 2516 (1) (a–g) (Supp. V. 1965–69).

See footnotes at end of article.

"(7) Notwithstanding any other provision of this chapter, any investigative or law enforcement officer, specially designated by the Attorney General or by the principal prosecuting attorney of any State or subdivision thereof acting pursuant to a statute of that State, who reasonably determines that—

"(a) an emergency situation exists with respect to conspiratorial activities threatening the national security interest or to conspiratorial activities characteristic of organized crime that requires a wire or oral communication to be intercepted before an order authorizing such interception can with due diligence be obtained, and

"(b) there are grounds upon which an order could be entered under this chapter to authorize such interception,

may intercept such wire or oral communication if an application for an order approving the interception is made in accordance with this section within forty-eight hours after the interception has occurred, or begins to occur. In the absence of an order, such interception shall immediately terminate when the communication sought is obtained or when the application for the order is denied, whichever is earlier. In the event such application for approval is denied, or in any other case where the interception is terminated without an order having been issued, the contents of any wire or oral communication intercepted shall be treated as having been obtained in violation of this chapter, and an inventory shall be served as provided for in subsection (d) of this section on the person named in the application." 18 U.S.C. § 2518(7) (Supp. V, 1965–69).

"(3) Nothing contained in this chapter or in section 605 of the Communications Act of 1934 (48 Stat. 1143; 47 U.S.C. 605) shall limit the constitutional power of the President to take such measures as he deems necessary to protect the Nation against actual or potential attack or other hostile acts of a foreign power, to obtain foreign intelligence information deemed essential to the security of the United States, or to protect national security information against foreign intelligence activities. Nor shall anything contained in this chapter be deemed to limit the constitutional power of the President to take such measures as he deems necessary to protect the United States against the overthrow of the Government by force or other unlawful means, or against any other clear and present danger to the structure or existence of the Government. The contents of any wire or oral communication intercepted by authority of the President in the exercise of the foregoing powers may be received in evidence in any trial hearing, or other proceeding only where such interception was reasonable, and shall not be otherwise used or disclosed except as is necessary to implement that power." 18 U.S.C. § 2511(3) (Supp. V, 1965–69).

Without now passing specifically upon any of the more controversial aspects of this legislation, we view the wiretap provisions of the Omnibus Crime Bill as a general recognition by Congress that the Fourth Amendment does mandate judicial review of proposed searches and seizures of oral communications by wire. In addition, in § 2518(7)(a) Congress provided a statutory remedy for the exact sort of "national Security" problem which is presented by this case. It is obvious, however, that the Attorney General chose not to employ it.

While the government appears to rely heavily upon 18 U.S.C. § 2511(3), the language chosen by Congress, "Nor shall anything contained in this chapter be deemed to limit the constitutional power of the President . . ." is not the language used for a grant of power. On the contrary, it was in our opinion clearly designed to place Congress in a completely neutral position in the very controversy with which this case is concerned.

HOLDING

During more difficult times for the Republic than these, Benjamin Franklin said:

"They that can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety." [11]

It is the historic role of the Judiciary to see that in periods of crisis, when the challenge to constitutional freedoms is the greatest, the Constitution of the United States remains the supreme law of our land. No one proclaimed this message with more force than did one of the first and one of the greatest Chief Justices of the United States. In *Marbury* v. *Madison*, 1 Cranch (5 U.S.) 137 (1803), Chief Justice Marshall spoke on constitutional supremacy:

"That the people have an original right to establish, for their future government, such principles as, in their opinion, shall most conduce to their own happiness, is the basis on which the whole American fabric has been erected. The exercise of this original right is a very great exertion; nor can it nor ought it to be frequently repeated. The principles, therefore, so established are deemed fundamental. And as the authority, from which they proceed, is supreme, and can seldom act, they are designed to be permanent.

"This original and supreme will organizes the government, and assigns to different departments their respective powers. It may either stop here; or establish certain limits not to be transcended by those departments.

* * * * *

"Certainly all those who have framed written constitutions contemplate them as forming the fundamental and paramount law of the nation, and consequently the theory of every such government must be, that an act of the legislature repugnant to the constitution is void.

"This theory is essentially attached to a written constitution, and is consequently to be considered by this court as one of the fundamental principles of our society." *Marbury* v. *Madison, supra* at 68–69.

In the same opinion Chief Justice Marshall outlined the function of the courts in interpreting the Constitution:

"It is emphatically the province and duty of the judicial department to say what the law is. Those who apply the rule to particular cases, must of necessity expound and interpret that rule. If two laws conflict with each other, the courts must decide on the operation of each.

"So if a law be in opposition to the constitution: if both the law and the constitution apply to a particular case, so that the court must either decide that case conformably to the law, disregarding the constitution; or conformably to the constitution disregarding the law: the court must determine which of these conflicting rules governs the case. This is of the very essence of judicial duty.

"If then the courts are to regard the constitution; and the constitution is superior to any ordinary act of the legislature; the constitution, and not such ordinary act, must govern the case to which they both apply.

"Those then who controvert the principle that the constitution is to be considered, in court as a paramount law, are reduced to the necessity of maintaining that courts must close their eyes on the constitution, and see only the law.

"This doctrine would subvert the very foundation of all written constitutions." *Marbury* v. *Madison, supra* at 70.

The government has not pointed to, and we do not find, one written phrase in the Constitution, in the statutory law, or in the case law of the United States, which exempts the President, the Attorney General, or federal law enforcement from the restrictions of the Fourth Amendment in the case at hand. It is clear to us that Congress in the Omnibus Crime Control & Safe Streets Act of 1968, 18 U.S.C. § 2510 et seq. (Supp. V, 1965–69), refrained from attempting to convey to the President any power which he did not already possess.

Essentially, the government rests its case upon the inherent powers of the President as Chief of State to defend the existence of the State. We have already shown that this very claim was rejected by the Supreme Court in *Youngstown Sheet & Tube Co.* v. *Sawyer*, 343 U.S. 579 (1952), and we shall not repeat its holding here.

An additional difficulty with the inherent power argument in the context of this case is that the Fourth Amendment was adopted in the immediate aftermath of abusive searches and seizures directed against American colonists under the sovereign and inherent powers of King George III. The United States Constitution was adopted to provide a check upon "sovereign" power. The creation of three coordinate branches of government by that Constitution was designed to require sharing in the administration of that awesome power.

It is strange, indeed, that in this case the traditional power of sovereigns like King George III should be invoked on behalf of an American President to defeat one of the fundamental freedoms for which the founders of this country overthrew King George's reign.

The argument for unrestricted employment of Presidential power to wiretap is basically an argument *in terrorem*. It suggests that constitutional government is too weak to survive in a difficult world and urges worried judges and worried citizens to return to acceptance of the security of "sovereign" power. We are earnestly urged to believe that the awesome power sought for the Attorney General will always be used with discretion.

Obviously, even in very recent days, as we shall see, this has not always been the case. And the history of English-speaking peoples (to say nothing of others) is replete with answers. *See e.g., Entick* v. *Carrington*, 19 How. St. Tr. 1029 (1765). In *Marcus* v. *Search Warrant*, 367 U.S. 717 (1961), the opinion for the United States Supreme Court summarized the long history of the English striving for freedom of expression and press and noted:

"Historically the struggle for freedom of speech and press in England was bound up with the issue of the scope of the search and seizure power." *Marcus* v. *Search Warrant, supra* at 724.

The Court also pointed out that as early as the 1760's Lord Camden had denounced a "' discretionary power given to messengers to search wherever their suspicions may chance to fall. If such a power is truly invested in a secretary of state, and he can delegate this power, it certainly may affect the person and property of every man in this kingdom, and is totally subversive of the liberty of the subject.' Id., 1167 [*Wilkes* v. *Wood*, 19 How. St. Tr. 1153]." *Marcus* v. *Search Warrant, supra* at 729.

The Court's opinion concluded:

"This history was, of course, part of the intellectual matrix within which our own constitutional fabric was shaped. The Bill of Rights was fashioned against the background of knowledge that unrestricted power of search and seizure could also be an instrument for stifling liberty of expression. For the serious hazard of suppression of innocent expression inhered in the discretion confided in the officers authorized to exercise the power." Id. at 729.

That which has distinguished the United States of America in the history of the world has been its constitutional protection of individual liberty. It is this which has created the wonderful diversity of this great country and its many and varied opportunities. It is this which has created Justice Holmes' free market-place of ideas from which have come our most signal advances in scientific and technological achievement and in social progress. Beyond doubt the First Amendment is

See footnotes at end of article.

the cornerstone of American freedom. The Fourth Amendment stands as guardian of the First.

Of course, it should be noted that the Fourth Amendment's judicial review requirements do not prohibit the President from defending the existence of the state. Nor does the Fourth Amendment require that law enforcement officials be deprived of electronic surveillance. What the Fourth Amendment does is to establish the method they must follow.

If, as the government asserts, following that method poses security problems (because an indiscrete or corruptible judge or court employee might betray the proposed investigation), then surely the answer is to take steps to refine the method and eliminate the problems. No one could be in better position to help the courts accomplish this goal than the Attorney General.

If there be a need for increased security in the presentation of certain applications for search warrants in the federal court, these are administrative problems amenable to solution through the Chief Justice of the United States and the United States Judicial Conference and its affiliated judicial organizations. The inclination of the judiciary to meet the practical problems of enforcement in this area is evidenced in the specific holding of this court and the United States Supreme Court in *United States* v. *Osborn*, 350 F.2d 497 (6th Cir. 1965), *aff'd*, 385 U.S. 323 (1966), and in the dictum in *Katz* v. *United States*, 389 U.S. 347 (1967), upon which the search warrant terms of the Omnibus Crime Control & Safe Streets Act § 2516 were largely based. Congress clearly conceived situations so delicate that, for example, the Attorney General might seek his warrant for a search from the Chief Judge of the appropriate United States Court of Appeals. 18 U.S.C. § 2510 (Supp. V, 1965–69). So do we. But what we cannot conceive is that in the midst of the turmoil of the persent day, the courts of the United States should suspend an important principle of the Constitution. The very nature of our government requires us to defend our nation with the tools which a free society has created and proclaimed and which, indeed, are justification for its existence.

We hold that in dealing with the threat of domestic subversion, the Executive Branch of our government, including the Attorney General and the law enforcement agents of the United States, is subject to the limitations of the Fourth Amendment to the Constitution when undertaking searches and seizures for oral communications by wire.

We seek to be equally explicit about what we do not decide in this case:

(1) We do not decide what the President of the United States can or cannot lawfully do under his constitutional powers as Commander-in-Chief of the Army and Navy to defend this country from attack, espionage or sabotage by forces or agents of a foreign power. As we have noted, the certificate filed by the Attorney General in this case makes no reference to and claims no reliance upon any such authority.

(2) We do not decide whether or not there were facts available to the Attorney General in this case which might have constituted probable cause for issuance of a prior warrant for the wiretaps under 18 U.S.C. § 2516 (Supp. V, 1965–69), or a subsequent warrant (within 48 hours) as provided for by 18 U.S.C. § 2518(7) (Supp. V, 1965–69). This record indicates plainly that no such applications were made. Indeed, this record is devoid of any showing that any presentation of information under oath was ever made before, or any probable cause findings were ever entered by any administrative official—let alone any judge.

In our view, the *Clay* case (*United States* v. *Clay*, 430 F. 2d 165 (5th Cir. 1970), *cert. granted*, limited to question 4, 39 U.S.L.W. 3297 (U.S. Jan. 11, 1971) (No. 783)) cannot appropriately be read as authority for warrantless wiretaps in domestic security cases. In that case the government did not contest the illegality of four separate domestic wiretaps made under the same inherent powers relied on in this case. The transcripts of defendant Clay's intercepted conversations were turned over to him by the Department of Justice. In one such instance the illegal wiretap was upon the telephone of the Rev. Martin Luther King, Jr. One wonders, if the inherent powers of the Presidency were broad enough to authorize the wiretaps in the first instance, how these wiretaps became concededly unconstitutional in court.

As to the "fifth" wiretap disclosed in the *Clay* case, the Attorney General's certificate said that it was "for the purpose of gathering foreign intelligence information." The Fifth Circuit did squarely hold that such foreign intelligence surveillance without judicial warrant was not a constitutional violation. This was the second issue on which certiorari was sought from the Supreme Court, but, as we have noted, the Supreme Court refused certiorari on this issue while granting certiorari on another unrelated matter.

In the case before us, however, the Attorney General's certificate makes clear that the wiretaps involved were thought to be warranted by domestic security problems. We have noted the special constitutional powers of the Presidency in foreign affairs which the Fifth Circuit thought justified his "gathering foreign intelligence information" without judicial warrant. Without passing on that issue, we reiterate that we have found no such specific constitutional authority to disregard the Fourth Amendment in domestic security cases like this one.

The last issue argued (this one by the government) concerns the order of disclosure of the overheard conversations. In effect the government contends that even though the District Judge found the interceptions to have been illegal, he should have determined *in camera* that they were not relevant to this case, and hence, not subject to disclosure. This very issue has been recently decided by the United States Supreme Court in *Alderman* v. *United States*, 394 U.S. 165 (1969). In this case the opinion of the Court said:

"An apparently innocent phrase, a chance remark, a reference to what appears to be a neutral person or event, the identity of a caller or the individual on the other end of a telephone, or even the manner of speaking or using words may have special significance to one who knows the more intimate facts of an accused's life. And yet that information may be wholly colorless and devoid of meaning to one less well acquainted with all relevant circumstances. Unavoidably, this is a matter of judgment, but in our view the task is too complex, and the margin for error too great, to rely wholly on the *in camera* judgment of the trial court to identify those records which might have contributed to the Government's case.

"[I]f the hearings are to be more than a formality and petitioners not left entirely to reliance on government testimony, there should be turned over to them the records of those overheard conversations which the Government was not entitled to use in building its case against them." *Alderman* v. *United States*, *supra* at 182–83 (Footnotes omitted.)

In a subsequent but closely related case, the Supreme Court applied *Alderman* as giving the District Court *in camera* the right and duty to screen government files for the illegally intercepted conversations of a defendant and held unanimously:

"Here the defendant was entitled to see a transcript of his own conversations and nothing else. He had no right to rummage in government files." *Taglianetti* v. *United States*, 394 U.S. 316, 317 (1968).

Thus the Supreme Court held that all illegally intercepted conversations of a defendant must be made available to him, but that the District Judge may *in camera* ascertain which transcripts are covered by this ruling. Of course, in this case we have no problem concerning standing. The government concedes that Plamondon's own voice was intercepted and recorded and the District Judge and this court have held the interception to have been illegal.

We cannot agree with the dissent that Justice Stewart's concurring opinion in *United States* v. *Giordano*, 394 U.S. 310, 313–15 (1969), in any way weakened the disclosure requirement of *Alderman*. The full text of Justice Stewart's opinion makes it clear that the "preliminary determination" with which he was concerned was whether or not "any of the surveillance *did* violate the Fourth Amendment." This determination Justice Stewart held could be made by *in camera* inspection—as has been done in this case both by the District Judge and this court.

We believe that the Supreme Court has held that a defendant whose personal conversations have been illegally recorded is entitled to transcripts of the illegally recorded material without regard to whether a judge on inspection *in camera* might or might not be able to find relevancy. Nonetheless, we have considered remand of this case to the District Judge for an expression on the relevancy issue so as to have a complete appellate record. On inspection of the sealed exhibit in this case, however, we cannot (and we do not believe the District Judge could) ascertain with any certainty whether or not the government had derived prosecutorial benefits from this illegal search to which benefits defendant would have the right to object at trial under the doctrine of "the fruit of the poisonous tree." *Nardone* v. *United States*, 308 U.S. 338, 341 (1939); *Wong Sun* v. *United States*, 371 U.S. 471 (1963).

The dissent in this case makes this comment upon the sealed exhibit:

"The sealed exhibit, which contained only a few pages, was examined more than once by the members of this panel. The monitored conversations took place *subsequent* to the bombing and *after* the conspiracy alleged in the indictment had terminated. They did not relate in any way either to the conspiracy or to the substantive offense charged in the indictment, and would not be relevant or admissible at the trial; nor did they lead to any relevant and admissible evidence."

If this paragraph be read as carefully as it has been written, we have no reason to disagree. With all respect, however, we think two other facts need to be added before conclusions are drawn. First, the illegal interceptions occurred well before the indictments in this case, were returned, and thus they could have been employed in the investigation which led to the indictments. Second, we have no way of knowing whether or not the government's investigation was materially aided by associations or leads developed from these conversations, regardless of whether or not the statement providing the lead appears on its face to be "admissible at the trial."

These considerations, of course, primarily affect this trial. Far more important, however, is the fact that disclosure may well prove to be the only effective protection against illegal wiretapping available to defend the Fourth Amendment rights of the American public.

For these reasons, we hold that the District Judge properly found that the conversations of defendant Plamondon were illegally intercepted, and we cannot hold that his disclosure order (as interpreted below) is an abuse of judicial discretion.

In perhaps an excess of caution, we note that we read the District Judge's disclosure order as limited solely to the transcripts and dates of defendant Plamondon's illegally intercepted telephone conversations. *See Taglianetti* v. *United States, supra.*[12]

The petition for writ of mandamus is denied.

FOOTNOTES

"[1] It is important to note at this point that although he was overheard, defendant Plamondon was not the object of the surveillance. This distinction apparently went unnoticed by respondent for he stated in his decision ordering disclosure that the Attorney General 'had authorized and deemed necessary the wire tapping of certain of defendant Plamondon's conversations.' . . .

"The sealed exhibit submitted to the court below will quickly demonstrate that defendant Plamondon was not the object of the surveillance, and petitioner respectfully refers this Court's attention to that exhibit and the additional sealed exhibit being made available to the Court for the grounds and objectives of the Attorney General's authorization." (Footnote in quotation.)

[2] The amendment to 18 U.S.C. § 3731, approved January 2, 1971, is by its terms inapplicable to this case. Pub. L. No. 91–644, § 14 (Jan. 2, 1971).

[3] *United States* v. *Dellinger, et al.*, Criminal No. 69–180 (U.S.D.C. N.D. Ill. E.D.) decided February 20, 1970; *United States* v. *O'Neal*, Criminal No. KC–CR. 1204 (U.S.D.C.D. Kansas) decided September 1, 1970; *United States* v. *Smith*, Criminal No. 4277 (U.S.D.C. C.D. California) decided January 6, 1971; and the instant case, respectively.

"[4] See, *e. g., Jones* v. *United States*, 357 U.S. 493, 497–499; *Rios* v. *United States*, 364 U.S. 253, 261; *Chapman* v. *United States*, 365 U.S. 610, 613–615; *Stoner* v. *California*, 376 U.S. 483, 486–487.

"[5] See, *e. g., Carroll* v. *United States*, 267 U.S. 132, 153, 156; *McDonald* v. *United States*, 335 U.S. 451, 454–456; *Brinegar* v. *United States*, 338 U.S. 160, 174–177; *Cooper* v. *California*, 386 U.S. 58; *Warden* v. *Hayden*, 387 U.S. 294, 298–300.

"[6] In *Agnello* v. *United States*, 269 U.S. 20, 30, the Court stated:
'The right without a search warrant contemporaneously to search persons lawfully arrested while committing crime and to search the place where the arrest is made in order to find and seize things connected with the crime as its fruits or as the means by which it was committed, as well as weapons and other things to effect an escape from custody, is not to be doubted.' Whatever one's view of 'the long-standing practice of searching for other proofs of guilt within the control of the accused found upon arrest,' *United States* v. *Rabinowitz*, 339 U.S. 56, 61; cf. *id.*, at 71–79 (dissenting opinion of Mr. Justice Frankfurter), the concept of an 'incidential' search cannot readily be extended to include surreptitious surveillance of an individual either immediately before, or immediately after, his arrest.

"[7] Although '[t]he Fourth Amendment does not require police officers to delay in the course of an investigation if to do so would gravely endanger their lives or the lives of others,' *Warden* v. *Hayden*, 387 U.S. 294, 298–299, there seems little likelihood that electronic surveillance would be a realistic possibility in a situation so fraught with urgency.

"[8] A search to which an individual consents meets Fourth Amendment requirements, *Zap* v. *United States*, 328 U.S. 624, but of course 'the usefulness of electronic surveillance depends on lack of notice to the suspect.' *Lopez* v. *United States*, 373 U.S. 427, 463 (dissenting opinion of Mr. JUSTICE BRENNAN)."

[9] But see Norris-LaGuardia [Anti-Injunction] Act, 29 U.S.C. §§ 101–15 (1964).

[10] *Silverman* v. *United States*, 365 U.S. 505 (1961); *Mapp* v. *Ohio*, 367 U.S. 643 (1961); *Wong Sun* v. *United States*, 371 U.S. 471 (1963); *Osborn* v. *United States*, 385 U.S. 323 (1966); *Warden* v. *Hayden*, 387 U.S. 294 (1967); *Berger* v. *New York*, 388 U.S. 41 (1967); *Katz* v. *United States*, 389 U.S. 347 (1967).

[11] *Historical Review of Pennsylvania* cited in J. BARTLETT, BARTLETT'S FAMILIAR QUOTATIONS 227 (C. Morley & L. Everett ed. 1951).

[12] In the unlikely event that this interpretation of the District Judge's order proves erroneous, the government may seek relief from any broader order by filing a motion under Rule 40, FED. R. APP. P.

THE MILITARY SELECTIVE SERVICE ACT

The PRESIDING OFFICER (Mr. BYRD of Virginia). The time for the transaction of routine morning business having expired, the Chair lays before the Senate the unfinished business, which the clerk will state.

The legislative clerk read as follows:

A 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.

The PRESIDING OFFICER. The pending question is on agreeing to amendment No. 127, offered by the Senator from Oregon (Mr. HATFIELD), on which there will be a time limitation of 1 hour of debate, to be equally divided between the Senator from Oregon (Mr. HATFIELD) and the Senator from Mississippi (Mr. STENNIS). The yeas and nays have been ordered.

Who yields time?

Mr. STENNIS. Mr. President, I have agreed to yield 10 minutes to the Senator from Alaska.

Mr. HATFIELD. Mr. President, I have agreed to yield 10 minutes to the Senator from Alaska.

The PRESIDING OFFICER. The Senator from Alaska is recognized for 20 minutes.

Mr. GRAVEL. I thank my colleagues.

Mr. President, the cloture motion has been filed, just a few minutes ago.

Mr. President, many other men, in many other times, have stood in this Chamber to make seemingly simple statements about seemingly complex matters.

There is always the inclination to associate at these times, the simple with the simplistic, or the simply stated with the simple minded.

When life is at stake, freedom challenged, and conscience shaken, must not the simple, the plain, the ordinary voice of decency become our mood? Must not commonsense become the manner, the very mode of our debate?

I think it must—I hope it will.

We are debating—and some of us pledge to debate as long as need be—the disposition of human lives.

Let those who will, or those who must, say that we are debaing the privileges of power, or the responsibilities of great men and not so great men.

Let those who will, or those who must, say that we are debating diplomacies or that we are debating tactics and strategies—that we are at play on the old, great chessboard of statesmanship.

Let those who will, or those who must, pile their arguments high and weight them with all the pomp and all the power of every grand political argument ever offered in this Chamber.

The truth is that we are talking about nothing less than life; life itself and the means of life.

This is not a debate about the privileges of the state and its leaders. This debate is about the rights of the individual.

We talk of the rights and responsibilities of the state in many areas. We daily support the state as it moves into the everyday lives of all of our people. And we hope daily that this movement helps and not hurts the individual.

The power of the state to draft is the power to destroy human life. To draft is also, as we have learned all too bitterly, the power for a President to wage war—to wage an undeclared war—an accidental war.

The power to declare war was so fatal that the founders of this country hoped to reserve it to the people themselves by making acts of war depend upon acts of consent by the individual representatives of the people.

How far we have traveled as a sovereign state. A state acting more and more like a sovereign every day—the despotic sovereignty from which our forebears fled to this new and hopeful land.

What manner of circumstance has brought us full circle in history to cause our youth to now flee this land today?

Given a ready pool of manpower, a pool filled and refilled by the power of peacetime conscription, the state has been able to make and is making war in Indochina, without the people's consent or even their enthusiasm; indeed against their will.

Given a ready pool of lives, a pool seemingly inexhaustible and so far virtually unquestioned, the United States Government has moved its armed might throughout the world without the consent of, or even consultation with the Congress, much less the American people.

This Government uses its power to strike suddenly, here and there, implementing policies if known and understood by the American people would convulse their moral sensibilities.

At home, we have seen a generation of lives poured willy-nilly into that pool of military demand. While older men have talked peace, young men have been pressed to practice war or to practice for war.

What circumstances of history has caused this Nation to mutilate the minds and bodies of its young—to brutalize the moral perceptions of its people?

Can there be justification?

Only a justification that will haunt us all. That will nag at our souls. A terrible justification facing us like a forgotten sin.

The justification for the draft in peacetime finds its source in the unfounded ideological fear that we will lose the freedom and greatness that our ancestors were blessed to find.

The manipulation of this unfortunate fear has permitted the state to develop violent plans and actions that have no other way of gaining support.

Those plans and actions shrouded in secrecy, mired in mistakes and misunderstandings, have been unable to come forward into the light of a free society for approval.

No. Those plans have had to rely upon the sheer force of the draft to haul off to service young Americans whom we the leadership have not dared to face with responsible argument.

What sort of Government policy must take its support at gun point? What sort of freedom is it that must protect itself by denying freedom and threatening imprisonment? What sort of justice is it that must be served by the admission of numerous injustices?

Some answer these questions with the cry of "national security." Others with the reasoned rhetoric of the need for sufficiency for a proper defense posture against the plans of world domination by an obvious conspiracy of the monolithic system of world communism.

Why is it that the leadership of this proud land cannot take its case for defense to the people directly and openly? Is that not the ideological point upon which we differentiate ourselves from those we choose to call enemies?

Where is there virtue, freedom, justice, or for that matter security in a system that rests its defense upon force, upon sheer brute force, upon the involuntary servitude toward whose abolition this land was supposed to be a beacon?

A nation in peacetime employing the draft is the practitioner of involuntary servitude.

What can we, the older, who have power, tell to the young, whose life we spend, that he is fitted to serve, perhaps to die, but that he is incapable of understanding our purposes and thus untrustworthy in freedom, fit only to be herded off by shepherds far wiser?

A cloture petition has been filed today. A group of Senators have said debate has continued long enough. They are ready to decide whether the law that forces young men to fight old men's wars should be renewed.

"We have had enough time to debate the issue," they say.

But we have not had enough time, because the majority of the Senate is, at this moment, unwilling to let this bad law die.

We have not had enough time for the overwhelming majority of the American people to convince their elected representatives that they want the war to end; that they want American fighting men out of Vietnam.

Will there be a sufficient number of Senators willing to say that they have fully and adequately debated, reflected, and reviewed a law which will require possibly hundreds of thousands of young Americans to give up their freedom and risk death for a cause most Americans have rejected?

Will there be a sufficient number of Senators prepared to say, after a few weeks' debate, for most of which time this Chamber was virtually empty, that they have fully discussed the continuation of a war which is tearing our Nation apart—tearing us apart emotionally, politically, economically, and morally?

We have spent sufficient time on these issues only if the votes are to be determined by pressures and influences that go beyond the merits of the issues themselves.

No man's political position can compare to the actual life of another man. In the balance of justice, is there a Senator who will step forward and say that his office is worth a human life?

Is there a man here who will step forward and name the life so lightly valued that it should be traded away for political advantage or for political dogma?

Is there some man in this chamber who, defending the draft, will pick a boy from his own home town and offer him to be risked because of the demands of party regularity or of political planning, or of political imagery, or of political pressure?

We hear that the draft will end—some day.

We are asked to be patient until that day comes.

