Vietnam and the National Liberation Front; to the Committee on Foreign Affairs.

By Mr. BLANTON (for himself, Mr. WIDNALL, Mr. WIGGINS, Mr. WILLIAMS, Mr. CHARLES H. WILSON, Mr. WINN, Mr. WOLFF, Mr. WRIGHT, Mr. WYATT, Mr. WYDLER, Mr. YATRON, Mr. YOUNG of Florida, Mr. ZION, Mr. BYRON, Mrs. REID of Illinois, Mr. ULLMAN, Mr. STEELE, and Mr. ANDERSON of Illinois):

H. Con. Res. 118. Concurrent resolution calling for the humane treatment and release of American prisoners of war held by North Vietnam and the National Liberation Front; to the Committee on Foreign Affairs.

By Mr. MACDONALD of Massachusetts:

H. Con. Res. 119. Concurrent resolution relative to retention of Public Health Service hospitals; to the Committee on Interstate and Foreign Commerce.

By Mr. TEAGUE of Texas:

H. Con. Res. 120. Concurrent resolution to authorize the printing of a Veterans' Benefits Calculator; to the Committee on House Administration.

By Mr. YATRON (for himself, Mr. BIAGGI, Mr. CAREY of New York, Mrs. CHISHOLM, Mr. DANIEL of Virginia, Mr. DERWINSKI, Mr. FASCELL, Mr. FRASER, Mr. FULTON of Pennsylvania, Mr. GREEN of Pennsylvania, Mr. HALPERN, Mr. HARRINGTON, Mr. HAYS, Mr. HENDERSON, Mr. HUNGATE, Mr. LUJAN, Mr. MATSUNAGA, Mr. MELCHER, Mr. O'NEILL, Mr. PUCINSKI, Mr. ROYBAL, Mr. RYAN, Mr. SCHNEEBELI, Mr. TIERNAN, and Mr. ESCH):

H. Con. Res. 121. Concurrent resolution expressing the sense of Congress that our NATO allies should contribute more to the cost of their own defense; to the Committee on Foreign Affairs.

By Mr. BROTZMAN (for himself, Mr. FRENZEL, and Mr. HUNT):

H. Res. 191. Resolution to amend the Rules of the House of Representatives to create a standing committee to be known as the Committee on the Environment; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. ADDABBO:

H.R. 3519. A bill for the relief of Calogero Armandini; to the Committee on the Judiciary.

H.R. 3520. A bill for the relief of Gaetano Battaglia; to the Committee on the Judiciary.

H.R. 3521. A bill for the relief of Rosa DiGiovanna; to the Committee on the Judiciary.

H.R. 3522. A bill for the relief of Alfio DiMaggio; to the Committee on the Judiciary.

H.R. 3523. A bill for the relief of Giovanni DiMaggio; to the Committee on the Judiciary.

H.R. 3524. A bill for the relief of Elsa Dowden; to the Committee on the Judiciary.

H.R. 3525. A bill for the relief of Konstantinos Ekonomides; to the Committee on the Judiciary.

H.R. 3526. A bill for the relief of Eleftherios Ekonomou; to the Committee on the Judiciary.

H.R. 3527. A bill for the relief of Rosa Magro; to the Committee on the Judiciary.

H.R. 3528. A bill for the relief of Georgios Nikolaros; to the Committee on the Judiciary.

H.R. 3529. A bill for the relief of Dimitrios Papaiconstantopoulos; to the Committee on the Judiciary.

H.R. 3530. A bill for the relief of Giuseppa Barone Parisi; to the Committee on the Judiciary.

H.R. 3531. A bill for the relief of Giacomo LaLicata Saccaro; to the Committee on the Judiciary.

H.R. 3532. A bill for the relief of Francesco Scalice; to the Committee on the Judiciary.

H.R. 3533. A bill for the relief of Maria Grazia Tarantino; to the Committee on the Judiciary.

H.R. 3534. A bill for the relief of Francesco Troia; to the Committee on the Judiciary.

H.R. 3535. A bill for the relief of Antonio Zambianchi; to the Committee on the Judiciary.

By Mr. ASPINALL:

H.R. 3536. A bill for the relief of Demetrios Verdos; to the Committee on the Judiciary.