Can we ask the young who are drafted to be patient? Can we ask the lives uprooted to calmly resettle? Can we ask that the lives lost be forgotten?

How can we define or defend such patience?

If I knew as surely as the rising of the sun that the draft would end next week, I would fight today as hard as I could to end it this moment.

I would not want upon my conscience the life of the last young man forced to serve and to die because we could not or would not move just a little faster.

What is the comfort of our pace compared to the lives and freedom of those young men?

What of the young men who would voluntarily serve? Are not those lives as precious? Of course they are.

So long as I am privileged to stand upon this floor, I shall fight so that the risks our young men take will be worthy of the voluntary support of free men.

Risks that will do honor to their service.

Risks that will be in the defense of freedom and never, never, never in the defense of questionable causes, corrupt regimes, back-door diplomacy, or matters secret and far removed from the defense of freedom.

Of course the lives of the young who volunteer are precious. That is the point. That is the crux of this argument.

Lives are too precious—all lives—to waste in ways which do not have sufficient purpose and clarity as to rally men to their service. No purpose or clarity is demanded when the state can simply pluck young men at random in peacetime to prosecute mischievous policy abroad.

If a nation of 200 million people in peacetime cannot produce a sufficient percentage of young men with patriotic resolve to volunteer for its defense, then—maybe just then—that government prosecuting that defense policy at home and abroad does not have the support of its people.

The check offered by this direct ascension of the people in the most important matter of defense has been denied this Republic for more than two decades.

The loss of this check in our system of checks and balances, has permitted the Executive to wage an undeclared war in a foreign land, thereby usurping the legislative power to declare and wage war.

The abrogation of this check assented to in evolutionary degrees by all elements of our system of representative government is the root cause of this once proud Nation being mired down in the muck of Indochina.

In the name of defense and under a policy of containment this state conscripted its young to become the scourge of Asians who unfortunately, have sufficient quarrels of their own.

Let the defense of this Nation rest upon the consent of the governed and not upon the whims of its leaders, and we shall never again see that defense dishonored.

In truth how can a people espousing a system of representative government ever gage its defense except by the willingness of the people defending it to defend it?

Our Nation met that test in 1776.

What sort of freedom are we supposed to have 200 years later that cannot or will not risk a similar test?

How else do we honor those who have died than by assuring that no one else ever will die in the vain service of a cause which they themselves neither formed nor fully understood.

Keep the draft and we keep the very shield behind which so many, so long have been able to dodge the responsibilities of peace.

Extend the draft and we delay the day of reckoning and responsibility. But only delay it.

Revise the draft and we simply juggle ultimate responsibility to hide from it.

Only rarely do we have such a clear-cut issue to discuss and decide in this Chamber or anywhere else in our political life.

Surely we have all suffered sufficiently the political realities, the career consistences, the intellectual stupidities and the legislative comities—while people die at the gracious whim of our decision.

We have dodged and ducked enough. We have heard honorable men tell us that the draft is wrong. We have heard hope for its end. We have heard promises for its end. We have heard dates for its end. We have heard time and time again why it must end.

Now we must hear that it will end.

There is, I know, one man more than any other who tells us either directly or indirectly that it cannot end here and now. He is the President.

Many a Member who knows that the draft is wrong must defer to the President's right to say that it is necessary.

Many a conscience that knows the draft is wrong must suffer it just a bit more because the President says, in effect, that the convenience of the Commander in Chief must come a step ahead of conscience.

There are many here who have dared much and who have risked much to defend the right of debate in this Chamber in the face of the most strenuous Presidential opposition. Will they defend it now?

On what more solid ground have men

ever stood in this Senate than the ground upon which we now debate to defend the lives of Americans, the freedom of Americans, and the need of America's Government to move more responsibly in the world.

That is the ground pulled out from under this debate by this cloture petition.

Let there be no mistake as to what is at hand in this filibuster—in this desire for extended debate.

Thomas Jefferson spoke of the rights and responsibilities of majorities and minorities in his manual, the touchstone, of this Nation's legislative procedure since its inception. On the first page of Jefferson's manual.

The majority can defend itself with its numbers. The minority has only the rules—tools of representative government.

Ours is the rule of law and not the rule of men. Laws are made by majorities. A minority has the right under our system and truly the moral obligation to defend itself against the errors of majorities.

This can be done with time—time for knowledge and wisdom and resolve to permeate this land so that the people may more forcefully press their desires on the wayward leadership of this country.

This filibuster is not undertaken to thwart the will of the American people but to reaffirm it. The people are against the draft and against the war.

There have been previous filibusters but certainly none with greater issue.

Life and freedom are at issue. War and peace are at issue here.

The power to conscript is the power to deny our youth their freedom.

The power to conscript is the power to make war. This power should remain with the Congress.

The United States of America is a nation that took root in the division of power between equal branches of Government.

Let the draft end and lift this cursed system of forced conscription which daily washes away the foundation of our Republic.

Let the draft end and once more the lives of our young men will be our most precious coin and not some commodity in surplus to be spent recklessly under the cover of conscription.

Let the draft end and simply ask the Commander in Chief to speak of America's cause in terms that free men will not reject.

Let the draft end and you do not comfort enemies, you simply serve notice upon the entire world that, henceforth, American is prepared to trust in freedom explicitly.

Who of us who loves freedom can really suggest that trust in freedom is the weakling's way in this world?

We speak of peace. Most Americans live their lives hoping and praying for peace. The draft speaks of war.

We speak of peace with strength. The draft speaks of war and it shrieks to the world of a weakness so great that men must be forced to serve rather than be free to choose.

All we are asked to do here is to let one law die—for us all.

If we continue debate, some men will not be forced to go to war.

If we continue debate, more men will be spared the loss of their freedom.

If we continue debate the people can work their will on the Congress.

If we continue debate the President will no longer have a blank check from Congress on which to fill out the manpower requirements for any policy he chooses.

If we continue debate the President will be restrained from continuing indefinitely our involvement in Vietnam.

I ask every Senator to join me in voting against cloture.

I ask every Senator to join me in continuing debate for as long as a need for debate continues.

PRIVILEGE OF THE FLOOR

Mr. BYRD of West Virginia. Mr. President, if the Senator from Oregon will yield to me briefly, I ask unanimous consent, in view of the fact that the able Senator from Oregon (Mr. HATFIELD) has three amendments coming along back to back, that he be allowed to have Mr. Frank Cook, a member of his staff on the floor during the rollcall votes on the three amendments.

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

AMENDMENT NO. 127

Mr. HATFIELD. Mr. President, as I call up my amendment No. 127, I would like to make it clear that there are three essential parts to it.

The Secretary of Defense shall provide for and report back to Congress within 3 months after enactment of the act. First, a salary schedule of pay on an annual basis, as this amendment visualizes the situation, would clearly set forth an annual pay base for military personnel combining what is present basic pay along with present allowances for quarters and subsistence; second, it would provide for cash contributions to a retirement system—similar to the civil service retirement system—for military personnel. Within the new structures, the Secretary would take into account the amount lost by switching from payment in kind, as in the case of quarters and subsistence, as well as any losses in taxes.

Let me emphasize that these are areas in which the report of the First Quadrennial Review of Military Compensation, commonly referred to as the Hubbell report, of November 1, 1967, and the Gates Commission were in close agreement.

"Military pay today," to quote the Gates Commission, "is a conglomerate of current and future pay and benefits that are difficult to enumerate and even more difficult to measure and evaluate."

This is because military pay lacks visibility, is inequitable, is inefficient as a source of attractng men to the armed services, and is a constant source of controversy.

Those are the reasons for introducing the amendment today. A great deal of military pay is in kind. This has particularly little value to the new recruit; nor is it of value to a first-term serviceman who is trying to decide whether or not to reenlist.

Neither the Defense Department study report nor the Gates Commission found noncash pay very attractive in helping to attract or retain new personnel. This was because they found such compensation is not very visible.

While in the civilian economy, in-kind payment might have tax advantages, this is not the case in the military because the Government is both the payer of cash compensation and the recipient of whatever is collected in taxes.

There are some special situations which warrant pay in kind—for instance, at remote bases where housing and other services are not easily available.

The essential question is not whether housing, dental care, education, or increases in basic pay are desirable. The essential question in the amendment is which is the most effective form of compensation.

Cash payment has an inherent advantage because it allows each individual to choose how he or she wants to spend what has been earned. When he is paid in kind, however, or in noncash form, the value of what he receives is often less to him than to the Government.

Consequently, both the Hubbell report and the Gates Commission recommended combining quarters, subsistence, and basic pay into a salary structure. Military retirement benefits are budgeted out of current funds each year.

Consequently, servicemen have never acquired vested retirement rights except those which, after one having served 19½ years, is long enough to be eligible for retirement.

Therefore, this system has very negative effects. The retirement system is of little value to anyone who does not wish to make a career of the Armed Forces. A man who has 10 or more years of service stands to lose too much by retiring. So he is virtually forced by his economic circumstances to remain in the military until retirement age. Also, a man could retire at age 37 after 20 years of service—in effect, retiring early from the military and joining the civilian economy—and receive both military retirement and civilian compensation.

Consequently, the Gates Commission recommended what the Hubbell group advocated 2 years previously—increasing military pay sufficiently to enable military personnel to pay 6½ of their salaries annually to their retirement account without any loss in net income; the introduction of partial vesting after 5 years of service; reduction in the retirement income available in the years prior to the normal retirement age; and insuring that there would be no loss to those who entered the service under the old system.

The pending amendment does not specify the exact parameters of the salary or retirement systems. Rather, it gives the Secretary flexibility in determining what he, in concert with his advisers, both civilian and military, deem best for both a new salary and retirement system. Nor would it cost the taxpayer more money. To the contrary, the taxpayer would probably save money in the long run due to increased effectiveness of the dollars being expended.

Again, this issue is not one of a volunteer military or a draft. It is a question of equity and efficiency in the pay-

ment of our military personnel and in providing them with a fair and equitable retirement system.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 10 minutes.

Mr. STENNIS. Mr. President, the personnel matter as a whole is a very complicated matter under any circumstances in our military system. The personnel pay and allowances is one of the most difficult and complicated problems within the personnel problem.

Mr. President, this is not a new subject. This plan was recommended as early as 1947 by the Hook Commission—the plan to put the military on a salary basis.

I was appointed chairman of the subcommittee that handled the military pay increase bill in 1958. The plan was urged in the House and Senate at that time and was rejected. The 1958 subcommittee in the Senate had a basic survey made by the University of Michigan. After 2 years of study, they recommended against this contributory retirement by the military and said that it would not save any money.

Mr. President, we had this Hubbell study in 1967. It included a great deal of the pending amendment and successive amendments to be offered today. It never did get by the White House.

Mr. President, many Presidents—not just the few named by me—have been attracted to this new system of pay on a salary basis for the military. It looks good on paper. However, when they got into it and found how involved it was, how complicated it was, how much adjustment it was necessary to make, and a number of other things about it, they never recommended it.

No President in modern times has recommended it. The Hook Commission under President Truman, perhaps, got along better with this than did any of the rest of them. However, President Truman never did recommend it.

So, Mr. President, I seldom ever mention here on any amendment what the House might do or what their attitude might be. That is none of our business.

I think, though at this stage of the debate when we have had all of these amendments already, that as a practical matter we might as well say that the House will not even begin to consider looking at this change in the salary system, which is a matter that arose from an amendment on the Senate floor.

Mr. President, we might as well be frank about it. I say to the Senate we are wasting time as far as expecting this matter to become law. Even if we do agree to a change in the entire system of military compensation, it is not going to happen without some kind of support from the President and some kind of support from the House Armed Services Committee based on hearings. And I do not think it will be done without some kind of consideration and recommendation from the Senate Committee on Armed Services.

With great deference I say, as a fact of life, in my opinion, the House will not even begin to consider this amendment, much less adopt any substantial part.

Already we have put into the bill that is pending now $2.8 billion in extra pay—$2.8 billion in extra pay. Of that amount $1 billion was recommended by the Bureau of the Budget and by the President, and was in the budget, so to speak, for 1972. Incidentally, that budget was $11 billion out of balance when it was submitted in January 1970, and some estimates now are that it will be $22 billion out of balance a week from Wednesday when the fiscal year ends.

In any event, in addition to that they put in $1.8 billion extra the other day and the 1973 budget already has an estimate, and that was not recommended by the Bureau of the Budget. As I said, $22 billion is estimated already for each of the two budgets.

That is a whale of a background for an amendment from the floor proposing a shift in the entire system. As I said, it will require $1 billion additional if we are going to shift over to the other system.

In following that up, it will be found that the quarters allowance made now is nontaxable, but if they are to be placed on a salary basis and the military person required to pay taxes on it, there would have to be an increase in salary sufficient to pay the amount that will be withheld. So even though $1 billion of that would come back there would have to be an increase in the appropriation of $1 billion to start it off.

Here is another factor. If we are going to have this retirement system for the military, and I rather like the general idea, and I used to advocate it to a degree, we have to pay our part of that contribution, and the Government would start off $115 billion in the hole, or, in other words, the Government would start off with $115 billion worth of accrued liability.

If we are going to be strictly honest about it, we would have to appropriate $115 billion as the Government's contribution as a starting point. Of course, that is impossible to do in 1 year, but if it were to be done in 5 years, which is certainly a reasonable time, there would have to be $24 billion a year, which is unthinkable.

If this military system is going to be placed on a basis comparable to civil service retirement I am told it would cost about 23 percent—not the 14 percent but about 23 percent—which would mean a contribution of about 11.5 percent that the military man would have to put up. If it is ever realized it would be only after a very fine study by competent people and then there would be the big job of trying to get it into legislative form.

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

Mr. STENNIS. Mr. President, I yield myself 3 additional minutes.

Therefore, Mr. President, I say if we want to jump off into the unknown and get a system that never has been made to work, a system that does not have the recommendation of a President and does not have the recommendation of the President now, then agree to this amendment and get this 90-day study and whatever comes in 90 days would be a 90-day wonder; it would not be anything except a monstrosity. I would judge it would take 1 to 2 years at the very least before anything could be worked out and we would not be able to get anything that military personnel would back without a cost of many billions of dollars. I think already we have taken a rather sizable bite in salary increases and that we had better let well enough alone.

Mr. President, in summary, as I have already indicated this amendment would direct the establishment of a system providing for cash contributions to a retirement system similar to that we now have for Federal civil servants. This matter is appealing on its face and frankly the concept of a person contributing toward the cost of his own retirement has had some appeal to me over the years, but I have learned that this is not a simple matter. Presumably the concept would be that there would be a fully funded system under which the individual military person and the Government would make contributions in order to provide a fund to pay up the later cost of retirement.

In view of the enormous cost of the military retirement system there is grave doubt as to whether it is realistic to expect Congress to establish a fully funded contributory system.

Mr. President, on June 30, 1971, the estimated unpaid or accrued liability of the military retirement system will be $115.3 billion. Let me explain what this means.

This is the amount of money which the Congress would have to appropriate immediately and place in a fund earning 3½-percent interest in order to pay out at some future date the military retirement cost liabilities which have been built up as of June 30.

The amount of money which will actually be paid out, Mr. President, by the Government will be at least double the $115 billion. The 3½-percent interest, however, would earn the extra amount during the period before pay out.

In other words, for a retirement fund to have any meaning $115 billion must be appropriated in order that the fund may start even and I must say here, Mr. President, that the fund would not stay sound very long because even the $115 billion does not take into account any future pay raises for the active force or cost-of-living increases for the retired group.

The next point, Mr. President, is that the required contributions would be quite high. It has been estimated that for a military contributory system the required total contribution would be about 23 percent of basic pay. This would mean about 11½ percent of a person's basic pay if the individual were to contribute half. This compares to roughly 14 percent of the so-called normal cost for the Civil Service System.

I point this out, Mr. President, in order to show the enormous complexity of dealing with this problem.

Mr. President, I hope the Senate overwhelmingly rejects the amendment.

Mr. HATFIELD. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. HATFIELD. Mr. President, with all due respect I think we have the interesting example again of arguments being used against this amendment which I consider totally fallacious, and without any foundation for the simple reason that we would not be jumping off into the unkown.

The Senator from Mississippi himself indicated this matter goes back to 1947. As far as the argument that it is a complicated system, we now have a complicated system. The Hubbell report, which I referred to earlier, called for modernizing military pay. I wish Senators would bother to read that report.

This proposal would streamline and modernize the pay system, which is so terribly complicated. All the amendment would do would be to ask for a study to determine its total application as it would exist in the military.

Again, Mr. President, we are shutting off information; we do not want information; we want to be in the dark. Somehow, we are happy to be in the dark. Either we do not want information or if it is asked for it must be given to someone other than Members of Congress. As in the case of the New York Times and the Washington Post in the Federal courts in both New York and Washington we have a good example today of Congress failing to demand information.

This amendment is not of that import but it is another example of Congress saying, "Do not confuse us with the facts; do not give us information; we do not want to know." It is ridiculous to put ourselves in this posture.

We had a study in 1958, as well, and a study by the Hubbell Commission, and a study by the Gates Commission.

Interestingly, the Senator from Mississippi uses the argument that the presidents have not recommended this. What about article I, section 8 of the Constitution? One of the great problems we have in the relationship between the executive and the legislative branches of Government is that the legislative has created a void by lack of leadership and the executive over the years, particularly since the New Deal, has filled that void. Instead of the legislative branch initiating legislation, as it should, it has waited for the President to recommend legislation, and if the President does not think about it, we do not want to disturb our process.

I do not consider that because the President has not recommended something I have to wait for that great and glorious day when a President decides when he wants something. I think I have a responsibility as a Senator to initiate legislation.

I have heard other arguments in connection with the present bill. The arguments go like this: "Those fine admirals and generals have recommended this; after all, they know best; those fine people in the Pentagon recommended and, therefore, we should accept it." This report comes from the Pentagon and from those fine generals and fine admirals.

Admiral Hubbell was the chairman of this particular study. So, on the one hand, we use arguments against a proposal because the fine admirals and generals and leaders in the Pentagon recommend against it, and here today, when we have a proposal here that has the support of those gentlemen, we are told that we cannot take the recommendations of the generals and admirals; the President and the executive recommend against it. I do not accept those arguments against this amendment.

I would like to know where these figures are coming from. These studies do not show any figures like $1 billion or $115 billion. I would like to see those figures. These reports do not show it.

This is not jumping off into the unknown. We have good data and good statistics, unemotional and clearly stated postures for this proposal. Therefore, I reject the argument that this is unknown or is a monstrosity. I suppose I am a little sensitive because I was one of the "90-day wonders" in World War II. I think some good things came out of that. They participated in action in World War II in all theaters of the war.

So, based on the information that has already been acquired, this proposal is more than just a monstrosity. Here again we are seeing scare tactics used rather than arguments on the merits of the amendment. I hope the Senate will adopt the amendment.

Mr. STENNIS. Mr. President, I yield myself 5 minutes.

In this retirement area now, I want to point out that the President has directed an interagency committee, chaired by the Assistant Secretary of Defense Roger T. Kelley, along with Veterans' Administrator Johnson, Civil Service Chairman Hampton, and Assistant Director James Schlesinger of the Office of Management and Budget, to look into the present military retirement system.

Enactment of this amendment would tend to confuse the efforts that are being made and will be made by that committee.

You can say all you want to about this retirement system, but I have never heard of one that was quite as liberal and quite as fine as the one the military has right now. I think a great many of them do not want to make the change unless along with that change will come a great number of things that will increase their emoluments. Generally speaking, that was true of the Hubbell report. There were several Hubbell reports, but it was certainly not limited to the retirement system.

I have referred already to the $2 billion that this new system would require in Government payments. We would increase the Department of Defense budget cost by an additional $2 billion, on top of the $2.8 billion which we have already authorized, making a total of $4.8 billion; but it is doubtful that the serviceman would really gain anything from this additional $2 billion.

Mr. President, I rest my argument upon the fact that this matter is so involved and so complicated and so far-reaching. The military cannot agree on it among themselves unless we have a great number of additions. The President does not make recommendations, and this is a matter in which we have a right to look to the Executive for a system involving billions of dollars and millions of people, with the backlog of liability already accrued of $115 billion.

Mr. President, I ask unanimous consent that a table showing unpaid or accrued liability of the military retirement system be printed at this point in the RECORD.

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

Unpaid or accrued liability, military retirement system

[In billions]

June 30, 1949	$12.6
June 30, 1953	21.9
June 30, 1958	34.3
June 30, 1963	48.2
June 30, 1964	56.1
June 30, 1965	59.4
June 30, 1966	66.6
June 30, 1967	70.4
June 30, 1968	77.2
June 30, 1969	85.2
June 30, 1970	103.4
June 30, 1971 (est.)	115.3

Mr. STENNIS. I do not believe there is any sound reason at all why we should jump here just because something was said about it in the Gates Commission report, which is the most recent matter on the subject; that we just cut loose and call for a study and report within 90 days. We would get back a conglomeration of matters in 90 days that we would not be able to do anything about constructively, in my opinion, but there would be much pressure to pass it, especially if there were a number of additional benefits provided.

Mr. President, I yield the floor. Of course, when the Senator from Oregon finishes, I shall be willing to yield back the remainder of the time.

Mr. HATFIELD. Mr. President, may I inquire how much time remains?

The PRESIDING OFFICER. The Senator from Oregon has 5 minutes. The Senator from Mississippi has 3 minutes.

Mr. HATFIELD. Mr. President, I yield myself 1 minute.

I just want to emphasize again that this proposal does not carry with it one single penny of appropriation. It does not commit the Senate to any kind of system whatsoever. This amendment, purely and simply, asks, and only asks, that the Pentagon give us information and data on which to make a judgment upon this subject, which I am sure cannot escape the Armed Services Committee of the Senate, because I am sure that as that committee gives its leadership to the various problems facing the military, it is going to have to address this problem among others.

I hope Congress will see fit to ask for the information which this amendment requires. It does not carry with it any commitment to one penny of money. It carries with it only a requirement for information. I hope the Senate is not closed to the possibility of receiving information upon a subject on which it will have to make a decision some time in the future.

Mr. President, I am ready to yield back the rest of my time.

Mr. STENNIS. Mr. President, I yield myself 3 minutes.

This amendment requires the enactment of a salary system and a contributory retirement system which would replace the pay and allowances system that is currently used by the Armed Forces. It also requires the Secretary of Defense to submit to the Congress the new structure no later than 90 days after enactment.

I urge the defeat of this amendment for reasons which I will now explain.

Enactment of this amendment and installation of a salary system in the armed services would be a sweeping change to the pay structure that is currently in effect. The problems have been a subject of study within the Department of Defense and the administration for many years. As early as 1947, the Hook Commission suggested the possibility that this kind of system be used. The most recent group recommending a salary system has been the so-called Hubbell Study which resulted from the first quadrennial review of military compensation in 1967.

In spite of this long period of study and careful consideration, the administration has yet to recommend this change as a concrete proposal to the Congress. There are many reasons for this, because in spite of the ostensible attractiveness of the salary concept, it is a system that is extremely expensive to move to at this time, and would be of no greater economic benefit to the serviceman. It is simply a change in the structure of pay and the system we use to pay our people, and although it seems to simplify a complex system, the facts of the matter are that it does not.

Let me explain further. To change from one system to another system there are certain conversions costs. These conversion costs would require an increase in the defense budget of some $2 billion and yet would not contribute to any serviceman's improved economic situation.

The basic reason for these high conversion costs would be to insure, as the amendment calls for, that no one loses take-home pay. About a billion dollars is required to fund the so-called tax advantage alone, which results from the fact that quarters and subsistence allowances are tax free. In other words, under the current system a serviceman is given a certain amount of money to cover his quarters and subsistence costs. This money is in the form of an allowance and is thereby tax free and constitutes 100 percent take-home pay. Now if we were to convert to a salary system, we would have to increase the amount of money we are currently paying this serviceman to insure that he still has the same amount of take-home pay that he had before the conversion. This is even further complicated when you realize that a serviceman in one particular pay grade and longevity step drawing a certain allowance will have a different tax advantage than another serviceman in the same status because of the number of his dependents. This one small example gives you some indication of the difficulty and added budget expense of making this conversion. And remember, we would be doing this with no economic improvement to the individual member.

About another billion dollars would be required to increase the member's pay so that he can make a contribution to the retirement system and still not lose take-home pay. Again, there is no economic improvement for the individual serviceman. Now in this retirement area I would add that the President has directed an interagency committee, chaired by the Assistant Secretary of Defense—Manpower and Reserve Affairs—Roger T. Kelley along with Veterans' Administrator Johnson, Civil Service Chairman Hampton, and Assistant Director James Schlesinger of the Office of Management and Budget, to thoroughly look into the present military retirement system. Enactment of this amendment would tend to confuse the efforts that are being made and will be made by that committee.

The tax advantage and retirement contribution are not the only elements that must be considered in making a transition to a salary system. All elements of military compensation including commissaries and exchanges, medical care, as well as the variety of special pays and bonuses for specific jobs and skills must also be considered. For example, the first quadrennial review recommended that the commissaries and exchanges be required to go on a self-supporting basis if the armed services change to a salary system.

Under the present system there are several hundreds of thousands of servicemen who receive many items in-kind and not in cash. For example, all of those living in a barracks do not pay for their room but receive this as an in-kind compensation. Those eating in mess halls also receive this subsistence without having to pay for it directly. To convert to a salary system will require an elaborate system of charges and accounting, together with an unknown number of additional administrative personnel, to determine what the appropriate charge for a barracks bunk or a private room or whatever should be, charge the service member for it, and collect the money. The same would be true for all food services where we would be setting up completely new systems to charge and account for meals furnished to servicemen.

As a result of all this in addition to the $2 billion added budget cost, for which the serviceman receives no improvement economically, we would be requiring additional millions of dollars to be spent in accounting systems and additional personnel to run these accounting systems. These are only some of the technical problems involved, but let's get back to the basic issue.

If we enact this amendment we would increase the DOD budget cost by an additional $2 billion on top of the $2.8 billion which we have already authorized, making a total of $4.8 billion but the serviceman would gain literally nothing. We could perhaps say that we have changed the military pay and allowances system to a salary system so that our servicemen would be paid in the same manner as civilians, but I think the average serviceman would shrug his shoulders and say "so what?" We will not be giving him any more money to spend for his personal needs and the needs of his family.

The Senate has provided a very real economic improvement in military compensation. We have passed a pay package that amounts to approximately $2.8 billion and that package is $1.8 billion higher than the administration requested. As you know, I was opposed to increasing this amount at this time and would have preferred the phased approach of the President's program; but I accept the will of the Senate. However, I think it would be the height of folly to add another $2 billion this already substantial increase with no economic improvement whatsoever.

If Members of the Senate are interested in reviewing a program which would convert the pay and allowances system to a salary system—this can be accomplished without the passage of this amendment. But to pass this amendment and expect the Secretary of Defense to develop a satisfactory program within 90 days is not realistic. As I have explained, conversion to a salary system is a complex, difficult, and expensive procedure. The Senate should have the opportunity to thoroughly review any proposal which is submitted and should not set a deadline that would be difficult, if not impossible, to meet.

Mr. President, I yield back the rest of my time.

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

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Oregon. All time on the amendment has been yielded back. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from North Dakota (Mr. BURDICK), the Senator from Louisiana (Mr. ELLENDER), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington, (Mr. JACKSON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr. LONG), the Senator from Rhode Island (Mr. PASTORE), the Senator from Rhode Island (Mr. PELL), the Senator from Alabama (Mr. SPARKMAN), the Senator from Illinois (Mr. STEVENSON), the Senator from New Jersey (Mr. WILLIAMS), are necessarily absent.

I further announce that the Senator from California (Mr. TUNNEY), is absent on official business.

I further announce that, if present and voting, the Senator from Indiana (Mr. BAYH), the Senator from Illinois (Mr. STEVENSON), the Senator from Rhode Island (Mr. PASTORE), the Senator from Oklahoma (Mr. HARRIS), the Senator from California (Mr. TUNNEY) would each vote "yea".

On this vote, the Senator from Minnesota (Mr. HUMPHREY) is paired with the

Senator from Washington (Mr. JACKSON). If present and voting, the Senator from Minnesota would vote "yea" and the Senator from Washington would vote "nay."

Mr. COTTON. I announce that the Senator from New York (Mr. BUCKLEY) is absent on official business.

The Senator from Tennessee (Mr. BAKER), the Senator from Oklahoma (Mr. BELLMON), the Senator from Arizona (Mr. GOLDWATER), the Senator from Michigan (Mr. GRIFFIN), the Senators from Ohio (Mr. TAFT and Mr. SAXBE), the Senator from Alaska (Mr. STEVENS), the Senator from South Carolina (Mr. THURMOND) and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

The Senator from Massachusetts (Mr. BROOKE) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Pennsylvania (Mr. SCOTT) is absent by leave of the Senate on official business.

The Senator from Idaho (Mr. JORDAN), the Senator from Vermont (Mr. PROUTY) and the Senator from Maine (Mrs. SMITH) are detained on official business.

If present and voting, the Senator from Arizona (Mr. GOLDWATER), the Senator from South Dakota (Mr. MUNDT), the Senator from Pennsylvania (Mr. SCOTT), the Senator from Maine (Mrs. SMITH), and the Senator from Ohio (Mr. TAFT) would each vote "nay."

On this vote, the Senator from Massachusetts (Mr. BROOKE) is paired with the Senator from South Carolina (Mr. THURMOND). If present and voting, the Senator from Massachusetts would vote "yea" and the Senator from South Carolina would vote "nay".

The result was announced—yeas 25, nays 43, as follows:

[No. 106 Leg.]

YEAS—25

Case	Mansfield	Packwood
Church	Mathias	Pearson
Cook	McGee	Percy
Cranston	McGovern	Proxmire
Fulbright	Metcalf	Ribicoff
Gravel	Mondale	Schweiker
Hart	Montoya	Symington
Hatfield	Muskie	
Hughes	Nelson	

NAYS—43

Aiken	Cotton	Jordan, N.C.
Allen	Curtis	Magnuson
Allott	Dole	McClellan
Anderson	Dominick	McIntyre
Beall	Eagleton	Miller
Bennett	Eastland	Moss
Bentsen	Ervin	Randolph
Bible	Fannin	Roth
Boggs	Fong	Spong
Brock	Gambrell	Stennis
Byrd, Va.	Gurney	Talmadge
Byrd, W. Va.	Hansen	Tower
Cannon	Hollings	Young
Chiles	Hruska	
Cooper	Javits	

NOT VOTING—32

Baker	Humphrey	Scott
Bayh	Inouye	Smith
Bellmon	Jackson	Sparkman
Brooke	Jordan, Idaho	Stevens
Buckley	Kennedy	Stevenson
Burdick	Long	Taft
Ellender	Mundt	Thurmond
Goldwater	Pastore	Tunney
Griffin	Pell	Weicker
Harris	Prouty	Williams
Hartke	Saxbe	

So Mr. HATFIELD's amendment (No. 127) was rejected.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. CASE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had passed the bill (H.R. 7736) to amend the Public Health Service Act to extend for 1 year the student loan and scholarship provisions of titles VII and VIII of such act, in which it requested the concurrence of the Senate.

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.

AMENDMENT NO. 130

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate Amendment No. 130, which will be stated.

The legislative clerk read as follows:

On page 40, between lines 5 and 6, insert the following:

"SEC. 206. Section 310(a) of title 37, United States Code, is amended by striking out '$65' and inserting in lieu thereof '$200.'

"SEC. 207. (a) Chapter 5 of title 37, United States Code, is amended by adding after section 310 a new section as follows:

"'§310a. Special pay: duty in a combat zone

"'(a) Except in time of war declared by Congress, and under regulations prescribed by the Secretary of Defense, a member of the uniformed services may be paid at the rate of $65 a month for any month in which he was entitled to basic pay and was serving in a combat zone.

"'(b) A member may not be paid special pay under this section for any month for which he receives special pay under section 310 of this title, but may be paid special pay under this section in addition to any other pay and allowances to which he may be entitled.

"'(c) The provisions of section 310(c) of this title relating to determination of fact under that section shall apply in the case of the determination of fact under this section.

"'(d) The Secretary of Defense shall report to the Congress by March 1 of each year on the administration of this section during the preceding calendar year.

"'(e) As used in this section the term "combat zone" means any area which the President by Executive order designates as an area in which Armed Forces of the United States are engaged in combat.'"

(b) The table of sections at the beginning of chapter 5 of such title is amended by inserting immediately below

"310. Special pay: duty subject to hostile fire."

the following:

"310a. Special pay: duty in a combate zone."

On page 40 line 6, strike out "SEC. 206" and insert in lieu thereof "SEC. 208".

The PRESIDING OFFICER. Who yields time?

Mr. HATFIELD. Mr. President, I send to the desk some perfecting amendments to my Amendment No. 130, and ask that it be modified to be a substitute.

The legislative clerk read the modification as follows:

On page 1 of such amendment, strike out line 1 and insert in lieu thereof the following:

"On page 38, beginning with line 6, strike out all down through line 6 on page 39, and insert in lieu thereof the following:".

On page 1, line 2, strike out "Sec. 206" and insert in lieu thereof "Sec. 203".

On page 1, line 5, strike out "Sec. 207" and insert in lieu thereof "Sec. 204".

On page 2, strike out lines 22 and 23, and insert in lieu thereof the following:

"On page 39, line 7, strike out 'Sec. 204' and insert in lieu thereof 'Sec. 205'.

"On page 39, lines 19, strike out 'Sec. 205' and insert in lieu thereof 'Sec. 206'.

"On page 40, line 6, strike out 'Sec. 206' and insert in lieu thereof 'Sec. 207'.

On page 40, beginning with the comma after the word "enactment" strike out all down through line 10, and insert in lieu thereof a period."

The PRESIDING OFFICER (Mr. HUGHES). Is there objection to the modification of the Senator from Oregon? Hearing none, the amendment is so modified.

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

The yeas and nays were ordered.

Mr. HATFIELD. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Oregon is recognized for 10 minutes.

Mr. HATFIELD. Mr. President, this amendment seeks to increase hostile fire pay to $200—from its present $65, and

To substitute this for the $6,000 combat enlistment bonus recommended by the Senate Armed Services Committee.

Presently, everyone in a combat zone receives $65 per month in addition to his normal pay.

However, not everyone in a combat zone, in fact very few, are constantly exposed to hostile fire.

A man should be adequately paid for the risks that he takes.

And while you cannot put a price on a human life, an effort should be made to compensate a man for the risks he is taking.

The Gates Commission recommended this increase not as an added incentive to enlist in combat specialties, because shortages in these areas was not deemed a problem by the Defense Department while the report was being formulated.

This recommendation is based on equity alone, by trying to compensate a man for exposing himself to the threat of physical harm and death.

The Senate Armed Services Committee recommended a $6,000 combat enlistment bonus.

This, however, would not accomplish the end which I seek to remedy.

And it is also not needed in light of the 300-percent combat enlistment increases in the past 2 months which was announced by the Army.

This increase, I might add, was the result of internal policy changed within the Defense Department, not increases in pay or other financial enticements.

Why should we give a man an addi-

tional $6,000 to enlist in a combat unit to go serve in Europe when there is not a threat at all?

With a maximum shortfall of approximately 24,000 combat enlistments for fiscal year 1972 without any pay increases, let alone the reduction of combat personnel in Vietnam or possible cutbacks in NATO or other areas, the $6,000 combat enlistment bonus is not needed.

But $200 per month additional pay for a man risking his life and limb in combat is reasonable from the standpoint of equity alone—if anything it is too small a price.

Using the $200 hostile fire pay instead of the $6,000 combat enlistment bonus would bring potentially great savings; if the enlistment bonuses were used to bring in the needed combat troops anticipated for the upcoming fiscal year, the expenditure could be at least $144 million.

If the hostile fire pay were instituted, the expenditure would be significantly less—unless we were to become involved in hostilities in some part of the world or an escalation were to occur in Vietnam—the additional cost for the first 3 months of the fiscal year would be $43.5 million.

According to statements from the Defense Department and the Administration the United States' combat role in Southeast Asia will be virtaully nonexistent after this summer.

Therefore, we can expect little if any money being paid for hostile fire pay contemplated in this amendment.

The savings, consequently, which would emanate from substituting the $200 hostile fire pay for the $6,000 combat enlistment bonus, would be over $100 million for fiscal year 1972.

Mr. President, during the past few days, in various amendments which have been proposed where they have not carried with them requests for any money but only for a study or a proposal to be presented by the military, we have had arguments made that such proposals would cost billions of dollars.

I would like to emphasize to the chairman of the committee today that this amendment could potentially save $100 million, at the same time that we would provide equity for young men in hostile areas under hostile fire with an increase in pay from $65 to $200 a month.

Let me also emphasize that a man who wants to reenlist and go to Europe and render service in Germany or elsewhere can get the $6,000 but he could not get the $200 we are requesting in this amendment for hostile fire pay because he would not be in such an area or circumstance.

My proposal would save money and would be more equitable by providing this kind of pay to a young man under hostile fire. I think that is the least we can do for the men who risk their lives under such circumstances.

Mr. STENNIS. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 10 minutes.

Mr. STENNIS. Mr. President, this is a rather delicate matter. It is not a simple one. We already have a sound basis, one that has been tried and works. To the contrary, the proposed system was tried during the Korean War and did not work.

In Vietnam at the present time, whether our men carry a rifle or not, it is assumed that they are in a combat zone. That is literally true because one never knows where an attack or hostilities will break out. A man can be sitting in his tent, or in his barracks, having an after dinner chat with a friend, and rockets will come zooming in and 12 men will be killed. That has been going on for years. So, in order to meet this matter as a practical proposition, all of South Vietnam was declared to be a combat zone, and every soldier over there is receiving the additional $65 per month in pay. That is present law. Where men have been sent beyond South Vietnam, that, of course, applies with equal force to them.

In addition, those serving there have their Federal income taxes not deferred but waived during that period of service. I have all the figures showing how that works and how we are providing these monetary incentives to our military personnel whom we require to serve in Vietnam.

For example, a private would receive $5,066 in regular military compensation if he were stationed in Vietnam, compared to the same private who would receive $3,803 if stationed in the continental United States.

I think these figures are figures under present law and of course we have already increased that amount in this bill when it becomes law.

But back to present law, a sergeant in Vietnam would receive $8,806 in regular military compensation as compared to the sergeant in the continental United States who would receive $6,915.

This is caused by the current payment of hostile fire pay and the special tax exemption he receives while serving in Vietnam. We had this special plan enacted during the Korean war. As I say, it is similar to the one used in the Korean war. At that time the law provided that personnel receive combat pay based on the amount of exposure to the enemy, which is precisely what this amendment proposes.

We can just see offhand what problems that provision created and will create again, too. This program in Korea, after only 7 months, was deemed a total failure. The reason it was a failure is because it was almost totally impossible to administer.

The degree of exposure to combat is difficult to determine. The Vietnam war is a perfect example, as I have already indicated, of this fact. Areas which under previous type combat operations would commonly be considered safe, in many cases are as dangerous as a military fire zone. A combat exposure role and a combat area are unpredictable and changeable. An amendment such as this amendment proposes would create gross inequities, even more so than in Korea where there was far more of a battleline, a battle area, and a hostile fire area.

Mr. President, I think that the timing of the amendment is defective. I do not mean that the Senator is defective. However, the timing with reference to the war is wrong. We know that the number of personnel is decreasing and that combat, even though it has not stopped, has lessened.

I think that the Members of the Senate have unanimously and very clearly indicated their desire to reduce and eliminate the American combat role in Vietnam.

I think this is an amendment which would increase the pay of the personnel in these combat roles, whatever that means. It just seems that at this stage it is inadvisable and inappropriate to authorize the payment of money to a group of people who are becoming smaller in numbers each day and hopefully will be eliminated in the near future.

Mr. President, I think there is only one additional point that I wish to make at this time. We have in the bill now, and it has already been passed upon here by the Senate, I think, by a vote of 3-to-1, the provision for the so-called bonus pay.

Mr. President, that is a philosophical question in part. There was a very respectful difference of opinion on it. However, since that vote we have moved even farther in the direction of the so-called Volunteer Army concept. The bonus pay is to induce a man or help to induce him to sign up for a combat company, one which carries rifles, or the artillery or the tanks up front. In fact, he might have to go to Europe first. That is a typical example. We have to send him somewhere. That is to get volunteers to go into these companies and be trained and ready to go.

We might not like the idea much philosophically. However, I thought from the beginning that to a degree that attracts some rugged characters. Many of them have qualities in them that make them fine soldiers. We do not have to pay them $5,000 to begin with. That is based upon so much a year. It could go up as much as $6,000. He must prove his merit and must prove his worth.

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

Mr. STENNIS. Mr. President, I yield myself 2 additional minutes.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 2 additional minutes.

Mr. STENNIS. Mr. President, he would have to prove that he is adaptable to that kind of training, that he is responsive, that he has the ability to develop the bone and the muscle required. I want them to require more of that of all members of the military.

As far as I am concerned, this is not just putting $5,000 or $6,000 in the pot and saying, "Here is a bonus." It will not work that way, and it should not work that way. By direct vote, the Senate has firmed up on an experimental basis a rather firm position to the effect that the great majority of the Members of the Senate want them to be given that training. I think as a whole, based on our experience in Korea and based on what we are doing in the winding down of this war, that we had better leave well enough alone. It is a delicate subject. The amendment would be almost impossible

of application in this war and in the manner in which it is fought.

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

Mr. STENNIS. Mr. President, I yield myself 3 additional minutes.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 3 additional minutes.

Mr. STENNIS. Mr. President, I yield to the Senator from Kentucky.

Mr. COOPER. Mr. President, can the Senator tell me the difference in pay between what a private soldier receives in South Vietnam and what he receives in the United States or in other areas?

Mr. STENNIS. Mr. President, a private first class would receive $5,066 in regular military compensation if he were stationed in Vietnam, compared to the same private in the continental United States, who would receive $3,803.

A sergeant in Vietnam would receive $8,806 in regular military compensation compared to a sergeant in the continental United States who would receive $6,915. That is in the present law. These increases, I think, would be added to that amount.

Mr. COOPER. Mr. President, there has been an informative debate on practically all of the amendment. On this amendment, I believe, and I speak with all respect to my friend, the Senator from Oregon—that when troops are in a combat zone, particularly in an area like Vietnam, it is pretty hard to distinguish between the dangers they face. There would be more sustained danger to those engaged for long periods of time. Yet, from the experience of many serving in past wars in combat areas, and in this war one distinction should be made.

They should be paid more and they are. I may be wrong philosophically, but somehow I do not like the idea very much of telling a member of the forces: "If you go up a little farther and get into the fighting and risk getting killed or wounded, you will be paid more money."

I may be wrong. In the Army or in any branch of the service everyone should be treated equally. This may not always be true. However, the men must feel, at least, that they are being treated equally. I think that they should get more pay in Vietnam. However, I am not prepared to make the distinction in pay between men in Vietnam, that the Senator's amendment proposes.

Mr. STENNIS. Mr. President, I agree with the Senator on the last point. It does not sound well to say, "Come up further, and I will give you more pay."

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

Mr. STENNIS. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 2 additional minutes.

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

Mr. STENNIS. I yield to the Senator from Iowa.

Mr. MILLER. Mr. President, may I say that I share the sentiments of the Senator from Kentucky. The concept of hostile fire might be intended to cover booby traps and things like that. But I think we know there are dangers inherent in the service in Saigon that can be very great. I am disturbed by that, but I think the Senator from Oregon has a point when he talks about the combat unit bonus. He makes the point that the combat unit bonus may lay a foundation for inequity as between signing up and serving in a combat unit—the comparative security of, let us say, Western Europe, and being a member of a combat unit in a theater of operations, such as South Vietnam.

I wonder if the Senator has any comment on that because I think it is a point and I hope the Senator from Oregon emphasizes this point. I have the feeling there is some inequity here and I would like to have the comment of the Senator from Mississippi on that point.

Mr. STENNIS. Mr. President, I say to the Senator from Iowa that as I see it the combat pay or hostile fire pay is an effort to do justice because of this general overall added obligation, and it would apply ordinarily to combat areas, but over there, it is so broad we apply it across the board; whereas the bonus for enlistment is altogether another system. This is the beginning of a new system to try to induce men to come in and go directly to these combat units. In a way they are giving up a chance to land in some other unit, at least a part of a chance. They are surrendering something.

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

Mr. STENNIS. Mr. President, I yield myself 1 additional minute.

The PRESIDING OFFICER. The Senator is recognized for 1 additional minute.

Mr. STENNIS. If they make good and stay in the service with a good record year after year that bonus is paid only on those conditions rather than across the board.

Mr. President, I yield the floor.

Mr. HATFIELD. Mr. President, I yield myself 5 minutes.

I appreciate the point made by the Senator from Iowa because, I wish to emphasize, that same person need not even be in Western Europe; he could be in the United States because if he has a combat MOS he is eligible for that $6,000. He need not be outside the continental United States.

I was interested in listening to the Senator from Mississippi arguing against the amendment because it was a new idea, and yet the $6,000 bonus, combat enlistment bonus, is something that has been added to this bill at this time; so it is new.

I would say already we have established a base for recognizing differences in pay for those actually in combat and those not in combat by having the $65 a month. All we are doing is seeking to raise that amount to $200 a month. We cannot put a dollar value on human life, but it is not a new thing.

I respond to the Senator from Kentucky by saying that it is not a new approach to have recognized that there are those near the front in action and those who are not. I recall that in World War II we had special pay in the Navy for submarine service and other types of service; we had overseas pay as distinguished from those who were within the continental limits of the United States. We had that basic difference of pay at that time and we have it even now. We have combat pay now and, as I have said, we are only seeking to raise the amount from $65 to $200.

With respect to South Vietnam, the Secretary of Defense may declare all of South Vietnam an area for hostile pay because of the guerrilla type of warfare being waged there, which is different from the type warfare we had in World War II and World War I. The whole area might be called a hostile pay area but it would cost us less money if we declared it all than to declare the combat enlistment bonus which was recommended by the Committee on Armed Services.

I wish to emphasize that there has been within the past 3 months a 300-percent increase in combat enlistments without bonus and pay increase which is included in this bill. Consequently, we can see that these actions are already underway and we need not have a further incentive of $6,000.

I do not argue that we will get more volunteers for the front. The point is that anyone in that position should be given a differential in pay in recognition of the fact he is in a different situation than if he stayed in Western Europe and able to go to Switzerland to ski for a long weekend. It is different from activity that is a threat to a man's well-being or his life. With respect to the man in Saigon on R. & R. we have seen the action taking place there, for instance, in bars where people are bombed and lose their lives. We have lost over 5,000 soldiers in Vietnam in other than hostile action.

We are only arguing on behalf of equity in raising it from $65 to $200 a month. I do not think the amount is exorbitant. It is only recognizing the differential we have already because we have a long record of having pay differentials in the branches of the services. I have already mentioned the pay differentials with respect to submarines and Naval Air.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. I yield myself 2 minutes.

Mr. President, the best figures I can get on the bill as now written show that a private first class in combat, in the hostile pay area, would get about $6,900, but I cannot be exact on that amount. I want it understood I am not giving an exact figure; that is a calculation.

Mr. HATFIELD. Mr. President, will the Senator yield for a question?

Mr. STENNIS. I yield.

Mr. HATFIELD. What would that same man get under the $6,000 reenlistment bonus proposed by the Committee on Armed Services?

Mr. STENNIS. If he enlisted for the 6 years he would get $1,000 extra; that would be about $12,000—no, it would not be $12,000. He gets around $7,000. I am talking about a regular private first class under the bill as now written. If he went into this infantry company to start with, or the artillery unit, waiving all chances

to get somewhere else, that is why he is paid the bonus. He is paid the bonus for going in for that purpose and that purpose alone and never having a chance to serve in any other company or unit. That is why it stands on its own feet.

With respect to the point about paying all of them over there this fund the Senator proposes that it would not cost any more than this so-called bonus, I have a calculation by my able aide that we would have to get down to about 25,000 men in Vietnam before that would be true. That is the calculation.

Mr. President, I wish to return to my main point.

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

Mr. STENNIS. Mr. President, I yield myself 1 additional minute.

We now have a workable system that, as a whole, the men themselves are rather well satisfied with. It works and they understand it. Some of them are in very remote areas part of the time, as far as hostilities are concerned, but they get this money in these hostile areas and their taxes are waived.

The war is being wound down and I think we can rest on this system rather than to go into one that causes confusion, discontent, disappointment, and sometimes bitter rancor of the very worst type, as was true in Korea.

Mr. President, I yield the floor.

Mr. HATFIELD. Mr. President, I yield myself 1 minute.

I just would like to draw one further distinction, because I think the Senator from Mississippi made a very fine point on my side of the issue when he mentioned the amount of money involved. I would also point out that that amount of money involved would be close to $8,000 for the combat enlistment bonus, plus the fact that we could have a situation with one man fighting in a foxhole next to another man, in which one man would be getting $6,000 and the other man not getting the $6,000. Under my proposal both the draftee and the volunteer would receive the same pay because their lives would be of equal value.

Mr. STENNIS. I think I failed to make clear that the $6,000 is not paid per year. The highest total amount given would be for 6 years. The enlistee would be paid $1,000 per year only upon satisfactory performance. That is the system, and it is a different proposal.

Mr. KENNEDY. Mr. President, I rise in support of amendment No. 130 offered by the distinguished Senator from Oregon. The amendment, as modified, does two things:

First, it raises the pay for men actually bearing the risks of death in combat. For those young men who actually must face hostile fire, the $65 a month increment now in effect would be raised under this amendment to $200 a month—without discriminating between those young men who are volunteers and those who are drafted. In this way, Congress is simply acting to provide to those who face the greatest risks, the greatest recompensation, and it treats equally all who face this risk.

Second, it removes a glaring inequity in the current bill which places the Congress in the position of endorsing bounties for service in the military. The amendment, as modified, deletes section 3098(a) and thereby removes what I continue to believe is the most morally repugnant section of this bill—the $6,000 combat enlistment bonus.

It is my deep conviction that adoption of this provision will produce frictions and discords within the Nation that we can only now imagine. This provision is a blood bonus—a monetary lure to induce poor young men to sign up for combat service.

It is a bounty as described in section 8 of the military Selective Service law of 1967. "No bounty may be paid to induce any person to be inducted into an armed force."

As to its legality, the only question is whether the words "induce any person to be inducted into an armed force" also apply to those who enlist as a result of a monetary inducement.

Although it is unclear whether section 8 actually outlaws the combat enlistment bonus now contemplated in the bill—there can be no doubt that it violates the spirit of the law.

That provision in the bill has been in the law since 1918 when the first post-Civil War draft was enacted. And it stemmed from a close perusal of the disorders which followed enaction of the Civil War draft.

It was the bounty and substitute provisions of that earlier act which were blamed for the bloody riots among the immigrant sections of New York in July 1863. The results then were 500 dead and more than 1,000 wounded.

The poor had understood what the bounty meant. It means "poor men to fight a rich man's war." And they revolted.

Although the current provision does not explicitly provide for paid substitutes its effect is nevertheless the same. For it does the following: It provides up to $6,000 to pay a young man to sign up for combat duty. The number of young men who sign up on that basis thereby reduces the number of men who have to be obtained to meet combat needs by other means, such as the draft. Since the draft more than any other method of obtaining manpower spreads the burden through the wealthier levels of our society, the effect of the enlistment bonus is to reduce the number of those more affluent young men who will have to be selected.

And so by indirect means, the combat enlistment bonus produces the same results as the Civil War substitute. It provides for poor men to take the places of the more advantaged in the frontlines.

Some may wonder who will accept a $6,000 combat enlistment bonus? It surely will not be the sons of the middle class and surely not the sons of the wealthy. Their futures are secure, They have the potential for earnings far above $3,000 or $6,000. And they know that the bonus carries with it the threat of death, the threat of losing a limb. They know and they will not go.

Who then will be drawn by the enlistment bonus? The Labor Department and Census Bureau have the unpleasant answers.

The Nation's poor now number 25.5 million persons, an increase of 1.2 million over 1969. There are 17.5 million whites, 7.7 blacks. One in ten white Americans live in poverty, one in three black Americans also are poor.

It will be towards them the combat enlistment will be aimed. Army recruiters can move into the ghettoes and Appalachias of the Nation. If each Senator could think of the poorest section of his State and then imagine a recruiter standing there with a checkbook in one hand and an Army enlistment form in the other, then perhaps he can imagine the results of this proposal.

Or the recruiter may follow the Labor Department statistics. Each month, when a new major employment area is added to the list of areas with substantial unemployment, the recruiter will find a new target for his bounty.

For someone from another country may not be restrained in his comments, it would appear that the administration's on-the-spot response to rising unemployment and to continued poverty is the combat enlistment bonus.

It should be evident that there is a basic difference between the combat enlistment bonus and the provision for hostile fire pay. The first is offered to a civilian, to induce him to join the combat divisions of the Armed Forces. Its inequities are many. First, it would place the heaviest burden on the poor. Second, because it is planned to limit it to the Army, it discriminates against the Marines, the Navy, and the Air Force. Third, a volunteer in the trench outside Danang who had received the bonus would be getting several thousand dollars more a year than his fox-hole buddy who was drafted and faces the same threat.

The hostile fire pay on the other hand is designed to simply provide some greater compensation to those who actually undergo the greatest exposure to death and dismemberment.

The provision now proposed to increase hostile fire pay from $65 to $200 a month also attempts to provide a much greater semblance of equity by limiting the higher amount to those who are constantly exposed to hostile fire. There would be no limitation on the current $65 a month pay increment given to those in a combat zone. But for those who are constantly on the firing line, another $135 a month would be paid to compensate them for the greater risks they are forced to endure.

This provision also does not discriminate between Army, Navy, Air Force and Marines. All servicemen who are under regular fire, as determined by the secretary of defense, would be eligible for the additional pay.

Nor does this measure discriminate against draftees. It makes no difference if a man were drafted or volunteered. If he is forced to face hostile fire, he qualifies for the additional monthly pay. This avoids the situation of the combat-enlistment bonus where a draftee and a volunteer could, I repeat could, be in the same foxhole with one drawing several thousnad dollars more a year than the other.

Therefore, I would strongly urge the Senate to pass this measure because it provides equality to those who face the

greatest risks—those who actually face hostile fire—and avoids the inequities of the bounty system of the combat enlistment bonus.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Oregon. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from North Dakota (Mr. BURDICK), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. JACKSON), the Senator from Rhode Island (Mr. PASTORE), the Senator from Rhode Island (Mr. PELL), the Senator from Alabama (Mr. SPARKMAN), the Senator from Illinois (Mr. STEVENSON), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Hawaii (Mr. INOUYE) are necessarily absent.

I further announce that the Senator from California (Mr. TUNNEY) is absent on official business.

I further announce that, if present and voting, the Senator from Indiana (Mr. BAYH), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Rhode Island (Mr. PASTORE), the Senator from Illinois (Mr. STEVENSON), the Senator from Oklahoma (Mr. HARRIS), and the Senator from California (Mr. TUNNEY) would each vote "yea."

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON), would vote "nay."

Mr. COTTON. I announce that the Senator from New York (Mr. BUCKLEY) is absent on official business.