By Mr. COTTER:

H.R. 3537. A bill for the relief of Vincenzo Zocco; to the Committee on the Judiciary.

By Mr. LINK:

H.R. 3538. A bill for the relief of Faith M. Lewis Kochendorfer; Dick A. Lewis; Nancy J. Lewis Keithley; Knute K. Lewis; Peggy A. Lewis Townsend; Kim C. Lewis; Cindy L. Lewis Kochendorfer; and, Frederick L. Baston; to the Committee on the Judiciary.

H.R. 3539. A bill for the relief of Min Kyung Sook and Min Kyung Jo; to the Committee on the Judiciary.

By Mr. PURCELL:

H.R. 3540. A bill for the relief of S. Leon Levy; to the Committee on the Judiciary.

By Mr. ROYBAL:

H.R. 3541. A bill for the relief of Hung-Ju Chao; to the Committee on the Judiciary.

SENATE—*Wednesday, February 3, 1971*

(Legislative day of Tuesday, January 26, 1971)

The Senate met at 11:15 a.m., on the expiration of the recess, 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:

We commend to Thee, O Lord, all who are engaged in the Government of this Nation. Grant to them integrity of purpose and unfailing devotion to the cause of righteousness. May all their legislation be such as will promote the welfare of the people, succor the poor, relieve the oppressed, bring new opportunities to the underprivileged, correct bad policies and reduce social wrongs, to Thy glory and the good example of the people, through Jesus Christ our Lord. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Tuesday, February 2, 1971, be approved.

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.

A CONVERSATION WITH THE MAJORITY LEADER

Mr. MANSFIELD. Mr. President, on January 26, the TV networks very generously made available a substantial amount of time for congressional Democrats to set forth views on current issues.

I agreed to make this appearance, with the concurrence of the Senate Democratic conference and the distinguished Speaker of the House (Mr. ALBERT) whom I would have preferred to have seen speaking for the Democrats as he can so ably do, but who was unable because of a previous ironclad commitment to undertake the telecast at the time.

I want to make clear that while the occasion was billed as a "Democratic state of the Union message," it was not so intended. There is only one person who can deliver a state of the Union message in this Nation and that is the President of the United States, whoever he may be. It is both his constitutional prerogative and his responsibility as the sole political representative of the Nation as a whole. I would not presume to intrude on either that right or that responsibility. He speaks for the Nation on the state of the Union and, of course, answers to the Nation as a whole on the state of the Union.

My appearance was simply a Democratic point of view on the current situation as elicited from me in the course of "A Conversation With the Majority Leader"—animated but pleasant—by four distinguished American correspondents: Roger Mudd, CBS News; Bill Monroe, NBC News; Robert Clark, ABC News; and Frank Mankiewicz for Public Broadcasting.

I ask unanimous consent that the transcript be included at this point in the RECORD.

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

A CONVERSATION WITH THE MAJORITY LEADER

(As broadcast over the CBS television network Tuesday, January 26, 1971, 10–10:45 p.m., e.s.t.)

With: Roger Mudd for CBS News; Bill Monroe for NBC News; Robert Clark for ABC News; Frank Mankiewicz for Public Broadcasting.

ANNOUNCER. From CBS in Washington, "The State of the Union—A Democratic View". As it has in recent years following the President's State of the Union, the CBS Network has provided time for the opposition party to present its views on the state of the union. The invitation was sent to, and accepted by, the Democratic party leadership in the Congress, and the following was recorded earlier tonight.

In the office of Senate Majority Leader Mike Mansfield of Montana, the Senator has chosen to give his party's view on the state of the union through an interview with representatives chosen by the four networks. The conversation was unrehearsed, with no restrictions on topics discussed. Senator Mansfield has been Majority Leader since 1961.

With him tonight are Frank Mankiewicz of NET for Public Broadcasting; Roger Mudd, Congressional Correspondent for CBS News; Robert Clark, Congressional Correspondent for ABC News; and Bill Monroe, Correspondent for NBC News, who starts the questioning:

BILL MONROE. Senator Mansfield, President Nixon advocates reversing the flow of power to Washington, decreasing federal power, increasing the power of the cities and states. Do you look on this as desirable? Is it practical, and how do you do it?

Senator MIKE MANSFIELD. Maybe desirable, perhaps not practical, but certainly worthwhile. I hope that the proposals made by the President will be given serious and prompt attention by the appropriate committees of the Congress, because any Presidential request is entitled to that much consideration.

ROBERT CLARK. The chief proposal made by the President, of course, Senator, was his rather massive plan for federal revenue sharing. The most important and powerful Democrat in Congress on the subject of revenue sharing and taxes and revenue generally is Wilbur Mills, who has already announced that he will do his best to kill the President's revenue sharing program. Is there going to be a Democratic position on revenue sharing, an alternative to the President's program, or is Wilbur Mills going to stand as the chief Democratic spokesman on revenue sharing?

Senator MANSFIELD. Well, Wilbur Mills, of course, is the key to the whole proposal. He is Chairman of the House Ways and Means Committee, a very powerful man and a very good man. But there are some questions about the President's suggestion which I think ought to be given some consideration before we arrive at a final determination.

The President is only asking for hearings, prompt hearings. He thinks he has a good proposal there, but some of the—we have no specifics, no details. We don't know yet what it all entails and the only thing which stands out in my mind, and I assume in Wilbur Mills' mind as well, is the fact that $5 billion of the $16 billion would be given to the states without any quid pro quos and I think that's a possibly dangerous procedure to follow. I can understand Wilbur's feelings on this matter and sympathize with him. But, despite that, I think we ought to go ahead and hold hearings and find out just what is entailed.

ROGER MUDD. Senator, does Mr. Nixon's State of the Union Message signify to you a sharp break with the policies of federal government over the past thirty years? He said in his speech, "Let's face it. Most Americans today are simply fed up with government at all levels." Do you believe that?

Senator MANSFIELD. Yes, I do, but it varies in different degrees when you refer to the Congress, the Executive Branch of the government, the state and the local set-ups because there are different attitudes towards each and I do think that his proposals are revolutionary. I do think they signify a change and, in his thinking, a decided change. I do think something must be done and I feel that what we have to do is to try and keep up with the times and get away from old outmoded policies which have outlived their usefulness.

FRANK MANKIEWICZ. Senator, the Republican President now, if I can ask you as a spokesman here for the Democratic party, here's a Republican President coming before you and saying, in effect, that they're firmly committed for deficit spending, for what the New Deal used to call "pump priming." The President even hinted at something which used to be called socialized medicine. Does the Democratic party take this as sinners come back to the fold, or how do you fight this? Do you take a position in opposition to these things or are you going to say, well, we can do it better or we can spend more money?

Senator MANSFIELD. Well, it isn't a case of "I told you so" or welcoming a recent convert. It's a case of trying to do what is best for the country because it is the nation that comes first and as far as the parties are concerned and those of us who are in politics, the future of the party and the politician, I think comes second if not third.

ROGER MUDD. Senator, you are a politician who has been through the birth, the development of the New Deal. Do you believe that the states and the local governments are better at administering these programs than the federal government?

Senator MANSFIELD. No. Quite the contrary. But I think the federal government could make its own administration of these programs much more effective, and that applies to all administrations, regardless of coloration. I think there's been too much money spent in administration and not enough money spent as the intent of the Congress indicated to help those who are in need and for whom the money was in reality appropriated. But we've had too much in the way of top-heavy administrations and not enough in the way of good administration and lacking a great deal in effective efficiency.

ROBERT CLARK. Senator, one of the criticisms leveled at this last Congress was that the Democrats, although they did a lot of talking about criticizing the President's program, didn't come up with constructive alternatives of their own.

Senator MANSFIELD. Oh, I would disagree with that because—and furthermore I would say that this President has received very little criticism from the Congress as a whole. He's been treated quite well and the Congress has indicated its desire to go more than half way in the interests of the nation to try and pass constructive legislation. So I would rebut that with feeling because it just isn't true.

ROBERT CLARK. But we do, Senator, see a picture of Democrats, and especially those who are regarded as Presidential hopefuls, all galloping off in different directions and there's a Muskie program on pollution and a McGovern program to end the war and a Kennedy program on health and a Proxmire plan to kill the SST; and a Jackson plan to save it. How do you weld all of these diverse programs together into one coherent program of Democratic alternatives?