The Senator from Tennessee (Mr. BAKER), the Senator from Oklahoma (Mr. BELLMON), the Senator from Arizona (Mr. GOLDWATER), the Senator from Michigan (Mr. GRIFFIN), the Senators from Ohio (Mr. TAFT and Mr. SAXBE), the Senator from Alaska (Mr. STEVENS), the Senator from South Carolina (Mr. THURMOND), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

The Senator from Massachusetts (Mr. BROOKE) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Pennsylvania (Mr. SCOTT) is absent by leave of the Senate on official business.

If present and voting, the Senator from Arizona (Mr. GOLDWATER), the Senator from South Dakota (Mr. MUNDT), the Senator from Pennsylvania (Mr. SCOTT), and the Senator from Ohio (Mr. TAFT) would each vote "nay."

On this vote, the Senator from Massachusetts (Mr. BROOKE) is paired with the Senator from South Carolina (Mr. THURMOND). If present and voting, the Senator from Massachusetts would vote "yea" and the Senator from South Carolina would vote "nay".

The result was announced—yeas 27, nays 47, as follows:

[No. 107 Leg.]

YEAS—27

Beall	Byrd, Va.	Chiles
Boggs	Byrd, W. Va.	Cook
Cranston	Kennedy	Percy
Eagleton	Mansfield	Prouty
Fulbright	McGovern	Proxmire
Gravel	Miller	Ribicoff
Hart	Mondale	Roth
Hatfield	Muskie	Spong
Hughes	Nelson	Symington

NAYS—47

Aiken	Eastland	McClellan
Allen	Ellender	McGee
Allott	Ervin	McIntyre
Anderson	Fannin	Metcalf
Bennett	Fong	Montoya
Bentsen	Gambrell	Moss
Bible	Gurney	Packwood
Brock	Hansen	Pearson
Cannon	Hollings	Randolph
Case	Hruska	Schweiker
Church	Javits	Smith
Cooper	Jordan, N.C.	Stennis
Cotton	Jordan, Idaho	Talmadge
Curtis	Long	Tower
Dole	Magnuson	Young
Dominick	Mathias	

NOT VOTING—26

Baker	Hartke	Sparkman
Bayh	Humphrey	Stevens
Bellmon	Inouye	Stevenson
Brooke	Jackson	Taft
Buckley	Mundt	Thurmond
Burdick	Pastore	Tunney
Goldwater	Pell	Weicker
Griffin	Saxbe	Williams
Harris	Scott	

So Mr. HATFIELD's amendment (No. 130) was rejected.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. DOMINICK and Mr. ALLOTT moved to lay the motion on the table.

The motion to lay on the table was agreed to.

WITHDRAWAL OF AMENDMENTS

Mr. RANDOLPH and Mr. MANSFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana is recognized.

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

Mr. MANSFIELD. I yield.

Mr. HATFIELD. Mr. President, I ask unanimous consent to withdraw Amendments 131 and 134.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

AMENDMENT NO. 147

The PRESIDING OFFICER (Mr. BROCK). Under the previous unanimous-consent agreement, the Chair now lays before the Senate amendment No. 147 of the Senator from Alaska (Mr. GRAVEL).

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that it be in order for me to ask for the yeas and nays on Amendment No. 147.

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

Mr. BYRD of West Virginia. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. GRAVEL. Mr. President, I yield to the Senator from Montana.

Mr. MANSFIELD. Mr. President, in view of the fact that there is a lapse in the agreement reached on Friday last, I should like at this time to offer an amendment on my own behalf. I send it to the desk and ask that it be stated.

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

Mr. MANSFIELD. I yield.

Mr. STENNIS. My attention was distracted momentarily. How many amendments did the Senator from Oregon withdraw?

The PRESIDING OFFICER. The Senator from Oregon withdrew two amendments.

Mr. STENNIS. I thank the Chair.

The PRESIDING OFFICER. The clerk will state the amendment offered by the Senator from Montana.

The legislative clerk read as follows:

At the end of the bill add a new title as follows:

TITLE V—TERMINATION OF HOSTILITIES IN INDOCHINA

SEC. 501. It is hereby declared to be the policy of the United States to terminate at the earliest practicable date all military operations of the United States in Indochina, and to provide for the prompt and orderly withdrawal of all United States military forces not later than nine months after the date of enactment of this section subject to the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government. The Congress hereby urges and requests the President to implement the above expressed policy by initiating immediately the following actions:

(1) Publicly proclaiming a final date for the withdrawal from Indochina of all military forces of the United States contingent upon the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government, such date to be not later than nine months after the date of enactment of this Act.

(2) Enter into negotiations with the Government of North Vietnam for an immediate cease fire by all parties to the hostilities in Indochina.

(3) Negotiate with the Government of North Vietnam for an agreement which would provide for a series of phased and rapid withdrawals of United States military forces from Indochina in exchange for a corresponding series of phased releases of American prisoners of war, and for the release of any remaining American prisoners of war concurrently with the withdrawal of all remaining military forces of the United States by not later than the date publicly proclaimed by the President pursuant to paragraph (1) hereof or by such earlier date as may be agreed upon by the negotiating parties.

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

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

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. What is the pending order before the Senate?

The PRESIDING OFFICER. Under the agreement, Amendment No. 145, by the Senator from Massachusetts (Mr. KENNEDY) would come down. The Senator from Montana has asked unanimous consent for consideration of the amendment just read. Is there objection?

Mr. STENNIS. Mr. President, reserving the right to object, the Senator from Montana gave me a copy of the amendment a few minutes before he sent it to the desk. I have not read all of it as yet. We have a unanimous-consent agreement to take up a certain number of amendments today, and we have disposed of three, I believe, and two have been withdrawn. The other is an amendment by the Senator from Massachusetts.

Reserving the right to object, Mr. President, the amendment of the Senator from Massachusetts—I do not have the number——

The PRESIDING OFFICER. It is No. 145.

Mr. STENNIS. That would be the next order of business, would it not?

The PRESIDING OFFICER. That is correct.

Mr. MANSFIELD. Mr. President, if I may be heard, it was my understanding that the distinguished Senator from Massachusetts indicated that he did not want his amendment to be called up until 3:30 p.m. In the meantime, we would have had two other Hatfield amendments.

So far as my amendment is concerned, the explanation is very, very simple. Anybody who has had a fourth grade education can understand it, and it is a matter on which I am willing to consider a time limitation of 10 or 20 minutes and face up to the issue and have it voted up or down. I want to speed the consideration of this bill. I want to do what I thought we had agreed to do with the Senator from Massachusetts; and if I cannot do it now, I will have to do it after he gets through with his amendment.

Mr. KENNEDY. Mr. President, if it is a question of yielding the time, I would be more than glad to yield part of the time or gladly follow the amendment of the distinguished majority leader. It would in no way inconvenience the consideration of my amendment.

Mr. STENNIS. Mr. President, reserving the right to object, under the circumstances, with an amendment I have not read, I would be very foolish to agree to quick consideration of it, with a little "quickie" vote run in here, ahead of other amendments to which we had all solemnly agreed last week. I do not know who is absent today or who may be present——

Mr. MANSFIELD. If the Senator will yield, I do not know and I do not care. The amendment will have to speak for itself, and it will be brought up at some time or other. After all, it is so simple that anybody could understand it in less than 2 minutes.

Mr. STENNIS. Reserving the right to object—if I may proceed for one moment—I do not know who is absent; but certainly there should be some kind of notice, more than a few minutes, in a matter on which we already have voted four times and is as far reaching as this amendment.

I am not making any excuses for objecting. It is my duty to object, and I do object, in the name of orderly procedure, if for no other reason.

The PRESIDING OFFICER. Objection is heard.

Mr. MANSFIELD. Mr. President, if the Senator will yield to me—whoever has the floor—is it against the rules for a Senator to offer an amendment at any time to any bill?

The PRESIDING OFFICER. An amendment can be offered at any time an amendment is in order, but we are presently working under a unanimous-consent agreement.

Mr. MANSFIELD. Then, Mr. President, I ask unanimous consent that I may be allowed to follow the distinguished Senator from Massachusetts (Mr. KENNEDY) when his amendment is disposed of.

The PRESIDING OFFICER. Is there objection?

Mr. STENNIS. Mr. President, reserving the right to object——

Mr. MANSFIELD. Mr. President, I will offer the amendment at that time.

(The following colloquy, which occurred later in the day, is printed at this point in the RECORD by unanimous consent:)

Mr. MANSFIELD subsequently said: Mr. President, on the amendment which I offered to the Senate some few minutes ago, I ask that on page 2, the first line, the words "enter into" be stricken, and that the word "negotiations" be changed to "negotiate."

There has been no unanimous-consent agreement on this. However, I believe I have that right as a Senator.

Mr. GRIFFIN. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. GRIFFIN. Mr. President, a motion is not necessary.

Mr. MANSFIELD. Mr. President, I wish the Chair would read the second section as changed.

The PRESIDING OFFICER. Is the Senator from Montana asking unanimous consent to modify his amendment?

Mr. MANSFIELD. No; I am just changing it and modifying my amendment.

Would the Chair have the clerk read it?

The PRESIDING OFFICER. The second section will be stated.

The assistant legislative clerk read as follows:

(2) Negotiate with the government of North Vietnam for an immediate ceasefire by all parties to the hostilities in Indochina.

The PRESIDING OFFICER. The amendment is so modified.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that this amendment be printed in the RECORD after the remarks I made this morning relevant to my suggestion that I would do what I have done, have it printed in the RECORD in full.

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

H.R. 6531

At the end of the bill add a new title as follows:

TITLE V—TERMINATION OF HOSTILITIES IN INDOCHINA

SEC. 501. It is hereby declared to be the policy of the United States to terminate at the earliest practicable date all military operations of the United States in Indochina, and to provide for the prompt and orderly withdrawal of all United States military forces not later than nine months after the date of enactment of this section subject to the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government. The Congress hereby urges and requests the President to implement the above expressed policy by initiating immediately the following actions:

(1) Publicly proclaiming a final date for the withdrawal from Indochina of all military forces of the United States contingent upon the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government, such date to be not later than nine months after the date of enactment of this Act.

(2) Negotiate with the Government of North Vietnam for an immediate cease fire by all parties to the hostilities in Indochina.

(3) Negotiate with the Government of North Vietnam for an agreement which would provide for a series of phased and rapid withdrawals of United States military forces from Indochina in exchange for a corresponding series of phased releases of American prisoners of war, and for the release of any remaining American prisoners of war concurrently with the withdrawal of all remaining military forces of the United States by not later than the date publicly proclaimed by the President pursuant to paragraph (1) hereof or by such earlier date as may be agreed upon by the negotiating parties.

Mr. MANSFIELD. Mr. President, in view of the fact that the Gravel amendment No. 147 is not to be acted on until tomorrow, I ask unanimous consent that the amendment offered by the distinguished Senator from Pennsylvania (Mr. SCHWEIKER) and myself, just read in part, be made the pending business at that time.

Mr. TOWER. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MANSFIELD. Mr. President, to say that I am surprised at the objection is understating my feelings on this matter. However, for the information of the Senate, after all the time limitation amendments agreed to have been disposed of—and that would end with the Gravel amendment No. 126—it will be the intention of the Senator from Montana to call up the amendment which is at the desk and which will be printed in the RECORD.

That might be tomorrow. It might be Wednesday. At the latest, I would assume that it would be Wednesday, with or without cloture.

I believe in that respect that I am following the wishes of those who in good faith entered into these unanimous-consent agreements, and it was not my purpose to interfere with the consideration of any other amendment or substitute, except that when the opportunity arose, as when the distinguished Senator from Oregon (Mr. HATFIELD) withdrew his two amendments which were to be considered on a time limitation, I thought it was at least reasonable to make that request at the present time.

Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is amendment No. 147 of the Senator from Alaska (Mr. GRAVEL).

(This marks the end of the colloquy which occurred later in the day and which, by unanimous consent was ordered printed at this point in the RECORD.)

Mr. RANDOLPH. Mr. President, is it in order to make a unanimous-consent request?

The PRESIDING OFFICER. The Chair will have to lay before the Senate the Kennedy amendment, before the request is in order.

Mr. RANDOLPH. I attempted to be recognized earlier, and I thought the Chair had recognized me. Is that not true?

The PRESIDING OFFICER. The Chair intended to recognize the Senator from West Virginia until the majority leader requested the floor. In accordance with the procedure, the Chair recognized the majority leader.

Mr. RANDOLPH. When will I be recognized?

AMENDMENT NO. 145

The PRESIDING OFFICER (Mr. HUGHES). The clerk will state the Kennedy amendment.

The assistant legislative clerk read as follows:

On page 41, strike out lines 1 through 4, and insert in lieu thereof: "Except that such ceilings shall not include members of the Ready Reserve of any armed force ordered to active duty under the provisions of section 673 of title 10, United States Code."

The PRESIDING OFFICER. Does the Senator from Massachusetts now yield to the Senator from West Virginia (Mr. RANDOLPH)?

Mr. KENNEDY. In just one moment, Mr. President, I will, but now I would like to ask unanimous consent to modify the amendment. I send the modification to the desk and ask that it be modified.

The PRESIDING OFFICER. The clerk will state the modification.

Mr. KENNEDY. Mr. President, the chairman of the Armed Services Committee has been given a copy of the modification, and I will go into it in some detail in my statement but would like to ask unanimous consent at this time that the amendment be modified in the way I have indicated.

Mr. DOMINICK. Mr. President, reserving the right to object, a parliamentary inquiry—have we had the yeas and nays ordered on this amendment?

Mr. KENNEDY. We have not.

The PRESIDING OFFICER. The yeas and nays have not been ordered. The Senate is working under a time limit agreement.

Mr. DOMINICK. Mr. President, do I correctly understand that we do not need unanimous consent in order to modify your own amendment?

Mr. BYRD of West Virginia. Yes, because there is the agreement to——

The PRESIDING OFFICER. The Chair is informed that it is necessary to have a unanimous-consent request made before, because of the agreement on a time limitation which has been worked out on a specific amendment.

Mr. DOMINICK. And a time limitation includes modifying your own amendment without unanimous consent request?

The PRESIDING OFFICER. When we have reached a specific time agreed on relative to a specific amendment, with the time limitation agreed to, that is an action taken by the Senate and does therefore require a unanimous-consent agreement to modify an amendment, under those circumstances.

Mr. DOMINICK. Mr. President, I am not trying to be difficult, because I think this is a pretty good amendment which the Senator from Massachusetts (Mr. KENNEDY) has, but what I am trying to do is to get the rule straightened out.

Under what rule is it provided we should have a unanimous-consent agreement as to time, if this presents one from modifying his own amendment?

The PRESIDING OFFICER. The Chair is informed that a Senator loses the right to modify his amendment after the Senate takes action on an amendment and a request for a time limitation for Senate action on the amendment, thereby relinquishing the right to modify it without unanimous-consent request.

The clerk will state the modification.

The assistant legislative clerk proceeded to read the modification.

Mr. KENNEDY. Mr. President, I ask that further reading of the modification be dispensed with and I will explain it in some detail in my statement here.

The PRESIDING OFFICER. Without objection, further reading of the modification will be dispensed with; and, without objection, the modification will be printed in the RECORD as requested.

The text of the modification is as follows:

On page 41, strike out lines 1 through 4, and insert in lieu thereof:

Except that such ceilings shall not include members of the Ready Reserve of any armed force ordered to active duty under the provisions of section 673 of title 10, United States Code.

Whenever one or more units of the Ready Reserve are ordered to active duty after the date of enactment of this section, the President shall, beginning with the fiscal year quarter immediately following the quarter in which the first unit or units are ordered to active duty and on the first day of each succeeding quarter thereafter so long as any such unit is retained on active duty, submit a report to the Congress regarding the necessity for such unit or units being ordered to active duty. The President shall include in each such report a statement of the mission of each such unit ordered to active duty, an evaluation of such unit's performance of that mission, where each such unit is being deployed at the time of the report, and such other information regarding each such unit as the President deems appropriate.

Mr. KENNEDY. Mr. President, I ask unanimous consent to add the names of the Senator from Oregon (Mr. PACKWOOD) and the Senator from Illinois (Mr. STEVENSON) as cosponsors of my amendment No. 145, as modified.

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

Mr. KENNEDY. Mr. President, if there is no objection, I will be happy to yield now to the Senator from West Virginia (Mr. RANDOLPH) and then I will get to the explanation of the amendment and the modification.

The PRESIDING OFFICER. Is there objection to the distinguished Senator from Massachusetts modifying his amendment? The Chair hears none, and it is so ordered.

Mr. KENNEDY. Mr. President, I yield to the Senator from West Virginia and then I shall propose a quorum call.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. RANDOLPH. Mr. President, there is pending at the desk a cloture motion which was filed early today.

I ask unanimous consent to affix my signature to that cloture motion.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

QUORUM CALL

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum with the time to be equally charged against both sides.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered, and the clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

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

The yeas and nays were ordered.

Mr. KENNEDY. Mr. President, I yield myself whatever time I require.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

Mr. KENNEDY. Mr. President, there are essentially two elements to this amendment. First, it would establish that the Congress, as called for by the Constitution, shall determine the annual size of the Armed Forces. In that regard, it removes the Presidential escape clause that was appended to the committee's establishment of force level ceilings for each of the armed services. In so doing, it makes certain that if the President, in the absence of a national emergency, wants to remove the ceiling, he must come back to the Congress for approval.

Second, it specifically provides for emergency situations in which the President must respond quickly. My amendment states that the ceilings are absolute except that they do not affect the ability of the President to utilize the Ready Reserve as authorized by the Congress in section 673 of title 10, United States Code. Under this provision, the President may declare a national emergency and for that purpose call up the Reserves. The provision authorizes activating some 1 million Reserves for up to 2 years and prescribing their utilization. It is to this latter point that the modification concerns itself. Every 3 months the President should report to Congress how the Reserves should be utilized.

Mr. President, I feel this amendment carries with it the concept endorsed by the Senate in passing my amendment No. 75 which established a no-lift ceiling on the number of draftees who could be inducted in any year. That amendment was premised on the need for Congress to reassert control over the means of raising the Armed Forces.

The amendment now before the Senate seeks to reemphasize that the constitutional division of powers gave to the legislative branch the responsibility for establishing the size of the Armed Forces. Under the present committee bill, Congress once again would turn over to the

President the final authority for establishing the size of the Armed Forces. It would establish the following ceilings on the average active duty personnel strength:

First. The Army, 974,309;

Second. The Navy, 613,619;

Third. The Marine Corps, 209,846; and

Fourth. The Air Force, 755,635.

But then it provides that if the President determines that those ceilings should be lifted for national security reasons, he may do so.

Thus, the ultimate determination of the size of the Armed Forces is left to Presidential discretion.

My amendment would delete the clause permitting the President to unilaterally decide whether or not to lift the congressionally mandated ceiling. Removal of that clause retains to the Congress the final responsibility for lifting that ceiling.

We now have the history of our past involvement in Vietnam open to us. Not only are the basic facts of the steady escalation of our involvement over the past 7 years apparent to all, but now through the publication of the Vietnam history documents, we are becoming aware too late of how that involvement was orchestrated by the executive branch.

We have been bystanders as the number of draftees soared, as the size of the Armed Forces rose, and as the number of American deaths passed 45,000.

We have been bystanders, permitted only to receive those documents and those reports that would support the foreign policy decisions already concluded by the Executive.

We have been bystanders as congressional influence in the design and execution of American foreign policy dissolved.

From a Nation in which the executive and legislative branches were authorized to share in the direction of foreign policy, we have become a Nation in which the legislative branch learns of new foreign adventures only after they have occurred, and even then, only those facts that the Executive wishes for us to know.

If we are to learn from history, then we must recognize that these events do not constitute a precedent of executive control over foreign policy and military affairs.

I would repeat the statement of the distinguished chairman of the Senate Armed Services Committee on May 11, in which he cautioned the Senate about such a conclusion.

The chairman stated—

> It has sometimes been argued that the Constitutional balance in the war powers is a dead letter because of the erosion in Congressional prerogatives over the years. I do not believe this is true, not by any means . . . it does not follow that just because there have been some cases of significant U.S. force commitments without Congressional approval, that this has been desirable or should continue. These incidents do not constitute binding precedents. They have not made law, and this practice is most certainly not in concordance with the constitution . . .

Past congressional willingness to permit the President to determine the size of the Armed Forces also is not in keeping with article 1, section 8, of the Constitution which provides:

> The Congress shall have power to . . . raise and support armies . . . to provide and maintain a navy . . . to make rules for the Government and regulation of the land and naval forces.

Constitutional Scholar Edward S. Corwin stated:

> The clauses of the Constitution which give Congress authority to raise and support armies, to provide and maintain a navy and so forth, were . . . inserted . . . to designate the Department of Government which should exercise such powers.

Thus, the Congress and not the President was given sole power for determining the size and the method of recruiting the Armed Forces.

The failure to limit the size of the Armed Forces and the failure to effectively prevent the unrestricted expansion of those forces has provided the executive branch with a virtual free hand in developing its foreign policy plans without congressional review.

This year, there has been a strong beginning in reasserting congressional responsibility to closely examine the administration's request for military manpower. The Senate Armed Services Committee should be commended for its decision to reduce the ultimate size of the Armed Forces below the Defense Department request. In the action, the committee altered the pattern of the past and hopefully set a precedent for future investigations and reviews over the DOD rationales for their projections of manpower needs.

My amendment seeks to underscore the committee's action by stipulating that the congressional limitations are not to be exceeded without congressional action.

But in addition, there must be a recognition that while the rule must be congressional decisionmaking, exceptions at times of national emergencies must be permitted.

For that purpose, my amendment specifically establishes the power of the President to call up the Reserves in times of national emergencies.

The Berlin crisis, the Cuban missile crisis are but two of the recent examples when the fast-paced course of events presented the President with the need for emergency responses. In those situations, the President turned to the Reserves, and in those situations, future Presidents should turn to the Reserves.

Congress recognized this need in 1953 with passage of legislation authorizing the President to call up the Reserves when he concluded that the Nation faced a national emergency.

Secretary Laird recently has endorsed the use of Reserves in an emergency situation.

Thus, in a memorandum to the Joint Chiefs of Staff and the service secretaries, he stated:

> Guard and reserve units and individuals of the selected reserves will be prepared to be the initial and primary source for augmentation of the active forces in any future emergency requiring a rapid and substantial expansion of the active forces.

His statement on the Defense budget reflected a recognition that the draft was an ineffective response in emergency situations. Thus, he said:

> The National Guard and reserves will take on increasing responsibilities and will be used initially to augment active forces should the need arise, reversing the past policy of relying primarily on the draft.

This undoubtedly took note of the time lag of some 6 months between inductions and the availability of combat-ready forces—a time period much longer than would be necessary to bring Reserve forces to a similar battle-ready condition.

I believe that the concept of a Reserve force which can respond quickly to national emergencies is in keeping with our historic reliance on the citizen-soldier. But again, it is only in the case of a national emergency which prevents careful consultation with the Congress on the question of raising the manpower ceiling on the Armed Forces.

My amendment establishes that the only instance in which the Armed Forces ceiling can be lifted without congressional action is in the case of a national emergency. This removes the escape clause permitted by the Committee language but does not deny the President the ability to respond to emergencies.

In order to keep the Congress apprised of the utilization of the Reserves, I have included a reporting provision to the amendment which simply provides information to the Congress at intervals of 3 months following the activation of the Reserves.

Ultimately, there is a check on the President's use of the Reserves contained in the annual appropriations and authorization process. But in between those annual reviews, it seems advisable for the Congress to have some more regular information about the deployment and mission of the Reserves.

In this way, I believe my amendment carries out the objective of reasserting congressional responsibility for the size and method of raising the Armed Forces.

It does so in a way which avoids any restriction on the President's ability to respond to a national emergency. At the same time, it accords to the Reserves, as the Defense Department recommends, a central role in the emergency reinforcement of the active forces. Finally, it provides for the President to report to Congress on the use of those Reserves at 3-month intervals.

Mr. President, the foregoing is a summation of the amendment which has been introduced and modified. I would be glad to respond to questions that Senators may have.

Mr. STENNIS. Mr. President, I shall make a statement in a few minutes on my time but I do want to say to the Senator that he certainly has worked on this manpower problem. He had a proposal to place a limitation on the inductees under the Selective Service Act. I have been benefited from time to time by consultations with the Senator from Massachusetts and with other Senators, also.

I have made a special analysis of his amendment and I want to make a statement and give some background, if the Senator has completed his remarks.

Mr. KENNEDY. Mr. President, I reserve the remainder of my time.

Mr. STENNIS. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, I call attention to the bill as reported by the Committee on Armed Services. I refer to page 40 beginning with title III on line 11, which states—

Title III—Active Duty Strength Levels for Fiscal Year 1972.

I point out that setting force levels for the regular services is an annual task.

As a matter of background, in the consideration of the bill I proposed a ceiling on the number of inductees that could be inducted for fiscal years 1972 and 1973 at a level of 150,000. Frankly, that was above the estimate then made by the Department of Defense as to what they might probably need. I think it should be above.

Nevertheless I expected that figure to be vigorously attacked on the floor of the Senate and that an amendment would be offered substantially reducing that number. That is what I expected, as did other members of the committee.

Returning to page 40 of the bill, there is also a ceiling on active duty strength levels, but for fiscal year 1972 only. I proposed a reduction of those levels—what amounted to an in-strength reduction of 100,000 distributed among the Army, Navy, and Air Force. I expected amendments on the floor of the Senate which would probably substantially reduce that number but as things have developed there have been no amendments to set the number of inductees lower than the number in the bill, except an amendment I offered myself which made a slight adjustment. That level was agreed to. The Senator from Ohio proposed a further reduction and that amendment failed. Since the bill has been reported, that level has been settled.

Returning to page 40, line 11 of the bill, there has been no effort at all to further reduce these levels for the Army, Navy, and Air Force beyond what we did in committee.

The Senator's amendment raises the question to make clear that the Reserves can be called and that that would be permitted even though it might run over these levels. I think it is a very good point. I think the Reserves should be called when needed. I advocated that during the stepped-up stages of the war in Vietnam. I advocated that the Reserves should be called instead of a greater number of Regulars.

I have been a strong supporter of Reserves. The President has the authority now to call up as many as 1 million men from what we call the Ready Reserves. We have some very fine units in the Reserves. The total cost of what we put into the Reserves and the National Guard is over $3 billion a year.

It should be very clear here that Reserve callups are not precluded by the force levels of the regular active duty strength levels.

I think the President has the authority under the present law to declare a Presidential emergency. That rests solely with him. He does not have to consult with anyone. It is a long tradition that if the President is going to call up Reserves there should be a reason given and publicly stated, and I am sure that any President that is going to call up the Reserves would readily agree to that principle.

I think we have agreed on the numbers in these groups. So that it may be clear we can call up strengths of up to 1 million men in addition to the figures on 18-, 19-, and 20-year-olds. This being on a 1-year basis I think that is enough. It clears up the situation. I would object to any more restrictive language.

As a matter of fact, I never did think of these terms as precluding the calling up of the Reserves. Spelling it out in the bill makes it clear.

I am glad under those circumstances, if the Senator would modify the little addendum he had in here, to accept the amendment. I refer to the modification calling for a report in 60 or 90 days. If the Senator would make that 6 months I think it would be an acceptable amendment. I refer to the language, "Beginning with the fiscal year quarter immediately following the quarter in which first unit or units are added to active service."

I think 90 days might be rather limited and be interpreted as a restriction that is too severe.

I want to make clear if this amendment is adopted—and I hope the Senator will make the modification I referred to—that would be a firming up in clear language and develop these strength levels for calendar year 1972.

I shall support the amendment in its present form, modified by providing 6 months, but I would not be able to support any further adoption of these figures here.

I would like the Senator to respond on my time, and I yield myself 5 more minutes.