Senator MANSFIELD. We've never been able to develop much in the way of a coherent Democratic program because the Democratic party isn't built that way. But the Senators themselves have responsibilities. They'll have to decide just how those responsibilities fit in with their duties as a Senator. As far as Muskie is concerned, you talk about his role in pollution. He was Number One. He started five or six years ago when nobody else was even talking about it and he's the Godfather, I think, of the pollution programs, anti-pollution programs, which have been inaugurated since that time. And I'm delighted that President Nixon and Senator Muskie have joined forces in that respect because in doing so they're working for the common good, not for the good of either party.

FRANK MANKIEWICZ. Well, Senator, what is the Democratic response then, to the extent there is one, when it comes, let's say, to the economy? The President says he's going to have an expansionary money policy; he's going to run a substantial deficit for the budget that he's about to introduce. Now, has the Democratic party got some other solution, or do you agree that by doing that, as the President says, 1971 will be a good year and 1972 will be an even better year?

Senator MANSFIELD. Well, I hope he's right, but only time will tell. There again, we haven't got the specifics, the details, so we can't comment on the legislation which we'll have to consider apart from the messages. The messages cover a great deal of territory, but you can't legislate messages; you can't pass messages, so you have to find out what he has in mind.

Now, as far as the economy is concerned, the Democratic-controlled Congress did place in the hands of the President stand-by wage, price and rent controls and they did a year ago last December pass legislation which gave him the authority to bring about a lowering of interest rates in certain categories. Neither one of these actions by the Congress were taken up by the President and the result is that they're all lying in limbo.

FRANK MANKIEWICZ. On the unemployment question, Senator, do you think the Democrats will be behind repassage of that public service employment measure that went through last year that was vetoed?

Senator MANSFIELD. Yes, I do. I think the President made a most serious mistake in vetoing that bill, the Manpower Bill so-called, because it would have done in part, a small part, a sizable part, of what he is trying to do now through deficit spending based on his full employment budget so-called.

BILL MONROE. Senator Mansfield, you say that you believe it's desirable to reverse the flow of power to Washington, but you also say that you feel the federal government spends money more efficiently. Isn't there a conflict here? Aren't you saying that you can't trust local government? President Nixon says you've got to trust the local governments and let them have the money without strings.

Senator MANSFIELD. No, I don't mean to say that I thought the power should revert to Washington. What I meant to say was that there should be a greater degree of coordination, but with coordination goes responsibility and efficiency. I do not believe that the funds ought to be given without any quid pro quo to the states or the local municipalities because in that way you're making a good gesture, perhaps, which I don't think will be very much worthwhile and we've got to consider that the state taxpayer is the same as the federal taxpayer. There's no difference between the two and no matter how you put it out, the same guy is always shelling it up to the government.

BILL MONROE. Do you have any plans that would increase the power of local and state governments?

Senator MANSFIELD. No. This is a little new, this message by the President less than a week ago. Again, I move to fall back on the fact we have no details, no specifics.

ROBERT CLARK. Senator, if we could talk about one specific, and I think it is difficult for many people to know, to understand, to recognize who really speaks for the Democrats these days, but Senator Kennedy yesterday introduced in the Senate a very ambitious program for national health care that would take a long step towards socialized medicine, would cost something like $50 billion a year. Are you going to support that health program?

Senator MANSFIELD. I'm going to support some kind of a health program. I understand the Administration is going to offer a comprehensive health program as well. Something has to be done to take care of the mounting medical costs, hospital beds, doctor's fees, drugs and so forth and so on, and what I want to see is something in the way of legislation which will take care of older people, which will cope with the problem which confronts all of us today and

which is crying out for assistance legislatively and otherwise—

ROBERT CLARK. I think there are currently something like five massive medical care and health programs before Congress. Wouldn't it be better for the Democrats to get together behind one single program?

Senator MANSFIELD. Well, it's pretty hard for the Democrats to get together on any kind of a program, but we do our best.

ROGER MUDD. Senator, I noticed a minute ago when Mr. Clark said he found it hard to find out who was speaking for the Democrats that you were smiling. May I ask you, under the circumstances, with brand new leadership on the House side and two-thirds of your leadership is new on the Senate side, why those leaders are not with you on this broadcast?