Mr. KENNEDY. Mr. President, I feel that the whole thrust of the amendment is in line with the statements of the chairman of the Armed Services Committee of the constitutional role of the Congress in the area of raising and supporting the Armed Forces. Obviously, I am much heartened by his comments and his indication of support for that aspect of the amendment.

The Senator drew attention to the modification of the amendment, to require the reporting back to the Congress on how the Reserves are being utilized every 90 days. The Senator has suggested that the period be extended to 6 months. I think that is a reasonable suggestion. Congress would receive full reports on the utilization of the Reserves called to active duty every 6 months.

I shall be glad to modify the amendment in this way as suggested by the Senator from Mississippi.

At this time I ask unanimous consent to modify my amendment by adding, after the word "the" on the third line of the modification on page 1, the word "second", so it would be "second fiscal year".

Then, on the sixth line, following the word "succeeding" strike out the word "quarter" and insert "6 months".

With the consent of the chairman of the Armed Services Committee, I believe that would follow the recommendation he made. I ask unanimous consent to modify my amendment in that way.

The PRESIDING OFFICER. Is there objection?

Mr. ALLOTT. Mr. President, reserving the right to object—it is not my purpose to object—I wonder, in view of the shortness of this amendment as it is now constituted, if we can have the clerk read the amendment.

The PRESIDING OFFICER. The clerk will read the amendment as presently modified.

The assistant legislative clerk read the modified amendment.

On page 41, strike out lines 1 through 4, and insert in lieu thereof: "Except that such ceilings shall not include members of the Ready Reserve of any armed force ordered to active duty under the provisions of section 673 of title 10, United States Code".

At the end of such amendment add the following:

"Whenever one or more units of the Ready Reserve are ordered to active duty after the date of enactment of this section, the President shall, beginning with the second fiscal year quarter immediately following the quarter in which the first unit or units are ordered to active duty and on the first day of each succeeding 6 months thereafter so long as any such unit is retained on active duty, submit a report to the Congress regarding the necessity for such unit or units being ordered to active duty. The President shall include in each such report a statement of the mission of each such unit ordered to active duty, an evaluation of such unit's performance of that mission, where each such unit is being deployed at the time of the report, and such other information regarding each such unit as the President deems appropriate".

Mr. KENNEDY. Mr. President, I am prepared to yield back my time.

I understand the Senator from Oregon (Mr. PACKWOOD) wanted to make a comment. I will be glad to yield to him such time as he may need.

Mr. GRAVEL. Mr. President, I would like to address an inquiry.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I yield the Senator from Oregon 5 minutes.

Mr. PACKWOOD. Mr. President, might I first ask the Senator from Mississippi to clarify this matter so I may understand what we have before us?

Under the bill as presently amended, and if we adopt this amendment, we have a ceiling on troops which the President cannot go above without authority of Congress, and we have a ceiling on enlistees above which the President may not go without authority of Congress, and his only discretion is on the Reserves, as to which, under the amendment, he must report to Congress every 6 months on what he has activated. Is that correct?

Mr. STENNIS. Yes; that is correct. The Senator said limitation on enlistees. As the bill reads, would it not be limitation on those on active duty?

Mr. PACKWOOD. Yes. I think we agreed on the enlistees a week or so ago. We are not interested in that here in this amendment, but we have put a ceiling on those.

Mr. STENNIS. As the Senator knows, there are those who are enlistees. Those who go in through the draft we call inductees. The Senator recalls that we put a ceiling on those.

Mr. PACKWOOD. Yes. I will call them inductees.

Mr. STENNIS. There is a ceiling on the Reserves under present law. There is a ceiling on the number the President may call up from the Reserves and National Guard.

Mr. PACKWOOD. But the only ceiling he may go beyond is in the Reserves. We have limited the President as to inductees and those who are volunteers. Is that correct?

Mr. STENNIS. Yes; we have limitations on inductees and also a limitation on the active duty force levels. Some of them are inductees counted the second time, so to speak, or the men who volunteer.

Mr. PACKWOOD. I think we are moving in the right direction at last in Congress as to what should be our obligation in terms of fixing force levels. For years prior to the 1940's the force levels were determined by Congress, not by the President, and he could not go above those levels without the authority of Congress. In the last 2 or 3 years we have given him authority to induct them in numbers which it was in his sole prerogative to determine.

I think today, by the Kennedy amendment and previous amendments, we have gone a long step toward redressing the imbalance between the President and the Congress as to what numbers of force levels we should have. I congratulate the Senator from Massachusetts and I commend the Senator from Mississippi for agreeing to this position of having Congress take a responsibility for determining how many people we are going to have in the active military force.

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

Mr. STENNIS. I yield.

Mr. COOPER. As I understood the effect of the amendment of the Senator from Massachusetts, it would maintain the active duty forces at the level stated in the committee bill. Is that correct?

Mr. STENNIS. That is correct.

Mr. COOPER. It would deny the authority which now enables the President to raise force levels. The amendment provides that if it should be desirable to raise the forces level, the President would declare an emergency to call up the Ready Reserve. Is that correct?

Mr. STENNIS. He can still raise the levels, but only through calling the Reserves, and his authority is up to 1 million if he declares a presidential emergency, to which Congress does not have to agree.

Mr. President, I yield myself 5 minutes.

I think the Senator from Oregon stated correctly that Congress has been setting these force levels, in effect, through appropriations.

The amount of money appropriated was based on terms of the manpower.

I wish to restate that this matter of personnel levels is something I am interested in, and have been interested in and have tried to move into more and more since I became chairman of the committee. The committee has also been interested; I do not mean just myself personally, but our committee has attempted to move into this field more and more.

This is something that cannot be done overnight, but I think good headway has been made, these principles have been established, and I think good will come from it. These figures are very reasonable indeed as to inductees, active duty strengths, and also the Reserves. I do not look upon this as a compromise at all; as the Senator from Oregon pointed out, it is getting an adjustment of these levels, since they have become fixed, and showing they are satisfactory to the Senate, getting them fixed as far as the Senate is concerned at these levels, and I am most grateful to all members of the committee who have worked on the matter, and that includes a number of the members, as well as others who are not on the committee but who have worked on the problem.

I hope the amendment, as modified, will be agreed to. To that end, I yield back the remainder of my time.

Mr. KENNEDY. Did the Senator from Alaska have a question?

Mr. GRAVEL. I wish to pose a question to the Senator from Mississippi, if I may.

Mr. KENNEDY. I yield to the Senator 5 minutes.

Mr. GRAVEL. As to the portion that was stricken by the amendment of the Senator from Massachusetts, the first 3 lines on page 41, I am happy that is stricken. I think it should be stricken.

But I ask the Senator from Mississippi, is this not a departure from what existed in prior years? Did we not last year establish a ceiling level of 3,385,000 troops, with no proviso whatsoever that the President could exceed that number?

Mr. STENNIS. No, this is the first time that these figures have ever been in this bill, except as to Reserve Forces. We have set, now, for several years, the Reserve Forces' numerical strength, but that was in the procurement bill.

Mr. GRAVEL. Then perhaps I am in error, but I have a document from the Library of Congress——

Mr. BYRD of West Virginia. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. GRAVEL. I have a document from the Library of Congress, which I shall place in the RECORD—I have sent to my office for it—which states that the ceiling level as a result of the Korean war was established at 5 million troops, without any way for the President to alter that ceiling other than coming back to Congress.

The first change that took place was last year, when the ceiling level was brought down from 5 million to 3,385,000. The only other change is the ceiling level of today; but the substantial difference is, of course, the escape clause, which has been taken out now by the amendment of the Senator from Massachusetts.

What I am trying to ascertain is, was the committee plowing new ground here in what I would consider to be an erosion of congressional prerogatives?

Mr. STENNIS. Well, I will answer the question this way: The Selective Service Act of 1951 was renewed with the same provision every 4 years, and it is in the present law, which will expire at the end of this month. But that 5-million ceiling that the Senator has mentioned related to the power of induction, that when the level of forces got to 5 million, that terminated the induction authority. This bill is the first time that numerical strength levels have been brought into a bill of this kind. We have had it for the Reserves, but not for the Regulars.

Subject to all this, the amount of money in appropriation bills each year set the level for the manpower for that fiscal year. That is a general level; and that is the way it has been handled heretofore.

Mr. GRAVEL. But that manpower level in the military authorization bill was not exceedable by the President unless he came back to Congress; is that not the Senator's interpretation?

Mr. STENNIS. This 5-million manpower level?

Mr. GRAVEL. No, the 3,385,000 passed last year.

Mr. STENNIS. No, that could be exceeded. That just happened to be the level of strength, I suppose, for the year, is what the Senator is talking about. It was approximately that.

Mr. GRAVEL. But is it the contention of the Senator from Mississippi that prior to this date, and prior to today, the President could exceed those force levels?

Mr. STENNIS. Well, I remember when that level was set. I had forgotten about it. But the 5-million figure has been unrealistic, because we did not go beyond about 3.8 million in the Korean war, and it came back down, and we have not gone above that, or up to that level.

Mr. GRAVEL. But I think my colleague is missing the point of my question, which is that this new section added to this bill was really totally new ground with respect to the relationship between Congress and the President as to the authority to set force levels. Up to this date, and including today, the President cannot exceed the force levels under any condition; he must come back to Congress. But the language of the bill before us permitted the President, if he declares a national emergency to exist, to exceed that level, and that part has now been corrected by the Senator from Massachusetts.

I am just trying to keep in mind and get straight this matter of the legislative history on this subject.

Mr. STENNIS. Well, this language on page 41, it is true, was broader than the language that will be in the amendment if it is adopted. But the main thing about this language on page 41, after all, was the Reserves. They did not have to be Reserves; and now the amendment offered by the Senator will require this excess to be Reserves, up to a million, and they cannot be anything else except Reserves.

Mr. GRAVEL. Again, and I do not wish to belabor the point, I am not speaking of the Reserves, I am speaking of total force levels of this country. The broad language here on page 41 has not

been a part of our law during the entire history of this country, up to now. This was the point—and I commend the Senator from Massachusetts for seizing upon it—because this would truly have been a blank check given to the President for force levels, that he has never had and does not have today.

Mr. STENNIS. Well, up to 5 million men it is very clear that he had that authority.

Mr. GRAVEL. But that force level was changed to 3,385,000 last year.

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

Mr. KENNEDY. I yield 5 additional minutes to the Senator from Alaska.

Mr. GRAVEL. Mr. President, I do not wish to make the point any further than it has already been made. I thank my colleague from Massachusetts.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I am prepared to yield back the remainder of my time.

Mr. STENNIS. Has the Senator already made his modification? Did that go in the RECORD?

Mr. KENNEDY. Yes. I understand legislative counsel has worked on it, and has some further modifications to establish what we have agreed on, but I understand that our modification would do it. I understand the Senator's staff also had a recommendation, but I am glad to live with the language as modified, rather than change it further.

I yield back the remainder of my time.

Mr. STENNIS. I yield back the remainder of my time.

Mr. GRAVEL subsequently said: Mr. President, I ask unanimous consent to have printed in the RECORD, along with the colloquy with the distinguished Senator from Mississippi (Mr. STENNIS) concerning amendment No. 145 of the Senator from Massachusetts (Mr. KENNEDY), regarding the authority of the President and the various past authorities, a communication that I have just received from the Library of Congress on this subject.

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

REGULATING THE SIZE OF THE ARMED FORCE UNDER SELECTIVE SERVICE LAW

Attempts to regulate active duty strengths and inductions into the armed forces were well established prior to World War II. In 1916 the Congress provided for the maintenance of a Regular Army at the authorized strength of one hundred seventy-five thousand men, exclusive of the Philippine Scouts, enlisted men of the Signal Corps, and unassigned recruits.[1] In order to prepare for World War I Congress, on May 18, 1917, amended the 1916 act to empower the President to exceed the 1916 ceilings, to call to service all members of the National Guard, and to raise, by conscription if necessary, up to 500,000 men for the armed forces.[2] Before the end of the first World War, Congress, through the passage of several measures, had suspended all limitations on enlistment and had temporarily increased the President's authority to procure as much manpower as he deemed necessary.[3]

CRS–2

Between the two World Wars the Selective Service law lapsed, but in 1940 a new measure was enacted, known as the Selective Training and Service Act.[4] Once again Congress limited (to 900,000) the number of men who could be inducted or trained in peacetime.[5] The 1940 legislation instituted an even more stringent provision:

Persons inducted into the land forces of the United States under this Act shall not be employed beyond the limits of the Western Hemisphere except in the Territories and possessions of the United States including the Philippine Island.[6]

Section 6 further stated:

The President shall have authority to induct into the land and naval forces of the United States under this Act no greater number of men than the Congress shall hereafter make specific appropriation for from time to time.[7]

Shortly thereafter, in November 1940, the President declared a period of national emergency which lasted until October 31, 1946.[8] On December 13, 1941, after war had been declared, Section 3(e) was suspended "during the existence of any war in which the United States is engaged and during the six months immediately following the termination of any such war."[9]

CRS–3

After World War II President Truman proposed that the Act be permitted to expire on March 31, 1947.[10] At the same time the armed forces under went rapid demobilization. Where as in 1945 active duty personnel had been at an all-time high of 12,124,418,[11] by June 1947, their number was reduced to 1,582,999.[12] It is during this time period that the United States depended entirely on enlistments for maintaining the posture of the armed services.

The pressure of events soon changed matters once more. As the Cold War developed in 1947 and 1948. President Truman reversed himself and called for the restoration of conscription. Congress was at first opposed relying on the U.S. monopoly in nuclear weapons.[13] However, in February 1948 the fall of Czechoslovakia (and the Cold War generally) induced a new sense of alarm in this country and Europe. Congress now reviewed the need for peacetime conscription and passed the Selective Service Act of 1948. Active duty military personnel was down to 1,445,910 by June 30, 1948.[14] While granting the President the authority to induct men during peacetime, Congress maintained control over the size of the armed forces. Section 2 of the law set the following ceilings for active-duty personnel strengths: Army, 837,000; Navy, 666,000; and Air Force, 502,000.[15] These ceilings were higher than current strength levels. Should the President need more manpower, he would have to prevail upon the Congress to increase the ceilings.

The outbreak of the Korean War compelled the President to do just that. His first task was to seek a release from the personnel ceilings of the 1948 legislation. On August 3, 1950, the law was amended to suspend the ceilings for all three services.[16] The suspension of this particular provision has remained in effect since 1950.[17]

CRS–5

At the same time Congress imposed a five million personnel ceiling during the period of suspension.

Sec. 2. The active-duty personnel strength of the Armed Forces, exclusive of personnel of the Coast Guard, personnel of the reserve components on active duty for training purposes only, and personnel of the Armed Forces employed in the Selective Service System, shall not exceed a total of five million persons at any time during the period of suspension prescribed in the first section of this Act.[18]

However, the 1970 Armed Forces Appropriation Authorization revised

Section 2 once again:

Sec. 2. After July 1, 1970, the active duty personnel strength of the Armed Forces, exclusive of personnel of the Coast Guard, personnel of the Reserve components on active duty for training purposes only, and personnel of the Armed Forces employed in the Selective Service System, shall not exceed a total of 3,285,000 persons at any time during the period of suspension prescribed in the first section of this Act except when the President of the United States determines that the application of this ceiling will seriously jeopardize the national security interests of the United States and informs the Congress of the basis for such determination.[19]

The intent of the original Section 2 of the Military Selective Service Act had been substantially altered. While Congress had traditionally required the President to justify increased manpower prior to authorization of levels (above those stated in the law) with the 1970 revision the President was empowered to raise the manpower ceiling without prior Congressional authorization.

CRS–6

The proposed Selective Service law of 1971 also reinstitutes a limitation on active duty strengths in compliance with the 1971 Armed Forces Appropriation Authorization, which reads in part as follows:

Sec. 509. Section 412 of Public Law 86–149, as amended, is amended by adding at the end thereof a new subsection as follows: '(d) (1) Beginning with the fiscal year which begins July 1, 1971, and for each component of the Armed Forces; and no funds may be appropriated for any fiscal year beginning on or after such date to or for the use of the active duty personnel of any component of the Armed Forces unless the average active duty personnel strength of such component for such fiscal year has been authorized by law . . .'[20]

While retaining the suspension of Section 2 of the Selective Service law of 1948, Section 13 of the proposed Selective Service bill (H.R. 6531) will set the size of the armed forces to accord with the provision of the 1970 Authorization bill "except when the President of the United States determines that the application of these ceilings will seriously jeopardize the national security interests of the United States and informs the Congress of the basis for such determination."[21]

FOOTNOTES

[1] See Background of Selective Service, Selective Service System, Washington, D.C., 1957, vol. 1, 1957: 204. Act of Congress. June 3, 1916. Public Law No. 85. "An act for making further and more effectual provision for the national defense, and for other purposes." Section 2.

[2] Ibid. Act of Congress, May 18, 1917. Public Law No. 12. "An act to authorize the President to increase temporarily the Military Establishment of the United States." pp. 266–267.

[3] Ibid. Act of Congress, May 16, 1918. Public Law No. 29. See also, Act of Congress, May 20, 1918. Public Law No. 30. pp. 279–281.

[4] See: U.S. Congress. House Document. The Selective Service Act as Amended. (Compiled by Gilman G. Udell, Superintendent) Public Law 783, 76th Congress. Approved September 16, 1940. "To provide for the common defense by increasing the personnel of the Armed Forces of the United States and providing for its training."

[5] Ibid. Section 3(b), p. 20.

[6] Ibid. p. 21.

[7] Ibid. p. 24.

[8] R. Little, op. cit., p. 40.

[9] Public Law 338—77th Congress, p. 39.

[10] Public Law 26—80th Congress.

[11] Department of Defense. OASD (Comptroller). Directorate for Information Operations. Selected Manpower Statistics. April 15, 1971. Washington, D.C., 1971: 19.

[12] Ibid.

[13] Roger W. Little. Selective Service and American Society. New York, Russell Sage Foundation, 1969: 42.

[14] Selected Manpower Statistics, op. cit., p. 19.

[15] Public Law 759. 80th Congress. Approved on June 24, 1948. Section 2.

[16] U.S. Congress. House. Committee on Armed Services. Military Selective Service Act of 1967, with analysis. Includes a brief description of the Selective Service System, December 1, 1967. 90th Congress, 1st session. Washington, D.C. Govt. Print. Off., 1967: 5626.

[17] 10 U.S. Code 3201. Act Aug. 3, 1950, ch. 537, 64 Stat. 408, as amended June 19, 1951, ch. 144, title I, Section 3, 65 Stat. 88; March 15, 1954, ch. 79, 68 Stat. 27; Pub. L. 85–63, June 27, 1957, 71 Stat. 208; Pub. L. 86–4, Section 2, Mar. 23, 1959, 73 Stat. 13; Pub. L. 88–2, Section 2, March 28, 1963, 77 Stat. 4; Pub. L. 90–40, Section 2, June 30, 1967, 81 Stat. 105; Pub. L. 91–121, title IV, Section 406, Nov. 19, 1969, 83 Stat. 207, provided:

"That provisions of law imposing restrictions on the authorized personel strength of any component of the Armed Forces, including sections 102, 202, 213, and 302 of the Women's Armed Services Integration Act of 1948 (62 Stat. 357, 363, 369, and 371), section 2, title I of the Selective Service Act of 1948 (62 Stat. 605), as amended section 2 of the Act of April 18, 1946 (60 Stat. 92), and sections 102 and 202 of the Act of July 10, 1950 (64 Stat. 322 and 323), are hereby suspended until July 1, 1971."

[18] Ibid.

[19] Public Law 91–121. 91st Congress, 1st session. November 19, 1969. pp. 3–4. See also: Title 10, Section 3201.

[20] Public Law 91–441. October 7, 1970. p. 9. See Title 10. Section 3201.

[21] See Section 13 in the House Bill as reported. U.S. Congress. House. Report No. 92–82. Committee on Armed Services. Amending 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. March 25, 1971. To Accompany H.R. 6531. Washington, D.C., 1971: 141.

The PRESIDING OFFICER (Mr. BROCK). All remaining time having been yielded back, the question recurs on the amendment of the Senator from Massachusetts (Mr. KENNEDY), as modified. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from North Dakota (Mr. BURDICK), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. JACKSON), the Senator from Rhode Island (Mr. PASTORE), the Senator from Alabama (Mr. SPARKMAN), and the Senator from Missouri (Mr. SYMINGTON) are necessarily absent.

I further announce that the Senator from California (Mr. TUNNEY) is absent on official business.

I further announce that, if present and voting, the Senator from Indiana (Mr. BAYH), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. JACKSON), the Senator from Rhode Island (Mr. PASTORE), and the Senator from California (Mr. TUNNEY) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from New York (Mr. BUCKLEY) is absent on official business.

The Senator from Tennessee (Mr. BAKER), the Senator from Oklahoma (Mr. BELLMON), the Senator from Arizona (Mr. GOLDWATER), the Senators from Ohio (Mr. TAFT and Mr. SAXBE), the Senator from South Carolina (Mr. THURMOND) and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

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

The Senator from Pennsylvania (Mr. SCOTT) is absent by leave of the Senate on official business.

If present and voting, the Senator from Arizona (Mr. GOLDWATER), the Senator from South Dakota (Mr. MUNDT), the Senator from Pennsylvania (Mr. SCOTT), the Senator from South Carolina (Mr. THURMOND) and the Senator from Ohio (Mr. TAFT) would each vote "yea."

The result was announced—yeas 79, nays 0, as follows:

[No. 108 Leg.]

YEAS—79

Aiken	Ervin	Miller
Allen	Fannin	Mondale
Allott	Fong	Montoya
Anderson	Fulbright	Moss
Beall	Gambrell	Muskie
Bennett	Gravel	Nelson
Bentsen	Griffin	Packwood
Bible	Gurney	Pearson
Boggs	Hansen	Pell
Brock	Hart	Percy
Brooke	Hatfield	Prouty
Byrd, Va.	Hollings	Proxmire
Byrd, W. Va.	Hruska	Randolph
Cannon	Hughes	Ribicoff
Case	Javits	Roth
Chiles	Jordan, N.C.	Schweiker
Church	Jordan, Idaho	Smith
Cook	Kennedy	Spong
Cooper	Long	Stennis
Cotton	Magnuson	Stevens
Cranston	Mansfield	Stevenson
Curtis	Mathias	Talmadge
Dole	McClellan	Tower
Dominick	McGee	Williams
Eagleton	McGovern	Young
Eastland	McIntyre	
Ellender	Metcalf	

NAYS—0

NOT VOTING—21

Baker	Hartke	Scott
Bayh	Humphrey	Sparkman
Bellmon	Inouye	Symington
Buckley	Jackson	Taft
Burdick	Mundt	Thurmond
Goldwater	Pastore	Tunney
Harris	Saxbe	Weicker

So Mr. KENNEDY's amendment (No. 145), as modified, was agreed to.

Mr. STENNIS. Mr. President, I move that the vote by which the amendment was agreed to be reconsidered.

Mr. TOWER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MUSKIE. Mr. President, the major question confronting the Senate in its consideration of the Selective Service Act of 1971 is whether to continue the present draft system or to abolish it and rely upon a volunteer army for our military manpower needs in the future. This is an extraordinarily complex decision. It involves some of the most basic social and political questions a nation must face, as well as the myriad issues of military requirements and cost.

One of those questions that we must face is the issue of individual conscience and the values of individual freedom and liberty, upon which our free system of Government and all our historic traditions are founded. Those values reflect a respect for the individual which should restrain the Government, whenever possible, from forcing an individual to perform an act which is abhorrent to his conscience.

On the other hand, our society also values social equality and responsibility: the obligation of an individual in a free society to share the burdens of that society equally, without regard to social status or income. One such burden is national defense. It is a burden which, I would hope, will grow increasingly lighter. But when our Nation faces military manpower needs during a period of war or national emergency, a free society based on the principle of social equality cannot permit the more affluent to escape the obligation of service simply because they are affluent while the poor—without viable alternatives—serve.

I believe that no military manpower plan offered to the Senate this year satisfactorily meets the competing goals of military need, maximum personal freedom, minimal costs, and equality of military service. But no system can satisfy these somewhat mutually exclusive goals. So our task must be to fashion a system that balances these competing goals in the best way.

THE DRAFT VERSUS VOLUNTEER ARMY

After careful study, I believe that the best way to strike such a balance is to reform our draft system, especially with additional financial incentives so that draft calls can approach zero during times of peace. I believe this is the best way to move toward a system for fulfilling our military manpower needs in peacetime without large draft calls, while providing the necessary manpower and a random distribution of the burdens of fighting a war for times of crisis. Moreover, our servicemen should be provided adequate compensation during their service.

We are now in a transitional stage: We are slowly, too slowly, emerging from a massive combat commitment; we are redefining the scope of our commitments around the globe, and we are reevaluating the need for the draft system to meet those requirements. I do not think at this time we can predict just what the best form for meeting these needs will eventually be. Nor do I think that we should hastily jump toward solutions that may not be satisfactory 5 years hence.

Therefore, I think it best for us now to make substantial increases in military pay to see if we can lower draft calls. If this experiment proves successful, we may be able to fashion a peacetime draft system which will satisfy our manpower requirements with no draft calls at all.

Not only do I believe that an extension of the draft is, with modifications to approach zero draft calls, the more prudent course, but also I believe fundamental

values of our society demand the continuation of the basic elements of the draft for times of war or emergency.

First, and most important is the question of what means a society uses to select those young men who will fight and perhaps die in a war. We will be asking these men to take risks in exposing themselves to the greatest sacrifice any society can demand. What are the most just means of selecting these young men during war in a democratic society? When all is weighed, I think there can be only one answer: That all the young men in that society, rich and poor, majority and minority, must be presented with an equal risk of undergoing the danger of those sacrifices. I see no other fair way of distributing this potential for death, since all men cannot serve in battle.

The proposed alternative to a draft system is a volunteer army. The major inducement for service in such an army must be economic, whether volunteering is for pay, training, education, or escape. There are disputes over which group in our society would volunteer under such a system—middle class, lower-middle class, urban black, rural white, and so on; but essentially it makes no difference, for whoever does volunteer will do so because he finds the incentives in the Army better than those in private life.

Such a system allows the more affluent members of society to avoid the obligations of defending that society during times of crisis. It was followed in the Civil War when wealthier young men could avoid the draft by buying a substitute for something like $300. I think, over a century later, with a greater appreciation for the demands of equal protection, we must reject such a method of selection during wartime.

I am deeply troubled by the fact that the draft currently operates to compel some young men to fight in a war which they consider wrong.

But the dilemma—and the tragedy—is that abolishing the draft does not eliminate for them this compulsion. It merely lifts it selectively—from those who have sufficient economic status and opportunity to resist the incentives offered by the military. The people who would fight are those whose opportunities in the private marketplace are so limited that they are attracted to "volunteer" for military service and, perhaps, to fight in a war which they consider wrong or senseless.

To call people "volunteers" does not give them true free choice. The fact is, the economic system which shuts off real opportunity—and real choice—operates as a compulsion to military service just as surely as an induction order.

The debate over the draft has been inextricably enmeshed with the concern for setting limits over the power that a President has to commit our Nation to war. I feel that we have committed too much human and economic treasure in Vietnam without formally facing the democratic procedures for declaring war. Then, after being committed, we have found it difficult to reverse that decision through our normal procedures of Government.

We must search for ways of changing our procedures to insure that a commitment like Vietnam is not made by a President alone. We must restore balance to our system by insuring that the Congress and an informed citizenry also participate in the decision to go to war.

This concern has reinforced my belief that the draft is the best system during periods of war, for only the draft imposes the greatest cost of the war—military service—uniformly throughout the country. A volunteer army would impose the burden of service upon those least likely to protest politically and upon those least likely to do so effectively, even if they wanted to do so. Through increased military appropriations, a process which is easily accomplished because of the committee structure of the Congress, a President can easily escalate a conflict using a volunteer army without confronting those political forces in our Nation which would be best able to oppose such escalation. We would reduce citizen impact on foreign policy.

In contrast, the draft system imposes service upon all, and if a President increases military manpower commitments, he must face the task of convincing all segments of society that such an increase is necessary for the public good.

Finally, I believe that a volunteer army during war might be prohibitively expensive. Our society cannot afford to spend billions of dollars for the primary purpose of avoiding military induction during times of war for those who would rather not serve this Nation's defense. We have too many other urgent priorities to which we must devote our precious resources—including the development of economic opportunity for those who now find such opportunity only in military service.

For all of these reasons, I have decided to support a continuation of the draft system for use during times of war or national emergency.

LIMITING THE PRESIDENT'S POWER

In addition to supporting the draft during wartime to assure that the President must convince all segments of our society of the need for our participation in foreign combat, I supported two other amendments to the draft bill which would help reassert congressional authority in foreign affairs.

Senator KENNEDY offered an amendment to the draft bill that would prohibit the President from inducting more than 130,000 men next year without special congressional authorization. It passed the Senate. This amendment will go a long way toward preventing a President from making a major military commitment without the consent of Congress. I supported the amendment wholeheartedly and the successful efforts to eliminate the exceptions to the limit that were added to it in committee.

Furthermore, I supported the amendment of Senator SCHWEIKER to limit the extension of the Selective Service System to 1 year. The best way to limit any Presidential reliance on the draft as an automatic source of combat troops is to make it renewable each year. Each year it would be subject to congressional amendment and each year draft authority would lapse unless Congress took the positive step of renewing it. This would force the President to consult more with the Congress before embarking upon extensive foreign military commitments. Unfortunately, this amendment was defeated by six votes.

I believe all of this—the uniform burden of the draft, the limitation upon the number of men who could be drafted each year, and the yearly renewal of draft authority—is one important way that Congress can exercise its proper share of control over our conduct of foreign and military policy.

THE WAR AND THE DRAFT

Some people argue that the elimination of the draft is a way to end the Vietnam war. I disagree. First, with decreasing manpower requirements in Vietnam and increasing appropriations for military pay, it is possible the conduct of the war could be continued without the draft system. Perhaps the way the war is conducted will be altered, but the war will not be ended. Just as important, the way we wind down the war in Vietnam is absolutely crucial. I believe that we should set a date certain for withdrawal of all military personnel in Vietnam, for this is the best way to assure that our prisoners-of-war are released and to avoid the prospect of a residual force remaining in Vietnam for the indefinite future.

Therefore, I voted for the amendment to the draft bill that will require the withdrawal of our military personnel from Indochina by December 31, 1971.

DRAFT REFORM

Those of us who ask for the extension of the draft have an obligation to make certain that the system of random selection operates in a fair and equitable manner. Today, the Selective Service System is neither fair nor equitable. Some steps in that direction have been taken in the past few years. But we must do much more.

Draft policy and draft calls must be made uniform. Draft boards must be made more responsive and representative of the areas they administer. Student deferments should be eliminated. Registrants should be given the right to counsel and to present witnesses before draft boards. Judicial review of a reasonable nature must be provided to insure that the administrative actions of the Selective Service are neither arbitrary, illegal or unconstitutional. And the draft should not be used as a punishment for legal dissent. All these reforms must be implemented if we are to continue the draft system.

Finally, the coercive nature of a military Selective Service System would be less objectionable if we could find a way to provide a workable system of alternative national service. But such a system of alternative national service presents many practical difficulties.

If we broaden the choice of service, we must broaden it for all Americans. We should not permit the educated to escape military service, dooming the poor—

black and white—to its limited opportunities.

Alternative national service should be as open as military service. And its tasks should be no less taxing. Its aims should not be subject to question. It should not create a haven for draft dodgers, a program providing for 2 or 3 years of fun, or a series of makework projects.

We have seen the successes of the Peace Corps, the Teachers Corps, VISTA, and some of the other community action programs in the public and private sector. We have seen how young people will respond to the opportunity to mix their idealism and humanistic vision with their responsibility to serve their Nation.

I hope formulas can be found to provide for these service options while maintaining necessary military manpower.

Next year, and the years after, we must continue to modify our draft system so that it can better reconcile the value of equality with the desire for maximum individual freedom. Our ultimate goal must be—as a nation—to conduct a foreign policy which brings peace to the world and makes any draft calls unnecessary and obsolete.

LEGISLATIVE BRANCH APPROPRIATIONS, 1972

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed, without amendment, the following bills of the Senate:

S. 645. An act to provide relief in patent and trademark cases affected by the emergency situation in the United States Postal Service which began on March 18, 1970; and

S. 1538. An act to amend the joint resolution establishing the American Revolution Bicentennial Commission, as amended.

PUBLIC HEALTH SERVICE ACT TEMPORARILY HELD AT THE DESK

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the bill, H.R. 7736, to amend the Public Health Service Act to extend for 1 year the student loan and scholarship provisions of titles VII and VIII of such act, received today from the House of Representatives be temporarily held at the desk.

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

LEGISLATIVE BRANCH APPROPRIATIONS, 1972

Mr. MANSFIELD. Mr. President, in view of the arrangement entered into, and with the approval of the distinguished Senator from Alaska (Mr. GRAVEL), I ask unanimous consent that the pending amendment be laid aside temporarily and, as was indicated to the Senate earlier today, the Senate return to the consideration of Calendar Order No. 218, H.R. 8825, an act making appropriations for the legislative branch for the fiscal year ending June 30, 1972, and for other purposes.

The PRESIDING OFFICER. The bill will be stated by title. The assistant legislative clerk read as follows:

A bill (H.R. 8825) making appropriations for the legislative branch for the fiscal year ending June 30, 1972, and for other purposes.

Mr. ALLEN. Mr. President, reserving the right to object, I would like to ask the distinguished majority leader if that would interfere in any way with the unanimous-consent agreement that at 9:20 a.m. tomorrow, amendment No. 147 by the distinguished Senator from Alaska (Mr. GRAVEL) to the Selective Service Act become the pending business?

Mr. MANSFIELD. Not in the least.

Mr. ALLEN. In other words, this would not go beyond 9:20 tomorrow morning.

Mr. MANSFIELD. That is correct. And we hope to finish it tonight. Then the Gravel amendment will become the pending business at 9:20, and hopefully we will vote on it at 10:20 or before.

Mr. STENNIS. Mr. President, reserving the right to object, and I shall not object, the majority leader does not contemplate any more amendments on the Selective Service Act today.

Mr. MANSFIELD. The Senator is correct.

Mr. STENNIS. I thank the Chair.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

The Senate proceeded to consider the bill which had been reported from the Committee on Appropriations with amendments.

QUORUM CALL

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

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

REQUEST THAT 5-MINUTE WARNING ON ROLLCALL VOTES BE ADHERED TO

Mr. SYMINGTON. Mr. President, I would have the RECORD show I was in my office when the five bells rang on the previous rollcall vote. I then came to the Chamber. The 5-minute rule was not adhered to. The result of the rollcall vote was 79-to-0, so it was not too important; but if we are going to have rules we ought to observe them and not change them at discretion.

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

Mr. SYMINGTON. I yield.

Mr. METCALF. Mr. President, the 5-minute rule is sometimes not adhered to.

The PRESIDING OFFICER. The Senator will suspend until the Senate is in order.

The Senator may proceed.

Mr. METCALF. Mr. President, sometimes the 5-minute period is shortened because we tend to shrug off the rule and say, "All Senators who are interested have voted."

If we have the 5-minute rule, the 5-minute rule should be strictly adhered to so that those of us who are in our offices can depend on a 5-minute period in which to answer the rollcall vote.

Mr. SYMINGTON. We ought to live up to these rules or discard them. I came over here with about a minute to spare under the 5-minute rule.

Mr. METCALF. Mr. President, I have been in the process of considering the legislation on congressional reorganization. Some of the problems we are concerned with concern the very problem raised by the Senator from Missouri.

I asked the staff about the 5-minute rule. Some members of the staff said, "Well, sometimes we shut off the lights and proceed to the final rollcall vote before the 5 minutes have actually elapsed."

It would seem to me that once the lights have gone on and the bells have rung, we should have exactly 5 minutes—no more, maybe, but no less—to appear and answer to the rollcall vote.

Mr. SYMINGTON. Is the Senator stating that the staff admitted the 5-minute rule is violated at the discretion of the staff?

Mr. METCALF. Mr. President, I do not know. I have been informed by the staff that the 5 minutes have not actually elapsed at times before the Senate proceeds to the conclusion of the rollcall vote.

Mr. BYRD of West Virginia. Mr. President, may I say on behalf of the leadership that it is not the intention of the leadership at any time—Mr. President, let us get order in the Senate.

The PRESIDING OFFICER. The Senate will be in order. Senators will cease conversations on the floor.

Mr. BYRD of West Virginia. Mr. President, on one occasion last week a Senator arrived too late for the rollcall. He felt that he had left his office in ample time after the 5-minute bell had rung to reach the Chamber. He missed the vote. The same situation obtained today in the case of the Senator from Missouri (Mr. SYMINGTON).

I wish to make it clear, however, that it is not the intention of the leadership—and I am sure the majority leader will say the same when he is in the Chamber—that the 5-minute period is ever shortened by even one second, because it is the rule that when the 5-minute bell rings Senators are to be assured that they have exactly 5 minutes to reach the Chamber thereafter. So if the time did not run the full 5 minutes, it was not by any understanding of the leadership. It could only have been an error at the desk.

I am sure if the clerk at the desk were permitted to speak for himself, he would state that he always runs that clock for 5 minutes after the last bell rings. That is the way it is supposed to be. If he makes an error—and, of course, it can happen—the record should show that the leadership does not enter into any understanding that the 5 minutes may be shortened. Otherwise, if the rule were allowed to be eroded in that manner,

Senators could not have any assurance whatever that there would be 5 minutes remaining once the bell had rung.

I am sorry this situation has arisen and I would just hope that the clerks at the desk would make very, very sure in the future when the 5-minute bells are rung that 5 minutes actually remain, before the vote is announced.

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

Mr. BYRD of West Virginia. I yield.

Mr. SYMINGTON. Mr. President, I thank the majority whip for his courtesy and the nature of his statement.

In this case the 5 minutes was not adhered to. I passed the senior Senator from Washington in the subway, and asked, "Is there enough time? He said, "Yes."

Mr. BYRD of West Virginia. May I say it is now and always has been my purpose to observe the rules and to observe them to the letter, and I do what I can to promote that effort.

I certainly want to assure the Senator I am going to do everything I can to make doubly sure that the rule is strictly adhered to in the future.

I had the same situation the other day in coming from my office. I am sorry to impose on the time of the Senate, but this matter has come up.

I knew by my watch when the 5-minute bell rang. When I reached the door, the doors were being held open waiting for me. I thought by my watch I had a half minute remaining. But I could have been mistaken.

I simply want to emphasize there is no intention on the part of the leadership to have any rule violated when Senators are counting on those rules to be enforced.

I shall be even more on notice and more alerted to this matter in the future because it arose last week, it arose today, and I am going to make it a point to do the best I can to be sure Senators hereafter are assured of that 5 minutes—no more, no less.

Mr. SYMINGTON. I thank the Senator. I might add that I left my office shortly after the 5-minute bell and my secretary called the cloakroom to say I was on the way.

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

Mr. BYRD of West Virginia. I yield.

Mr. STENNIS. I appreciate the predicament my friend is in. I am thankful for the 5-minute warning. It is something we were not accustomed to. It is not the fault of the Whip that it does not work every time.

Mr. BYRD of West Virginia. Mr. President, I thank the Senator.

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

Mr. BYRD of West Virginia. I yield.

Mr. ALLOTT. Mr. President, I wish to congratulate the Senator from Missouri. He is lucky to have a bell in his office that rings. About 3 weeks ago I attempted to get the bell on my clock fixed. They came up and fixed it and the lights started going on in various places. Now, when the bell rights it looks like the Fourth of July on the wall. Now, the buzzer does not buzz.

I want to congratulate the Senator for having a bell that rings. Perhaps with help I can get mine fixed so I can do more than guess.

LEGISLATIVE BRANCH APPROPRIATIONS, 1972

The Senate resumed the consideration of the bill (H.R. 8825) making appropriations for the legislative branch for the fiscal year ending June 30, 1972, and for other purposes.

Mr. HOLLINGS. Mr. President, if Senators will turn their attention to H.R. 8825, the legislative branch appropriation bill, on behalf of the committee I present the following statement and then I will try to answer any questions Senators may have.

The legislative branch appropriation bill for fiscal year 1972, which is now before the Senate, recommends appropriations in the amount of $532,297,749.

This bill provides funds for the various operations and activities of the U.S. Senate, the House of Representatives, Architect of the Capitol, Botanic Garden, Library of Congress, Government Printing Office, General Accounting Office, and the Cost Accounting Standards Board.

The increase recommended by the committee over the House bill of $82,398,144 is almost all attributable to the fact that the House of Representatives does not, under the customary procedure, consider the Senate items, and over $79.5 million of this increase relates to Senate items and those items relating to the Senate under the Architect of the Capitol.

When these Senate funds are eliminated from the increase, the bill is only $2,691,000 over the House bill, and $1,711,000 of this sum relates to the Library of Congress and $980,000 is for the General Accounting Office.

The bill as reported to the Senate is $89,393,430 over the appropriations for fiscal year 1971.

Most of this increase results from inclusion in the bill of $71,090,000 for construction of the Library of Congress James Madison Memorial Building, pay increase and related costs, and the transfer into this bill of funds in excess of $7 million, which have heretofore been included in the appropriation bill for the Office of Education.

The report is before each Member, and beginning on page 26 is a tabulation which gives a complete comparison for each item in the bill.

I will confine my remarks to the significant changes which have been recommended by the committee, and I will be happy to answer any questions any Member may have at any time.

In order to promote efficiency in connection with the disbursement of funds, several of the appropriations have been consolidated, which results in no increase in the amounts recommended.

These matters are described in detail on pages 3, 4, 6, and 7 of the report.

The committee considered a request from the Secretary of the Senate to authorize the Secretary to revise titles and adjust per annum salary rates with fiscal year aggregates.

This is a function which has been handled for many years by the Subcommittee on Legislative Branch Appropriations upon recommendations from the Secretary of the Senate.

The committee felt that the existing procedure was adequate and has denied the request of the Secretary for this change.

However, the 12 title changes which the Secretary felt should be made as a matter of administrative practice have been recommended by the committee in the form of an amendment in the bill.

The title changes are enumerated beginning on page 4 of the report.

Under the Office of the Sergeant at Arms and Doorkeeper, the committee has included funds in the bill and authority to employ 164 additional nonpatronage, career police. With these additional officers, there will be a Senate complement of 431. The House of Representatives recently authorized 214 additional police, which will result in a House detail totaling 569, for a grand total for the Capitol Police of 1,000 officers.

The Senate will recall that in the second supplemental appropriation bill in May, the Senate approved overtime pay for police, retroactive to March 1, 1971. This Senate amendment was deleted in the conference committee inasmuch as the House Administration Committee was at that time considering a measure to provide overtime pay. The measure from the House Administration Committee passed the House of Representatives and provided time-and-a-half pay, but is limited to the officers financed from appropriations to the House of Representatives. Thus, it was necessary for the committee to include in the bill language which will authorize identical overtime payments, retroactive to March 1, 1971, for those officers financed from appropriations to the Senate.

At this time, I might refer to the Plaza Hotel facility. With these additional police and with the cramped conditions existing at the present time, the Capitol Police Force must have adequate space.

The Committee on Rules and Administration of the Senate has studied this matter and has approved the use by the Capitol Police Force of the first, second, third, and fourth floor of the seven-story structure in the Plaza Hotel complex, and the first floor of the three-story structure in that complex. The Senate robertyper machines and other Senate personnel will use the balance of the space that is to be retained in the Plaza Hotel facility. The sum of $75,500 will be used for remodeling and repair work. An additional $98,500 will be used for elevator operation, cleaning, and maintaining the areas, and $50,200 is required for furniture and furnishings. There are to be available 68 rooms in the Plaza Hotel facility, including a police locker room, rollcall room, conference room, and offices.

I wish to point out that the appropriation recommended for "Inquiries and Investigations" has risen to $11,310,655.

It was necessary for the committee to increase the sum to this amount in view of the fact that Senate resolutions agreed to for the 92d Congress, first session, exceed $12.5 million.

The committee considered a proposal which would permit the application of official telephone and telegraph allowances for the purchase of official stationery when one account is exhausted and the other account has an excess. This proposal was found to be unworkable and was not approved by the committee.

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

Mr. HOLLINGS. Is it on this particular point?

Mr. CHILES. Yes; it is on this point.

Mr. HOLLINGS. I am glad to yield.

Mr. CHILES. Will the Senator state the reason why the committee would not allow any excess money in the telegraph or telephone account to be transferred to the stationery account by those who do not use up their postage account?

Mr. HOLLINGS. It seems to me this is the type of problem that comes up yearly. It was studied in its entirety 2 years ago by a subcommittee within the committee, the Steering Committee, and the Policy Committees, on both sides of the aisle. Specifically, the telephone and telegraph allowance is on a calendar year basis, and the stationery appropriation is on the fiscal year basis. It would cause confusion to try to transfer one to the other. If there was need for additional stationery allowance, it was thought best to allow an increase. We allowed an addition of $400 for the stationery allowance, increasing the amount from $3,600 to $4,000 for those Senators from the six States with the largest population, which included California, New York, Pennsylvania, Illinois, Ohio, and Texas.

Mr. CHILES. My State does not happen to be one of those.

Mr. HOLLINGS. And neither is mine.

Mr. CHILES. Now we have a strike in the telegraph company, and yet we cannot use our telegraph allowance, but none could be shifted to the telephone account. It seems to me ridiculous to say to a Senator, who is a grown man, that he is not going to be allowed to shift funds to his postage allowance, if that is where he wants it, but he is going to be handicapped so that he has to use telegrams. The same thing with the telephone account. I happened to be in a position where it took me 3 or 4 months to get a WATS line. In the time it took me to get the WATS line I had to use over half of my minutes in the telephone account. On the day they put in the WATS line, they automatically charged me with half of my minutes. So I am in a position where no one in my office can make a long-distance call on the WATS line because we have used up our time. Yet we are stacked up in the telegraph account. It looks to me as if it is great for the telegraph company, and it almost makes one compelled to use a telegraph when it would be more convenient to use the telephone.

For the life of me, I cannot understand why in this modern day, when we have computers, we cannot allow a Senator to decide whether he wants to use the telephone, telegraph, or write a letter; why he is not given an x number of dollars allowed for this purpose and allowed to use the money available to him in the way he wants to use it.

Mr. HOLLINGS. In response to the Senator, let me say that this matter of allowances was considered both in the subcommittee and in the full Appropriations Committee. Not only did the Senator from Florida mention that, but the Senator from Texas (Mr. BENTSEN) mentioned the same thing. I brought it up on my own volition, because I ended up with the same experience, with a lot of telegraph money left and very little telephone money.

Mr. ELLENDER. Let me say to the Senator that the transfer of funds from telephone to telegraph accounts and vice versa may be made under existing regulations at the close of a calendar year.

Mr. CHILES. That can be done now?

Mr. ELLENDER. Yes.

Mr. CHILES. I am glad to have that information.

Mr. ELLENDER. But not as to stationery. Transfers may be made between telephone and telegram.

Mr. CHILES. I thank the Senator for that information, because my office was told it could not be transferred from telegraph to telephone, so I am delighted to get that information.

Mr. ELLENDER. Did the Senator get that information in writing?

Mr. CHILES. We called to see if we could make the transfer.

Mr. ELLENDER. That is in the rules and regulations issued by the Committee on Rules and Administration.

Mr. HOLLINGS. Of course, the frank mail privilege is apportioned to Senators from States based on population.

In addition, the appropriation for "Miscellaneous Items" has been increased by $33,730 and language has been included in the bill to authorize each Senator to select and be furnished either the United States Code Annotated and pocket parts or the Federal Code Annotated and pocket parts in lieu of the United States Code, now authorized.

The continuing annual cost is estimated at $11,000.

The Committee recommends language in the bill providing for the consolidation of the two transportation reimbursement authorizations for Senatorial offices—a conversion from the trip basis to a dollar allowance basis, and an expanded authorization to cover intrastate travel in certain cases.

This is where we do give discretion to the "grown-up" man in the U.S. Senate.

The present law authorizes reimbursement of transportation expenses for the nearest usual route between Washington and one point in the Senator's State at 12 round trips for each Senator per year and eight trips for staff, except for Senators from States with a population of 10 million or more, in which event the staff trips total 10 per year.

It has been found from experience that it is not realistic to expect Senators or staff traveling to States on official business to restrict their travel to one place in the State.

As a result, vouchers submitted require excessive review to determine the amount which can be paid of the total expense incurred.

This change is therefore recommended to reduce the administrative problems involved in auditing and to provide a greater latitude to Senators in allocating the trips by merging the two allowances.

No additional funds have been included in the bill for this purpose.

Mr. CHILES. I am delighted to hear that change has been made. It rather gives me hope, in spite of the fact that I, through long study, have gone into that previously, it was still something we had not allowed grown men to do, in spite of all the bookkeeping and everything else. I am delighted to hear the Senator's statement.

Mr. HOLLINGS. I thank the Senator.

The committee has included in the bill the amount of $1,209,000 to proceed with the proposed restoration of the Old Senate Chamber and the Old Supreme Court Chamber in the Capitol. The Senate Commission on Art and Antiquities has urged that the work now proceed to restore the two Chambers to the condition in which they existed and were furnished when last occupied in 1859 and 1860, respectively, by the U.S. Senate and the U.S. Supreme Court. It was the view of the committee that the restoration of the two Chambers would serve to stimulate public interest in the formative phases of the Nation's history; would enhance the Capitol as a major repository of the national heritage of the people of the United States; and would add to the edification and pleasure of the thousands of visitors who visit the Capitol each year.

Under the appropriation for the Senate Office Buildings, the committee has included an additional $228,500 for the employment of 28 additional employees. During this past spring, the buildings at 127 and 129 C Streets have been opened for use as a Senate facility. There are 114 rooms available in this area. As an example of the problem, the upholstering shop now has a 5-month backlog—so the committee has recommended the employment of two upholsterer helpers. The broadening of the duties in the electrical shop has created a need for additional assistance in this area, and the committee has approved the employment of one electrician and one electrician's helper. This same situation occurs in the cabinet-making shop, sheet metal working shop, plumbing shop, the paint shop, and there is also a requirement for additional positions approved by the committee.

Funds and language have also been included under the head, "Senate Office Buildings," on the recommendation of the Committee on Rules and Administration, which will provide for transferring certain restaurant management personnel and miscellaneous maintenance items to the appropriation, "Senate Office Buildings." This will result in smaller sums being made available to the restaurants from the appropriation, "Miscellaneous Items."

The committee has concurred with the House and recommends the full amount of the budget estimate of $71,090,000 for the Library of Congress James Madison Memorial Building.

The committee also recommends an increase over the House bill in the amount of $1,711,000 for the Library of

Congress. These funds are all related to the Legislative Reorganization Act of 1970 which was enacted last year. Members will find, beginning on page 18 of the report, the new areas of responsibility assigned the Congressional Research Service as a result of the Legislative Reorganization Act of last year. In order to implement this act, the CRS requested 209 additional positions. The House Appropriations Committee provided funds for 37, which as was pointed out on the House floor, represented approximately a 10-percent increase in the normal workload during the past year. On the House floor, the number was increased from 37 to 52. It was the view of the committee that this was insufficient and, consequently, funds have been provided by the committee for an additional 85 employees, which will provide 137 new positions for the CRS. Although this does not allow the full amount requested in the budget estimate, it will give the CRS an opportunity to begin its operations under the new act. The additional increases listed in the report with respect to the Library of Congress are all related to the impact of these new employees for the CRS.

The committee has approved $38 million for Printing and Binding operations of the Government Printing Office, and $14,445,900 for the Office of the Superintendent of Documents.

For the General Accounting Office, the Committee recommends an appropriation of $87,598,000 to permit the GAO to fulfill its responsibilities to the Congress as provided by law. The sum recommended is an increase of $980,000 over the House allowance, and with these funds, the GAO is authorized the additional 177 positions requested—an increase of 84 over the House allowance of 93. As the report points out, testimony before the committee makes it abundantly clear that the responsibilities of the Office have greatly increased as a result of recently enacted legislation. Included in the committee hearings is a listing of such acts, among which is the Legislative Reorganization Act of 1970.

Mr. President, that about completes my statement. I want to publicly thank the distinguished chairman of our committee, the Senator from Louisiana, for his cooperation and attendance at the hearings and his assistance and counsel on this bill, and also, of course, the distinguished senior Senator from New Hampshire (Mr. COTTON), who stuck with me throughout the hearings and is completely familiar with the subject, having worked for years on this legislative subcommittee.

Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc, and that the bill as thus amended be regarded for the purpose of amendment as original text, provided that no point of order shall be considered to have been waived by reason of agreement to this order.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The amendments agreed to en bloc are as follows:

At the top of page 2, insert:

"SENATE"

On page 2, after line 1, insert:

COMPENSATION AND MILEAGE OF THE VICE PRESIDENT AND SENATORS AND EXPENSE ALLOWANCES OF THE VICE PRESIDENT AND LEADERS OF THE SENATE

COMPENSATION AND MILEAGE OF THE VICE PRESIDENT AND SENATORS

For compensation and mileage of the Vice President and Senators of the United States, $4,777,495.

On page 2, after line 8, insert:

EXPENSE ALLOWANCES OF THE VICE PRESIDENT AND MAJORITY AND MINORITY LEADERS

For expense allowance of the Vice President, $10,000; Majority Leader of the Senate, $3,000; and Minority Leader of the Senate, $3,000; in all, $16,000.

On page 2, after line 13, insert:

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers, employees, clerks to Senators, and others as authorized by law, including agency contributions and longevity compensation as authorized; which shall be paid from this appropriation without regard to the below limitations, as follows:

On page 2, after line 19, insert:

OFFICE OF THE VICE PRESIDENT

For clerical assistance to the Vice President, $414,510.

On page 2, after line 21, insert:

OFFICE OF THE PRESIDENT PRO TEMPORE

For office of the President pro tempore, $50,514.

On page 2, after line 23, insert:

OFFICES OF THE MAJORITY AND MINORITY LEADERS

For offices of the Majority and Minority Leaders, $198,276.

At the top of page 3, insert:

OFFICES OF THE MAJORITY AND MINORITY WHIPS

For offices of the Majority and Minority Whips, $101,352.

On page 3, after line 3, insert:

OFFICE OF THE CHAPLAIN

For office of the Chaplain, $18,696.

On page 3, after line 5, insert:

OFFICE OF THE SECRETARY

For office of the Secretary, $2,107,812, including $81,672 required for the purpose specified and authorized by section 74b of title 2, United States Code: *Provided*, That effective July 1, 1971, the Secretary may appoint and fix the compensation of an assistant printing clerk at not to exceed $19,680 per annum, a clerk (office of printing clerk) at not to exceed $11,070 per annum, a delivery clerk (office of printing clerk) at not to exceed $8,364 per annum, a secretary to the Curator at not to exceed $12,546 per annum, an assistant secretary of the Senate in lieu of a chief clerk at not to exceed the per annum rate of compensation currently specified for the chief clerk and all laws, rules, resolutions, and orders referring to the chief clerk of the Senate shall be deemed to refer to the assistant secretary of the Senate; a registration clerk at not to exceed $17,466 per annum in lieu of a bill clerk at not to exceed such rate; a bill clerk at not to exceed $12,546 per annum in lieu of an assistant bill clerk at not to exceed such rate; an assistant bill clerk at not to exceed $8,856 per annum in lieu of an assistant chief messenger at not to exceed such rate; a senior reference assistant at not to exceed $16,974 per annum in lieu of an assistant librarian at not to exceed such rate; a senior reference assistant at not to exceed $12,546 per annum in lieu of an assistant legislative analyst at not to exceed such rate; an assistant librarian at not to eceed $12,054 per annum in lieu of a secretary in the library at not to exceed such rate; a secretary in the library, an assistant indexer, and five reference assistants at not to exceed $10,086 per annum each in lieu of seven reference assistance at not to exceed $10,086 per annum each; a chief indexer at not to exceed $14,760 per annum in lieu of a legislative analyst at not to exceed such rate; a staff assistant, official reporters at not to exceed $17,466 per annum in lieu of a clerk at not to exceed such rate; and a custodial assistant, document room at not to exceed $8,610 per annum in lieu of an assistant chief messenger at not to exceed such rate.

On page 4, after line 16, insert:

COMMITTEE EMPLOYEES

For professional and clerical assistance to standing committees and the Select Committee on Small Business, $7,535,472, including hereunder, effective July 1, 1971 and thereafter, the positions authorized on a continuing basis by Senate Resolution 66, agreed to February 17, 1949, Senate Resolution 342, agreed to July 28, 1958, Senate Resolution 355, agreed to August 18, 1958, Senate Resolution 30, agreed to February 2, 1959, Senate Resolution 247, agreed to February 7, 1962, Senate Resolution 253, agreed to February 10, 1964, Senate Resolution 14, agreed to February 8, 1965, Senate Resolution 224, agreed to April 20, 1966, Senate Resolution 74, agreed to February 20, 1967 and Senate Resolution 66, agreed to February 17, 1969.

On page 5, after line 5, insert:

CONFERENCE COMMITTEES

For clerical assistance to the Conference of the Majority, at rates of compensation to be fixed by the chairman of said committee, $143,418.

For clerical assistance to the Conference of the Minority, at rates of compensation to be fixed by the chairman of said committee, $143,418.

On page 5, after line 12, insert:

ADMINISTRATIVE AND CLERICAL ASSISTANTS TO SENATORS

For administrative and clerical assistants to Senators, $31,349,994.

On page 5, after line 16, insert:

OFFICE OF SERGEANT AT ARMS AND DOORKEEPER

For office of Sergeant at Arms and Doorkeeper, $8,064,948: *Provided*, That effective July 1, 1971, the Sergeant at Arms may employ a driver-messenger at not to exceed $11,316 per annum in lieu of a truckdriver at not to exceed $10,578, four additional driver-messengers, one for the Vice President, one for the President pro tempore, one for the Majority Leader, and one for the Minority Leader, at not to exceed $11,316 per annum each, one additional automatic typewriter repairman at not to exceed $11,316 per annum, three additional lieutenants, police force at not to exceed $14,760 per annum each, nine additional sergeants, police force at not to exceed $12,300 per annum each, eight plainclothesmen, police force at not to exceed $10,086 per annum each in lieu of six plainclothesmen at not to exceed $9,840 per annum each, six K–9 officers, police force at not to exceed $10,086 per annum each, twelve technicians, police force at not to exceed $10,086 per annum each, one hundred thirty-two additional privates, police force at not to exceed $9,348 per annum each, and the per annum compensation of the programer, service department may be fixed at not to exceed $19,434 in lieu of $18,450.

On page 6, after line 13, insert:

OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY

For offices of the Secretary for the Majority and the Secretary for the Minority, $241,572.

On page 6, after line 17, insert:

OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

For salaries and expenses of the office of the Legislative Counsel of the Senate, $460,885.

On page 6, after line 21, insert:

CONTINGENT EXPENSES OF THE SENATE

SENATE POLICY COMMITTEES

For the salaries and expenses of the Majority Policy Committee and the Minority Policy Committee, $294,605 for each such Committee; in all, $589,210.

At the top of page 7, insert:

AUTOMOBILES AND MAINTENANCE

For purchase, lease, exchange, maintenance, and operation of vehicles, one for the Vice President, one for the President pro tempore, one for the Majority Leader, one for the Minority Leader, one for the Majority Whip, one for the Minority Whip, for carrying the mails, and for official use of the offices of the Secretary and Sergeant at Arms, $36,000.

On page 7, after line 8, insert:

INQUIRIES AND INVESTIGATIONS

For expenses of inquiries and investigations ordered by the Senate, or conducted pursuant to section 134(a) of Public Law 601, Seventy-ninth Congress, including $496,770 for the Committee on Appropriations, to be available also for the purposes mentioned in Senate Resolution Numbered 193, agreed to October 14, 1943, $11,310,655.

On page 7, after line 15, insert:

FOLDING DOCUMENTS

For the employment of personnel for folding speeches and pamphlets at a gross rate of not exceeding $3.17 per hour per person, $57,320.

On page 7, after line 19, insert:

MISCELLANEOUS ITEMS

For miscellaneous items $5,356,972, including $497,000 for payment to the Architect of the Capitol in accordance with Section 4 of Public Law 87–82, approved July 6, 1961.

On page 7, after line 23, insert:

POSTAGE STAMPS

For postage stamps for the Offices of the Secretaries for the Majority and Minority, $320; and for air mail and special delivery stamps for the Office of the Secretary, $410; Office of the Sergeant at Arms, $240; Comptroller, $100; Senators and the President of the Senate, as authorized by law, $137,355: Provided, That the maximum allowance per capita of $1,056 is increased to $1,215 for the fiscal year 1972 and thereafter: *Provided further*, That Senators from States partially or wholly west of the Mississippi River shall be allowed an additional $305 each fiscal year; in all, $138,425.

On page 8, after line 9, insert:

STATIONERY (REVOLVING FUND)

For stationery for Senators and the President of the Senate, $368,400; and for stationary for committees and officers of the Senate, $15,200; in all, $383,600; *Provided*, That, effective with the fiscal year 1972 and thereafter, the allowance for stationery for each Senator from States having a population of ten million or more inhabitants shall be at the rate of $4,000 per annum.

On page 8, after line 17, insert:

ADMINISTRATIVE PROVISIONS

Effective July 1, 1971, the third paragraph under the heading "Administrative Provisions" in the appropriations for the Senate in the Legislative Branch Appropriation Act, 1959, as amended (2 U.S.C. 43b), is amended by striking out that first portion thereof, down through "fiscal year, and the," and inserting in lieu thereof the following:

"The contingent fund of the Senate is hereby made available for reimbursement of actual transportation expenses incurred by each Senator in traveling on official business, and such expenses incurred by employees in that Senator's office in making round trips on official business, by the nearest usual route, between Washington, District of Columbia, and the home State of the Senator involved, or within that State during such travel. The total amount of such expenses for which each Senator and the employees in his office may be reimbursed in any fiscal year shall not exceed a sum equal to forty times (in the case of a Senator from a State having a population of less than ten million inhabitants), or forty-four times (in the case of a Senator from a State having a population of ten million or more inhabitants), fourteen cents per mile for the number of miles certified by the Senator as the distance between Washington, District of Columbia, and the place of his residence in his home State, if such distance is less than 375 miles; thirteen cents per mile, if such certified distance is 375 miles or more but less than 750 miles; twelve cents per mile, if such certified distance is 750 miles or more but less than 1,000 miles; eleven cents per mile, if such certified distance is 1,000 miles or more but less than 1,750 miles; ten cents per mile, if such certified distance is 1,750 miles or more but less than 2,250 miles; nine cents per mile, if such certified distance is 2,250 miles or more but less than 2,500 miles; eight cents per mile, if such certified distance is 2,500 miles or more but less than 3,000 miles; or seven cents per mile, if such certified distance is 3,000 miles or more. In any fiscal year in which a Senator does not occupy the office of Senator for the entire fiscal year, the total amount of such expenses for which that Senator and the employees in his office may be reimbursed shall not exceed the greater of (1) the amount determined under the preceding sentence times that fraction which has as its numerator the number of months (counting the portion of any month as a month) during that fiscal year the Senator has occupied such office and has as its denominator the number 12, or (2) 50 percent of the amount determined under the preceding sentence. Reimbursement for such expenses by employees of the Senator shall be made only upon vouchers approved by the Senator containing a certification by such Senator that the round trip was performed in line of official duty. No payment shall be made to a newly appointed employee to travel to his place of employment. Reimbursement under this paragraph shall be in addition to reimbursement for official travel which is otherwise authorized pursuant to law.

"The".

In the case of round trips made by employees in a Senator's office, the amendment made by this paragraph shall apply only with respect to such round trips commencing on or after July 1, 1971, except that a round trip commenced but not completed prior to such date and for which reimbursement may not be charged to amounts made available for such round trips for fiscal year 1971 may be charged to amounts made available under such amendment during fiscal year 1972.

Effective July 1, 1971, the second paragraph under the heading "Administrative Provisions" in the appropriations for the Senate in the Legislative Branch Appropriation Act, 1962, as amended (2 U.S.C. 127), is repealed.

In lieu of the volumes of the Code of Laws of the United States, and the supplements thereto, supplied a Senator under section 212 of title 1, United States Code, the Secretary of the Senate is authorized and directed to supply to a Senator upon written request of, and as specified by, that Senator—

(1) one copy of each of the volumes of the United States Code Annotated being published at the time the Senator takes office, and, as long as that Senator holds office, one copy of each replacement volume, each annual pocket part, and each pamphlet supplementing each such pocket part to the United States Code Annotated; or

(2) one copy of each of the volumes of the Federal Code Annotated being published at the time the Senator takes office, and, as long as that Senator holds office, one copy of each replacement volume and each pocket supplement to the Federal Code Annotated.

A senator is entitled to make a written request under this paragraph and be supplied such volumes, pocket parts, and supplements the first time he takes office as a Senator and each time thereafter he takes office as a Senator after a period of time during which he has not been a Senator. In submitting such written request, the Senator shall certify that the volumes, pocket parts, or supplements he is to be supplied are to be for his exclusive, personal use. A Senator holding office on the date of enactment of this Act shall be entitled to file a written request and receive the volumes, pocket parts and supplements, as the case may be, referred to in this paragraph if such request is filed within 60 days after the date of enactment of this Act. Expenses incurred under this authorization shall be paid from the contingent fund of the Senate.

Section 4 of the joint resolution entitled "Joint Resolution transferring the management of the Senate Restaurants to the Architect of the Capitol, and for other purposes", approved July 6, 1961 (40 U.S.C. 174j–4), is amended by striking out the last sentence and inserting in lieu thereof the following new sentences: "Any amounts appropriated for fiscal year 1972 and thereafter from the Treasury of the United States specifically for such restaurants as a 'Contingent Expense of the Senate' item for the particular fiscal year involved shall be paid to the Architect of the Capitol by the Secretary of the Senate at such times and in such sums as the Senate Committee on Rules and Administration may approve. Any such payment shall be deposited by the Architect in full under special deposit account."

Each officer or member of the Capitol Police force whose compensation is disbursed by the Secretary of the Senate, who has performed or performs duty in addition to the number of hours of his regularly scheduled tour of duty during any period on or after March 1, 1971, with respect to which the Capitol Police Board determined or determines that emergency conditions existed or exist, shall be paid compensation for each such additional hour of duty, in lieu of compensatory time off, at a rate equal to his hourly rate of compensation in the case of captains, lieutenants, and special officers, and at a rate equal to one and one-half times his hourly rate of compensation for other members of such force referred to herein. The hourly rate of compensation of such officer or member shall be determined by dividing his annual rate of compensation by 2,080. Such compensation due officers and members shall be paid by the Secretary, upon certification of such additional hours of duty by the Chief of the Capitol Police as approved by the Sergeant at Arms of the Senate, from funds available in the Senate appropriation

"Salaries, Officers and Employees" for the fiscal year in which the additional hours of duty are performed without regard to the limitations specified herein.

On page 23, line 21, after the word "Board", strike out "$134,000" and insert "$232,400".

On page 26, after line 21, strike out:

CAPITOL GUIDE SERVICE

For salaries and expenses of the Capitol Guide Service, $328,000; *Provided*, That none of these funds shall be used to employ more than twenty-four personnel.

On page 27, after line 17, insert:

CAPITOL GUIDE SERVICE

For salaries and expenses of the Capitol Guide service, $328,000, to be disbursed by the Secretary of the Senate: *Provided*, That none of these funds shall be used to employ more than twenty-four individuals, of which number twelve individuals may hereafter be appointed by the Sergeant at Arms of the Senate at rates of pay to be fixed by him which shall not exceed maximum rates fixed by the Committee on Rules and Administration of the Senate, and twelve individuals may hereafter be appointed by the Sergeant at Arms of the House of Representatives at rates of pay to be fixed by him which shall not exceed maximum rates fixed by the Committee on House Administration of the House of Representatives.

On page 29, at the end of line 24, strike out "$2,479,200" and insert in lieu thereof "$2,506,700";

On page 30, after line 3, insert the following new language:

RESTORATION OF OLD SENATE CHAMBER AND OLD SUPREME COURT CHAMBER IN THE CAPITOL

To enable the Architect of the Capitol to make such expenditures as may be necessary to restore the Old Senate Chamber on the principal floor of the Capitol and the Old Supreme Court Chamber on the ground floor of the Capitol substantially to the condition in which these chambers existed when last occupied in 1859 and 1860, respectively, by the United States Senate and the United States Supreme Court, including expenditures for procurement, restoration, and repair of furniture and furnishings for these chambers. $1,209,000, to be expended without regard to section 3709 of the Revised Statutes, as amended, and to remain available until expended, all under the direction of the Commission on Art and Antiquities of the United States Senate established by S. Res. 382, 90th Congress, agreed to October 1, 1968.

On page 31, after line 3, insert the following new language:

SENATE OFFICE BUILDINGS

For maintenance, miscellaneous items and supplies, including furniture, furnishings, and equipment, and for labor and material incident thereto, and repairs thereof; for purchase of waterproof wearing apparel, and for personal and other services; including eight attendants at a gross annual rate of $7,294 each, from and after January 10, 1971; for the care and operation of the Senate Office Buildings; including the subway and subway transportation systems connecting the Senate Office Buildings with the Capitol; uniforms or allowances therefor as authorized by law (5 U.S.C. 5901–5902), prevention and eradication of insect and other pests without regard to section 3709 of the Revised Statutes as amended; to be expended under the control and supervision of the Architect of the Capitol; in all, $4,692,000: *Provided*, That, any buildings in Squares 724 and 725, acquired under authority of Public Law 91–145 and Public Law 91–382, occupied by the Senate and/or the Capitol Police, shall be subject to the provisions of the Act of June 8, 1942 (40 U.S.C. 174 (c) and (d)) and the Act of July 31, 1946, as amended (40 U.S.C. 193a–193m, 212a, and 212b): *Provided further*, That, hereafter, appropriations for the "Senate Office Buildings" shall be available for employment of management personnel of the Senate restaurant facilities and miscellaneous restaurant expenses (except cost of food and cigar stand sales): *Provided further*, That annual and sick leave balances of such personnel, as of the date of enactment of this provision, shall be credited to the leave accounts of such personnel, subject to the provisions of 5 U.S.C. 6304, upon their transfer to this appropriation and such personnel shall continue, while employed by the Architect of the Capitol, to earn leave at rates not less than their present accrual rates.

EXTENSION OF ADDITIONAL SENATE OFFICE BUILDING SITE

For an additional amount for "Extension of Additional Senate Office Building Site", $31,500 to be expended for the purposes authorized under this heading in the Act of August 18, 1970, Public Law 91–382 (84 Stat. 819).

SENATE GARAGE

For maintenance, repairs, alterations, personal and other services, and all other necessary expenses, $83,600.

On page 34, in line 13, strike out "$1,134,000" and insert in lieu thereof "$1,202,000";

On page 36, in line 7, strike out "$33,408,000" and insert "$33,661,000";

In line 22, strike out "$6,800,000" and insert in lieu thereof "$8,155,000";

On page 37, at the end of line 18, strike out "$962,000" and insert in lieu thereof "$995,000".

On page 38, in line 21, strike out "$435,000" and insert in lieu thereof "$505,000";

On page 39, in line 8, strike out "ten" and insert in lieu thereof "fifteen";

And on page 44, in line 6, strike out "$86,618,000" and insert in lieu thereof "$87,598,000".

Mr. COTTON. Mr. President, I shall not take the time of the Senate, other than to compliment the distinguished Senator from South Carolina, not only for his work on this measure but for the extreme fairness that he has displayed and the chairman has displayed on each question that has arisen.

I, too, wish to note the fact that the distinguished chairman of the full committee, the Senator from Louisiana, and the ranking minority member of the full committee, the Senator from North Dakota, gave this measure their close attention.

As compared with other appropriations in Government, I think we can honestly say that each item has received more scrutiny, perhaps, than the individual items in any other appropriation bill that comes before us. The committee was profoundly conscious of the fact that these items represent what is necessary for the working of the Senate and for the convenience of each Senator, to give him the necessary tools with which to work. We were aware of the fact that we could not possibly give every Member of Congress and every Senator everything that might be desired, but I think that we arrived at a fair decision, and that this measure represents the considered opinion of the entire subcommittee. There is no dissension among us. We all endorse the bill, because we worked on it and have given it our very best judgment.

I congratulate the Senator from South Carolina for the fine work he has done in bringing in this bill.

Mr. HOLLINGS. I thank the distinguished Senator from New Hampshire. I agree with his statement as to the Senator from North Dakota, who was with us all the time, and we appreciated his wonderful help.

Mr. President, the Senator from Florida (Mr. CHILES) would like to offer an amendment, relating to the transfer of telephone and telegraph accounts, allowing Senators to transfer. Upon inquiry, he has determined from the Comptroller that that is only allowed at the end of the calendar year and is not allowed in the discretion of the Senator, to be transferred at the time of need, from one item of telegraph, for example, to the telephone account. The chairman of the committee has pointed it out as an understanding, and I think we can clarify any misunderstanding by including it in the amendment of the Senator from Florida.

Mr. CHILES. Mr. President, I send to the desk an amendment and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 7, line 23, insert the following:

Provided, That nothing herein shall prohibit the free transfer between the telephone and telegraph accounts at any time.

Mr. CHILES. Mr. President, this simply allows a Senator to make that free transfer and not to be handicapped by only being able to make it at the end of the calendar year.

Mr. COTTON. If this amendment is going to be adopted, we should also take out of the bill the $400 extra that was put in.

Mr. HOLLINGS. The $400 extra was an insufficiency, really, in the stationery account itself.

Mr. CHILES. This does not go to stationery.

Mr. ELLENDER. This does not go to stationery. It goes only to the telephone and telegraph allowances.

Mr. COTTON. Does this amendment permit the transfer to stationery?

Mr. HOLLINGS. No. That was really the confusion. The one was on the calendar year, and the other was on the fiscal year, and that was not allowed.

Mr. President, unless there is objection, I would be glad to accept the amendment of the Senator from Florida, on behalf of the chairman and other members of the committee.

Mr. ALLOTT. Mr. President, will the Senator withhold for a moment?

Mr. HOLLINGS. Yes.

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

Mr. HOLLINGS. I yield.

Mr. ALLOTT. I want to be sure that I understand the meaning of this amendment.

This simply means that there is a free transfer between the telephone account and the telegraph account, not between these accounts and any other accounts?

Mr. HOLLINGS. That is correct.

For the legislative history—and this is what our distinguished chairman counseled the Senator from Florida—that was permissible at the present time. Upon inquiry, the Senator from Florida learned from the Comptroller that that is allowed only at the end of the calendar year. To clarify a misunderstanding, it is just that transfer, and we thought we would put in writing what was understood.

Mr. ALLOTT. I have no objection.

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

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

Mr. JAVITS. Mr. President, I have discussed with the distinguished Senator who is managing the bill a provision in the committee report which deals with a very vexing problem for the large States, and that is the problem of transferring as between accounts—it is on page 8, at the top of the page, just before the new title—the question of applying excess official telephone and telegraph allowances for the charges on official stationery. My office has been out of that particular account basis, if my memory is correct, for a minimum of 4 months, and I have personally paid it.

My economics, I might tell the Senate, are bad enough. In all the years I have been in the House and the Senate—and I have been in the House and the Senate for 23 years—I have never received a penny of my salary, and I still do not. The economics are made even more impossible by the acute difficulty of even earning a living at the practice of law, which is seemingly becoming more impossible every day. So this is a very real problem to people such as myself.

But I am satisfied, after talking with Senator HOLLINGS, that for the moment the committee has done what it can in accepting the amendment of the Senator from Florida (Mr. CHILES), which permits a transfer between telegraph and telephone and in adding for States such as my own some $400 on the stationery allowance. With almost a third of the membership of the Senate, whom we have as cosponsors, feeling as we do, I am very hopeful that we can work this out; and I do not wish to stand in the way of the bill at this time.

Mr. HOLLINGS. I thank the Senator.

Mr. President, unless there is further comment, I am prepared to vote on the amendment of the Senator from Florida.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Florida.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

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

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question, Shall it pass?

The bill (H.R. 8825) was passed.

Mr. HOLLINGS. Mr. President, I move that the Senate insist upon its amendment and request a conference with the House, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. BROCK) appointed Mr. HOLLINGS, Mr. ELLENDER, Mr. INOUYE, Mr. COTTON, Mr. BROOKE, and Mr. YOUNG conferees on the part of the Senate.

ORDER OF BUSINESS

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

The PRESIDING OFFICER. The clerk will call the roll.

The 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.

Mr. BYRD of West Virginia. Mr. President, there will be no further votes today.

ORDER FOR ADJOURNMENT FROM TUESDAY TO WEDNESDAY, JUNE 23, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business on tomorrow, it stand in adjournment until 11:30 a.m. on Wednesday next.

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

ORDER FOR RECOGNITION OF SENATOR BYRD OF VIRGINIA ON WEDNESDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Wednesday, immediately following the recognition of the two leaders under the standing order, the distinguished Senator from Virginia (Mr. BYRD) be recognized for not to exceed 15 minutes.

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

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON WEDNESDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent, following the remarks of the distinguished senior Senator from Virginia (Mr. BYRD), on Wednesday next, that there be a period for the transaction of routine morning business, with statements limited to 3 minutes therein, the period not to extend beyond 12 o'clock noon.

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

Mr. JAVITS. Mr. President, could we know what the Senator is providing for tomorrow, inasmuch as I have an interest in that.

Mr. BYRD of West Virginia. Mr. President, I think I can help the Senator in just a moment.

TIME FOR DEBATE TO BEGIN ON MOTION TO INVOKE CLOTURE ON WEDNESDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at 12 o'clock noon on Wednesday, June 23, 1971, the 1 hour under the rule, for debate on the motion to invoke cloture, begin to run.

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

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the time, during that 1-hour period, be equally divided and controlled by the distinguished manager of the bill, the Senator from Mississippi (Mr. STENNIS) and the distinguished junior Senator from Alaska (Mr. GRAVEL).

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

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest what I hope will be the final quorum call today.

The PRESIDING OFFICER. Without objection, the clerk will call the roll.

The second assistant 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.

WEST FARGO PIONEER

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 156, S. 161.

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

The assistant legislative clerk proceeded to read as follows:

S. 161, a bill for the relief of the West Fargo Pioneer.

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

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on the Judiciary with amendments, on page 1, at the beginning of line 4, strike out "is" and insert the following new language "and Dale C. Nesemeier are";

At the end of line 5, strike out "$1,674.07" and insert in lieu thereof "$995.38";

And in line 6, after the word "due", strike out "on sample copies of the West Fargo Pioneer mailed during the period from January 1969, through September 1969, and additional postage due"; so as to make the bill read:

S. 161

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the West Fargo Pioneer of West Fargo, North Dakota, and Dale C. Nesemeier are relieved of all liability for payment to the United States

of the sum of $995.38, representing additional postage due on a publication entitled "The Mirror" included as a supplement to the West Fargo Pioneer and mailed during the period from March 1969, through April 1970, such postage being due as the result of the assessment of postage at incorrect rates by officials of the Post Office Department.

SEC. 2. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the West Fargo Pioneer the sum of any amount received on account of the postage deficiency referred to in the first section of this Act.

(b) No more than ten percent of any amount appropriated under this section shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with these claims, and the same shall be unlawful, any contract to the contrary notwithstanding. Violation of the provisions of this subsection is a misdemeanor punishable by a fine not to exceed $1,000.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of the West Fargo Pioneer and Dale C. Nesemeier".

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 9 o'clock a.m. There will be a period for the transaction of routine morning business, with statements therein limited to 3 minutes, the period not to extend beyond 9:20 a.m.

At 9:20 a.m., the Senate will proceed to the consideration of amendment No. 147 of the Senator from Alaska (Mr. GRAVEL), with a time limitation thereon of 1 hour.

The yeas and nays having been ordered, a rollcall vote will occur on that amendment at approximately 10:20 a.m.

Upon disposition of the Gravel amendment No. 147, the Senate will proceed to consider amendment No. 172 of the Senator from New York (Mr. JAVITS), with a time limitation thereon of 1 hour.

Following disposition of the JAVITS amendment No. 172—at 12 o'clock noon to be exact—the Chair will lay before the Senate the Cook-Stevens amendment No. 165, with a time limitation thereon of 4 hours.

The vote on amendment No. 165 will occur at 4 o'clock p.m. This will undoubtedly be a rollcall vote, although the yeas and nays have not been ordered on the amendment.

Upon disposition of the Cook-Stevens amendment No. 165, the Senate will proceed to the consideration of amendment No. 173, by the Senator from Illinois (Mr. STEVENSON), with a time limitation thereon of 2 hours.

Upon disposition of the Stevenson amendment No. 173, the Senate will proceed to the consideration of amendment No. 126 by the Senator from Alaska (Mr. GRAVEL), with a time limitation thereon of 1 hour.

It is my understanding, following the action of the Senate tomorrow on the Gravel amendment No. 126, that the distinguished majority leader will call up his amendment which has been referred to a number of times today.

Thus, Senators are on notice that several rollcall votes are expected tomorrow.

Mr. GRIFFIN. Mr. President, if the distinguished Senator from West Virginia will yield, there is no unanimous-consent request made, however, in connection with the possible calling up of the distinguished majority leader's amendment on tomorrow, is there? We expect that he will do it at that time; is that not correct?

Mr. BYRD of West Virginia. Mr. President, the able Senator is correct. It is anticipated that the distinguished majority leader will do that. There is no unanimous-consent request so far.

Mr. GRIFFIN. I ask that question because there was an agreement but no unanimous-consent request proposed, so there is no reason for me to protect Senators.

Mr. BYRD of West Virginia. Precisely. The Senator is correct. It is the intention of the distinguished majority leader to call up his amendment, once the Senate has disposed of all amendments on which time limitations have been entered into and which have been scheduled for tomorrow. At that point, of course, unanimous consent would not be necessary for him in order to call up his amendment, if he can get recognition, and I think it is his plan to do so.

WAIVER OF THE RULE OF GERMANENESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent—in view of the fact that a time sequence has been agreed to with respect to the amendments enumerated in the program and time limitations thereon have been agreed to—that the Pastore rule of germaneness be waived throughout the day on tomorrow.

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

ADJOURNMENT TO 9 A.M.

Mr. BYRD of West Virginia. 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 9 a.m. tomorrow.

The motion was agreed to; and (at 4 o'clock and 8 minutes p.m.) the Senate adjourned, until tomorrow, Tuesday, June 22, 1971, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate June 21, 1971:

DEPARTMENT OF THE TREASURY

Johnnie M. Walters, of South Carolina, to be Commissioner of Internal Revenue, vice Randolph W. Thrower, resigned.

IN THE ARMY

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3299:

To be lieutenant colonel

Collins, Thomas J. Jr., [redacted]
Smith, Frank H. Jr., [redacted]

To be major

Harston, Alfred L., [redacted]
Mills, Richard L., [redacted]
Pace, Johnny L., [redacted]
Schneider, Wyatt L., [redacted]
Smith, John W., [redacted]
Wilson, Otis G., [redacted]
Wynne, Thomas L., [redacted]

MEDICAL CORPS

To be major

Wilson, Chester, [redacted]

ARMY NURSE CORPS

To be major

Narbuth, Benjamin L., [redacted]

To be captain

Alexander, John B., [redacted]
Anderschat, Richard W., [redacted]
Beasley, Lonnie S., Jr., [redacted]
Bolin, Daniel H., [redacted]
Breed, Rolla M., [redacted]
Chiaramonte, William V., [redacted]
Cosand, Charles L., Jr., [redacted]
Cramer, Edward J., Jr., [redacted]
Davis, Walker B., Jr., [redacted]
Dennis, Ronald L., [redacted]
Dobbins, Raymond H., [redacted]
Dubay, Donald A., [redacted]
Duval, Aaron D., [redacted]
Earley, Michael W., [redacted]
Faulk, Albert W., Jr., [redacted]
Feuerborn, Thomas L., [redacted]
Foley, Dennis R., [redacted]
Fritts, Richard O., [redacted]
Gaines, Rodney R., [redacted]
Gass, James M., [redacted]
Halverson, Robert L., [redacted]
Hyder, Charles F., [redacted]
Kelley, Michael P., [redacted]
Lassetter, Gary W., [redacted]
Lawrence, Roy G., Jr., [redacted]
Madden, Franklin M., [redacted]
Mathewson, Robert W., [redacted]
Nelson, Grant O., [redacted]
O'Neal, Bobby G., [redacted]
O'Sullivan, Peter C., [redacted]
Pavulak, Paul E., [redacted]
Rinaldo, Richard J., [redacted]
Smith, Houston W., [redacted]
Tanner, Warren M., [redacted]
Thorne, James R., [redacted]
Vasey, Dennis P., [redacted]
Young, Robert H., [redacted]

WOMEN'S ARMY CORPS

To be captain

Baetcke, Dorothy A., [redacted]
Harris, Betty J., [redacted]

DENTAL CORPS

To be captain

Johnson, Richard L., [redacted]

VETERINARY CORPS

To be captain

Heil, James R., [redacted]

MEDICAL SERVICE CORPS

To be captain

English, Lamont B., [redacted]
Faulk, Charles W., Jr., [redacted]
Higbee, James W., [redacted]
Hoffman, Wynn R., [redacted]
May, Ronald L., [redacted]

ARMY MEDICAL SPECIALIST CORPS

To be captain

Martin, Mary E., [redacted]
Sundstrom, Carl, [redacted]

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, Sections 3284 and 3298:

To be first lieutenant

Ackerman, Arthur W., [redacted]
Adamczyk, Richard D., [redacted]
Adams, James R., [redacted]
Adams, Maurice D., [redacted]
Adams, Robert A., [redacted]
Adams, Ronald K., [redacted]
Ader, Steven W., [redacted]

Adkins, Charles P., XXXX
Ahders, Arnold W., xxx-xx-xxxx
Aker, Alan B., xxx-xx-xxxx
Albertazzi, Robert, xxx-xx-xxxx
Alexander, Daniel E., xxx-xx-xxxx
Alexander Robert M., xxx-xx-xxxx
Alexander, William, xxx-xx-xxxx
Allen, Andrew B., Jr., xxx-xx-xxxx
Allen, Darrel G., xxx-xx-xxxx
Allen, Rand L., xxx-xx-xxxx
Allen, Richard G., xxx-xx-xxxx
Allgood, John C., xxx-xx-xxxx
Ambrose, Anthony, xxx-xx-xxxx
Ammons, James D., xxx-xx-xxxx
Amox, Ronald L., xxx-xx-xxxx
Anderson, Edward M., xxx-xx-xxxx
Anderson, Frederick, xxx-xx-xxxx
Anderson, Glenn B., xxx-xx-xxxx
Anderson, James F., xxx-xx-xxxx
Anderson, John L., xxx-xx-xxxx
Anderson, Jon C., xxx-xx-xxxx
Anderson, Monte R., xxx-xx-xxxx
Anderson, Perry H., xxx-xx-xxxx
Anderson, Robert D., xxx-xx-xxxx
Andrews, Donald L., Jr., xxx-xx-xxxx
Annon, Michael C., xxx-xx-xxxx
Antonitis, John E., III, xxx-xx-xxxx
Aquino, Michael A., xxx-xx-xxxx
Argentieri, Joseph P., Jr., xxx-xx-xxxx
Armstrong, John H., xxx-xx-xxxx
Artale, Vincent C., Jr., xxx-xx-xxxx
Arterberry, Joe F., xxx-xx-xxxx
Aseron, Douglas R., xxx-xx-xxxx
Atkinson, James D., III, xxx-xx-xxxx
Audrain, Erin F., Jr., xxx-xx-xxxx
Austin, Gene P., xxx-xx-xxxx
Babitz, Gregory M., xxx-xx-xxxx
Bachman, William A., xxx-xx-xxxx
Baerman, Vincent P., xxx-xx-xxxx
Bagby, Buford R., xxx-xx-xxxx
Bailey, Thomas L., xxx-xx-xxxx
Baird, James T., xxx-xx-xxxx
Baker, Jon F., xxx-xx-xxxx
Baker, Larry C., xxx-xx-xxxx
Baker, Larry E., xxx-xx-xxxx
Baker, Robert M., xxx-xx-xxxx
Baker, Russell J., II, xxx-xx-xxxx
Baker, Sidney F., Jr., xxx-xx-xxxx
Baldwin, Alan R., xxx-xx-xxxx
Balliett, Timothy D., xxx-xx-xxxx
Balog, Robert J., xxx-xx-xxxx
Bangasser, Hugh F., xxx-xx-xxxx
Banks, Floyd T., Jr., xxx-xx-xxxx
Barbeau, Raymond A., xxx-xx-xxxx
Barnes, Gerald W., xxx-xx-xxxx
Barnes, Thomas A., Jr., xxx-xx-xxxx
Barnett, Mark L., xxx-xx-xxxx
Barter, Donald B., xxx-xx-xxxx
Battaglia, Paul, xxx-xx-xxxx
Baumer, Richard E., xxx-xx-xxxx
Baylor, Peter N., xxx-xx-xxxx
Beahm, Robert H., xxx-xx-xxxx
Beals, Bruce S., xxx-xx-xxxx
Beaman, David E., xxx-xx-xxxx
Beaudette, Edward H., xxx-xx-xxxx
Beaulieu, Rowland R., xxx-xx-xxxx
Beck, Richard C., xxx-xx-xxxx
Becker, Dean B., III, xxx-xx-xxxx
Beckley, Stewart D., xxx-xx-xxxx
Beckwith, Charles E., xxx-xx-xxxx
Beer, Jan D., xxx-xx-xxxx
Beierschmitt, Thomas A., xxx-xx-xxxx
Beiner, Allen H., xxx-xx-xxxx
Belasco, Marvin S., xxx-xx-xxxx
Bell, Nathan J., IV, xxx-xx-xxxx
Bender, Alfred J., III, xxx-xx-xxxx
Benefield, Michael, xxx-xx-xxxx
Benson, John O., xxx-xx-xxxx
Bernat, Valent P., Jr., xxx-xx-xxxx
Besanceney, Charles, xxx-xx-xxxx
Bevans, Jim M., III, xxx-xx-xxxx
Billingsley, Michael L., xxx-xx-xxxx
Birger, Larry D., xxx-xx-xxxx
Biskey, Alan D., xxx-xx-xxxx
Black, Frederick H., xxx-xx-xxxx
Black, James A., xxx-xx-xxxx
Blackwood William, xxx-xx-xxxx
Blair, William R., xxx-xx-xxxx
Blevins, John M., xxx-xx-xxxx
Bodenhamer, James D., xxx-xx-xxxx
Bodenhorn, Philip G., xxx-xx-xxxx
Bonasso, Russell P., xxx-xx-xxxx
Bond, Richard J., xxx-xx-xxxx
Bonifazio, Jack C., xxx-xx-xxxx
Bonvillain, Frank B., xxx-xx-xxxx
Borey, Donald E., xxx-xx-xxxx
Borowski, Paul D., xxx-xx-xxxx
Boston, Thomas D., xxx-xx-xxxx
Botelho, Michael J., xxx-xx-xxxx
Botwright, John S., xxx-xx-xxxx
Bowers, Larry E., xxx-xx-xxxx
Bowers, Richard E., xxx-xx-xxxx
Bowland, Warren F., xxx-xx-xxxx
Bowler, Arthur J., Jr., xxx-xx-xxxx
Bowling, Martin L., Jr., xxx-xx-xxxx
Bowman, Stephen L., xxx-xx-xxxx
Brace, Robert A., II, xxx-xx-xxxx
Bradley, Grover C., Jr., xxx-xx-xxxx
Brady, William H., Jr., xxx-xx-xxxx
Braun, Gerald J., xxx-xx-xxxx
Braun, John E., Jr., xxx-xx-xxxx
Bray, Kenneth A., xxx-xx-xxxx
Brennan, Michael J., xxx-xx-xxxx
Bressler, Michael A., xxx-xx-xxxx
Brewer, Robert S., Jr., xxx-xx-xxxx
Broderick, Charles, xxx-xx-xxxx
Brooke, Richard A., xxx-xx-xxxx
Brooks, Bruce S., xxx-xx-xxxx
Brooks, Carlton P., xxx-xx-xxxx
Brooks, Charles R., xxx-xx-xxxx
Brown, Bruce H., xxx-xx-xxxx
Brown, Felix M., xxx-xx-xxxx
Brown, George L., xxx-xx-xxxx
Brown, George P., xxx-xx-xxxx
Brown, Robert F., xxx-xx-xxxx
Brown, Thomas L., xxx-xx-xxxx
Brown, Timothy W., xxx-xx-xxxx
Brown, William M., xxx-xx-xxxx
Brownfield, Albert, xxx-xx-xxxx
Bruce, Michael E., xxx-xx-xxxx
Brumfield, James E., xxx-xx-xxxx
Brunner, Donald J., xxx-xx-xxxx
Buch, Stephen H., xxx-xx-xxxx
Buchholz, Douglas, xxx-xx-xxxx
Buckley, Jerry L., xxx-xx-xxxx
Buckley, John A., III, xxx-xx-xxxx
Buening, Edward H., Jr., xxx-xx-xxxx
Bunnell, Danny R., xxx-xx-xxxx
Burdette, Frederick, xxx-xx-xxxx
Burdick, James R., xxx-xx-xxxx
Burke, William T., xxx-xx-xxxx
Burnette, Thomas N., xxx-xx-xxxx
Burrell, Clarence A., xxx-xx-xxxx
Burrell, Dennis M., xxx-xx-xxxx
Burton, James M., xxx-xx-xxxx
Burwell, Stanley A., xxx-xx-xxxx
Bush, James E., xxx-xx-xxxx
Bush, Morgan M., Jr., xxx-xx-xxxx
Bussa, John J., xxx-xx-xxxx
Bussell, Jerry L., xxx-xx-xxxx
Butler, Young F., xxx-xx-xxxx
Byrd, Bronson F., xxx-xx-xxxx
Byrnes, Michael T., xxx-xx-xxxx
Calabro, John A., Jr., xxx-xx-xxxx
Caldwell, Steven J., xxx-xx-xxxx
Calhoun, Dayton, III, xxx-xx-xxxx
Camp, Gregory C., xxx-xx-xxxx
Campbell, John M., xxx-xx-xxxx
Campbell, William N., xxx-xx-xxxx
Canda, Francis E., xxx-xx-xxxx
Canella, Charles J., xxx-xx-xxxx
Carl, David L., xxx-xx-xxxx
Carleton, Ardenne S., xxx-xx-xxxx
Carlson, John A., xxx-xx-xxxx
Carlson, Richard G., xxx-xx-xxxx
Carman, James W., xxx-xx-xxxx
Carraway, David W., xxx-xx-xxxx
Carrigan, Horace M., xxx-xx-xxxx
Carroll, Daniel F., xxx-xx-xxxx
Carroll, James P., xxx-xx-xxxx
Carroll, William J., xxx-xx-xxxx
Carson, Craig S., xxx-xx-xxxx
Casassa, Edward B., Jr., xxx-xx-xxxx
Casey, Robert F., xxx-xx-xxxx
Cassell, Charles R., xxx-xx-xxxx
Castoria, Edward S., xxx-xx-xxxx
Catron, Alan D., xxx-xx-xxxx
Cecil, Robert R., xxx-xx-xxxx
Cerne, Autone C., xxx-xx-xxxx
Cerrone, Michael J., xxx-xx-xxxx
Chamberlain, Edward, xxx-xx-xxxx
Chamberlin, Paul F., xxx-xx-xxxx
Chambers, Edwin H., Jr., xxx-xx-xxxx
Chapla, John D., xxx-xx-xxxx
Chapuran, Frank J., Jr., xxx-xx-xxxx
Charpiot, Frederic, xxx-xx-xxxx
Chase, Charles T., xxx-xx-xxxx
Chiccehitto, Ronald, xxx-xx-xxxx
Chicoine, Gary S., xxx-xx-xxxx
Childers, Stephen D., xxx-xx-xxxx
Chisam, Phillip M., xxx-xx-xxxx
Choban, Gregory G., xxx-xx-xxxx
Christensen, George, xxx-xx-xxxx
Chun, Carl W. S., xxx-xx-xxxx
Ciarletto, John A., xxx-xx-xxxx
Cima, James P., xxx-xx-xxxx
Cinquino, Joseph M., xxx-xx-xxxx
Clappier, David J., xxx-xx-xxxx
Clarizio, Dominick, xxx-xx-xxxx
Clark, David R., xxx-xx-xxxx
Clark, James F., xxx-xx-xxxx
Clark, John K., Jr., xxx-xx-xxxx
Clark, Michael D., xxx-xx-xxxx
Clarke, Robert B., xxx-xx-xxxx
Claxton, James D., xxx-xx-xxxx
Clayton, Michael S., xxx-xx-xxxx
Clemens, Roger L., xxx-xx-xxxx
Clemm, David H., xxx-xx-xxxx
Clemmons, Reginal G., xxx-xx-xxxx
Clevenger, Brian L., xxx-xx-xxxx
Cliff, Richard G., xxx-xx-xxxx
Cloman, James F., xxx-xx-xxxx
Clyde, Harry M., III, xxx-xx-xxxx
Cobb, Jerald M., xxx-xx-xxxx
Cobey, Elwood A., xxx-xx-xxxx
Cochran, John H., Jr., xxx-xx-xxxx
Cohen, Michael A., xxx-xx-xxxx
Coleman, Ronald L., xxx-xx-xxxx
Coley, Thomas E., Jr., xxx-xx-xxxx
Comeau, Ronald J., xxx-xx-xxxx
Conatser, Edwin W., xxx-xx-xxxx
Conroy, Henry S., xxx-xx-xxxx
Constantine, Edward, xxx-xx-xxxx
Cooch, Francis A., IV, xxx-xx-xxxx
Coogler, Arthur C., Jr., xxx-xx-xxxx
Cook, Bryan T., xxx-xx-xxxx
Cooper, Brian P., xxx-xx-xxxx
Cooper, Frederick D., xxx-xx-xxxx
Cooper, Louis, xxx-xx-xxxx
Cooper, Walter R., xxx-xx-xxxx
Copley, John B., xxx-xx-xxxx
Coppedge, Warren F., xxx-xx-xxxx
Coppit, George L., Jr., xxx-xx-xxxx
Corcoran, Andrew W., xxx-xx-xxxx
Corey, Jon M., xxx-xx-xxxx
Coverstone, James M., xxx-xx-xxxx
Covington, Johnnie, xxx-xx-xxxx
Cowperthwaite, Neil, xxx-xx-xxxx
Cox, John R., xxx-xx-xxxx
Cox, Joseph T., xxx-xx-xxxx
Craig, James D., xxx-xx-xxxx
Cramer, William B., xxx-xx-xxxx
Craven, William J., xxx-xx-xxxx
Crecelius, Allan M., xxx-xx-xxxx
Creeden, Joseph V., Jr., xxx-xx-xxxx
Creighton, Francis, xxx-xx-xxxx
Crenshaw, John C., xxx-xx-xxxx
Crist, Paul H., xxx-xx-xxxx
Cross, Billy H., xxx-xx-xxxx
Crow, Patrick F., xxx-xx-xxxx
Crowder, Scott P., xxx-xx-xxxx
Crowe, Myles J., xxx-xx-xxxx
Cruden, John C., xxx-xx-xxxx
Crupper, Gordon, Jr., xxx-xx-xxxx
Cucullu, Gordon C., II, xxx-xx-xxxx
Cullen, John F., xxx-xx-xxxx
Cummings, Douglas M., xxx-xx-xxxx
Cunningham, David F., xxx-xx-xxxx
Cunningham, Jesse M., xxx-xx-xxxx
Curl, Walton W., xxx-xx-xxxx
Curran, Patrick M., xxx-xx-xxxx
Cutting, Edward B., Jr., xxx-xx-xxxx
Cvirko, William, xxx-xx-xxxx
Dalessandro, Ralph, xxx-xx-xxxx
Dallen, John A., Jr., xxx-xx-xxxx
Dance, Robert L., xxx-xx-xxxx
Dandorph, Kenneth M., xxx-xx-xxxx
Dandrea, Richard E., xxx-xx-xxxx
Dantone, Joseph D., xxx-xx-xxxx
Darby, Brooks L., xxx-xx-xxxx
Darmody, Donald J., xxx-xx-xxxx
Daugherty, Darrel W., xxx-xx-xxxx
Davidson, Van M., Jr., xxx-xx-xxxx

Davis, Allen, II, xxxx
Davis, Donald C., xxx-xx-xxxx
Davis, John F., xxx-xx-xxxx
Davis, William E., xxx-xx-xxxx
Day, Kenneth M., xxx-xx-xxxx
De Elaquiere, Joseph A., Jr., xxx-xx-xxxx
De Coursey, Paul A., xxx-xx-xxxx
De Guire, Michael A., xxx-xx-xxxx
Decker, James G., xxx-xx-xxxx
Delia, Francis S., xxx-xx-xxxx
Delong, Frank W. III, xxx-xx-xxxx
Demory, Clarence D., xxx-xx-xxxx
Des Jardien, Richard, xxx-xx-xxxx
Devlin, Bernard R., xxx-xx-xxxx
Di Benedetto, Michael, Jr., xxx-xx-xxxx
Dickerson, William, xxx-xx-xxxx
Dickson, James M., Jr., xxx-xx-xxxx
Dickson, Joseph D., xxx-xx-xxxx
Diehl, Larry C., xxx-xx-xxxx
Diercks, James E., xxx-xx-xxxx
Dillon, Gerald F., xxx-xx-xxxx
Dixon, Roy Lynn, xxx-xx-xxxx
Dodge, Charles T., xxx-xx-xxxx
Dodson, John A., xxx-xx-xxxx
Dodson, Jonathan B., xxx-xx-xxxx
Dolan, Michael J. III, xxx-xx-xxxx
Dolan, Raymond J., xxx-xx-xxxx
Dollar, Douglas G., xxx-xx-xxxx
Donahue, Daniel J., xxx-xx-xxxx
Donaldson, Steven L., xxx-xx-xxxx
Dooley, Joseph M., xxx-xx-xxxx
Douglas, John W., Jr., xxx-xx-xxxx
Dowdney, Stephen P., xxx-xx-xxxx
Dreesen, Alan D., xxx-xx-xxxx
Dreger, William H., xxx-xx-xxxx
Drewry, Guy H., III, xxx-xx-xxxx
Drumgoole, Michael, xxx-xx-xxxx
Drummond, David I., xxx-xx-xxxx
Duff, William P., xxx-xx-xxxx
Duke, Robert E., Jr., xxx-xx-xxxx
Dukes, Dan K., III, xxx-xx-xxxx
Dull, Andrew L., xxx-xx-xxxx
Dunbar, Layton G., xxx-xx-xxxx
Dunklin, Gerald W., xxx-xx-xxxx
Durham, Orin A., Jr., xxx-xx-xxxx
Durkan, Joseph D., xxx-xx-xxxx
Duty, John S., xxx-xx-xxxx
Dyer, William B., Jr., xxx-xx-xxxx
Dykes, George O., Jr., xxx-xx-xxxx
Dykes, Roy K., Jr., xxx-xx-xxxx
Eak, Gerald J., xxx-xx-xxxx
Eastman, Thomas G., xxx-xx-xxxx
Easton, William G., Jr., xxx-xx-xxxx
Eatherly, Jerry W., xxx-xx-xxxx
Eber, Arthur G., xxx-xx-xxxx
Eckhardt, George S., xxx-xx-xxxx
Eckmann, William R., xxx-xx-xxxx
Edelman, Mark A., xxx-xx-xxxx
Eder, John W., Jr., xxx-xx-xxxx
Edgar, Gerald N., II, xxx-xx-xxxx
Edmondson, Earl R., Jr., xxx-xx-xxxx
Edwards, George H., xxx-xx-xxxx
Edwards, James W., Jr., xxx-xx-xxxx
Egan, Francis E., xxx-xx-xxxx
Egidio, Carmine A., xxx-xx-xxxx
Einbinder, Michael, xxx-xx-xxxx
Elam, John R., xxx-xx-xxxx
Elam, Robert L., xxx-xx-xxxx
Ellenberger, Barry, xxx-xx-xxxx
Ellerman, Donald R., xxx-xx-xxxx
Ellicott, Michael A., xxx-xx-xxxx
Ellis, Randolph W., xxx-xx-xxxx
Enix, Phillip W., xxx-xx-xxxx
Erion, Bruce F., xxx-xx-xxxx
Euart, John F., Jr., xxx-xx-xxxx
Eustice, Abe L., Jr., xxx-xx-xxxx
Evans, James H., xxx-xx-xxxx
Everett, Surry P., xxx-xx-xxxx
Fabrey, Robert H., II, xxx-xx-xxxx
Fahey, Thomas K., xxx-xx-xxxx
Faircloth, Clifford, xxx-xx-xxxx
Fairman, Roy M., xxx-xx-xxxx
Fallon, Thomas P., III, xxx-xx-xxxx
Farmer, James R., xxx-xx-xxxx
Farrenkopf, Robert, xxx-xx-xxxx
Farrugia, Victor R., xxx-xx-xxxx
Faulkenberry, Victor D., xxx-xx-xxxx
Fay, Michael J., xxx-xx-xxxx
Feher, Ronald D., xxx-xx-xxxx
Feild, Frank E., xxx-xx-xxxx
Fejfar, Richard A., xxx-xx-xxxx
Fellows, Michael H., xxx-xx-xxxx
Ferezan, Daniel M., xxx-xx-xxxx
Fernandi, Joachim S., xxx-xx-xxxx
Fetterman, Richard, xxx-xx-xxxx
Fieldman, Leslie M., xxx-xx-xxxx
Fields, Kenneth L., xxx-xx-xxxx
Fisher, Michael J., xxx-xx-xxxx
Fitter, James P., xxx-xx-xxxx
Flanagan, Michael H., xxx-xx-xxxx
Flanigan, Richard C., xxx-xx-xxxx
Flavin, William J., xxx-xx-xxxx
Fleming, John R., Jr., xxx-xx-xxxx
Fletcher, John E., xxx-xx-xxxx
Flickinger, Dennis, xxx-xx-xxxx
Flocke, Robert A., xxx-xx-xxxx
Florance, Jared E., xxx-xx-xxxx
Flowers, Chipman L., xxx-xx-xxxx
Flowers, Ernest, Jr., xxx-xx-xxxx
Flynn, James F., Jr., xxx-xx-xxxx
Flynn, Richard J., xxx-xx-xxxx
Ford, Curtis M., xxx-xx-xxxx
Ford, David P., xxx-xx-xxxx
Ford, Don C., xxx-xx-xxxx
Ford, Grover M., xxx-xx-xxxx
Fordham, Malcolm W., xxx-xx-xxxx
Forrestall, John L., xxx-xx-xxxx
Foster, John P., xxx-xx-xxxx
Fourqurean, James E., xxx-xx-xxxx
Fowler, Joseph C., Jr., xxx-xx-xxxx
Fowler, Leonard T., xxx-xx-xxxx
Farley, Ralph R., xxx-xx-xxxx
Frame, Charles L., xxx-xx-xxxx
Francis, James H., III, xxx-xx-xxxx
Franklin, Gary A., xxx-xx-xxxx
Franks, Robert G., xxx-xx-xxxx
Fravel, George H., xxx-xx-xxxx
Frinak, John C., xxx-xx-xxxx
Fronckowiak, Michael, xxx-xx-xxxx
Frushour, Stephen J., xxx-xx-xxxx
Fry, James L., xxx-xx-xxxx
Fryer, George E., Jr., xxx-xx-xxxx
Fuhrman, Russell L., xxx-xx-xxxx
Fulbruge, Charles R., xxx-xx-xxxx
Fuller, Harold W., xxx-xx-xxxx
Fuller, Wayne R., Jr., xxx-xx-xxxx
Fulton, Larry S., xxx-xx-xxxx
Funderburk, Charles, xxx-xx-xxxx
Gaddis, Walter D., Jr., xxx-xx-xxxx
Gaffney, John J., xxx-xx-xxxx
Gahagen, Dennis L., xxx-xx-xxxx
Galak, Robert C., xxx-xx-xxxx
Gale, Bruce R., xxx-xx-xxxx
Galehouse, Lawrence, xxx-xx-xxxx
Gallagher, Peter J., xxx-xx-xxxx
Gallivan, James J., xxx-xx-xxxx
Gantner, Charles J., xxx-xx-xxxx
Garbutt, Dale B., xxx-xx-xxxx
Garcia, Victor F., xxx-xx-xxxx
Gardepe, William M., xxx-xx-xxxx
Gardes, George A., Jr., xxx-xx-xxxx
Gardner, Jon S., xxx-xx-xxxx
Garges, Frederick C., xxx-xx-xxxx
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HOUSE OF REPRESENTATIVES—*Monday, June 21, 1971*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

If ye love Me, keep My commandments.—John 14: 15.

Eternal God, our Father, from whom cometh life, breath, and all things, quicken in us all that is good, true, and beautiful that with clear consciences, clean hands, and creative ideals we may endeavor to measure up to the principles of our faith and in its spirit to lead our Nation to the heights of justice and peace.

Bless our people and give them grace to walk in Thy ways that this Republic may ever be a democratic nation, flying the flag of freedom, and seeking the good of all men: through Jesus Christ our Lord. 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.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 120. Concurrent resolution to authorize the printing of a Veterans' Benefits Calculator.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill and a concurrent resolution of the House of the following titles:

H.R. 5257. An act to amend the National School Lunch Act, as amended, to provide funds and authorities to the Department of Agriculture for the purpose of providing free or reduced-price meals to needy children; and

H. Con. Res. 206. Concurrent resolution to reprint brochure entitled "How Our Laws Are Made."

The message also announced that the Senate insists upon its amendments to the bill (H.R. 5257) entitled "An act to amend the National School Lunch Act, as amended, to provide funds and authorities to the Department of Agriculture for the purpose of providing free or reduced-price meals to needy children," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. TALMADGE, Mr. ELLENDER, Mr. ALLEN, Mr. HUMPHREY, Mr. MILLER, Mr. AIKEN, and Mr. YOUNG to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a bill and a joint and concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 1732. An act to amend and extend the provisions of the Juvenile Delinquency Prevention and Control Act of 1968, and for other purposes;

S.J. Res. 111. Joint resolution extending