Senator MANSFIELD. When the proposal was first made, it was my suggestion that the Speaker, Carl Albert of Oklahoma, should carry the load for the Congress as a whole because I had done my part, I thought, in answering the President's economic message some months ago. I didn't look forward to this with anticipation. I'm not enjoying it, but I'm doing what I think is a duty. But Carl had some other commitments. He couldn't make it. I'd said that I'd go on with him if he would just take the lead. But the result is that last night I'm informed that I'm the pigeon, so here I am.

BILL MONROE. Senator Mansfield, in connection with the President's State of the Union Message, he listed six great goals. In listening to his State of the Union Message, did you have the feeling that there was a subject omitted that you would like to have seen him touch upon, or were there one or two goals you might have wished he had put into the speech that he left out, as far as you were concerned?

Senator MANSFIELD. Well, he painted the speech with a pretty broad brush. I would have liked to have seen something in the field of foreign policy. He has said that he will make a State of the World speech next month. I'll be looking forward to it with anticipation. You can't say a great deal in a State of the Union speech. If it's too long, you lose interest and people go to sleep on you. He picked out six broad areas which he wanted to emphasize and he did. Of course, there are always other areas which could have been mentioned, the question of the races, the question of the ghettos, but I assume that in all these areas, more or less, which he advocates, that these other matters are intertwined.

FRANK MANKIEWICZ. Senator, we're sorry to hear you're not enjoying yourself, but . . .

Senator MANSFIELD. Well, I am with you people. I don't like to—well, go ahead.

FRANK MANKIEWICZ. But, perhaps it will get more enjoyable as we go along. To get back to the statement you made last year when you answered the President's economic message, the Administration is now saying that the economic game plan is working out all right, that the tide of inflation has turned, that we're at or near the peak of unemployment, that unemployment is going to recede and prices are going to stay level. Do you believe that? Do you think we've turned that corner? If so, who gets the credit for it?

Senator MANSFIELD. I would wait until the next figures on unemployment come out. I understand they are at six percent at the present time. A few days ago I indicated that inflation was at a rate of around seven percent. I found out since that I was wrong. I was basing my figures then on a report put out by the St. Louis Federal Reserve Bank last September and October. The inflation is a little in excess of five percent so there seems to be some diminution there. With the reduction in interest rates, even including mortgage interest rates, with the rise in the stock market, maybe there are indications that a turn for the better is taking place. But we cannot say so with certainty at the present time. We have to wait and see what the figures will show in the months ahead.

ROBERT CLARK. What happened to that temporary wage-price freeze that you and other Democratic leaders of Congress proposed a couple of months ago? Would you still like to see that put into effect?

Senator MANSFIELD. Well, it's kind of late now to put it in. It was proposed at a time when we thought it would be most effective. Nothing has happened to it.

ROGER MUDD. Senator, the President last week, in effect put the burden on the Congress when he said that the 92nd Congress can be recorded as the greatest Congress in the nation's history.

Senator MANSFIELD. So did the Republican National Chairman yesterday.

ROGER MUDD. Well, do you regard the President's six great goals as so meritoric that if the Congress enacts them that the nation's place in history will be fixed by the 92nd Congress?

Senator MANSFIELD. Well, if they're all enacted, we will have made our mark. But I don't think they all will be enacted because it's so comprehensive that I think it's not reasonable to expect that all these proposals could be accomplished in a two year span.

ROGER MUDD. Well, do you think that the six great goals are of such magnitude and are so revolutionary that there is design in the President's message to tie the Congress up, that the recommendations will fall of their own weight and he will have something to run against in '72?

Senator MANSFIELD. Oh, no. I wouldn't make that charge or alegation against any President because I think basically they're all trying to do the best they can for the country.

ROBERT CLARK. I think Roger has quoted the President on the 92nd Congress. To put that in perspective, Roger, if you'll pardon me, I think we need to quote him on the 91st Congress also; and he said in his summary of the last Congress in its last days, he called it a failure in many ways and said that in its closing days it gave the American people a spectacle that it had lost the capacity, that Congress had lost the capacity to decide and the will to act. Would you agree that that's an opinion that is at least shared by a lot of people?

Senator MANSFIELD. No, I would not. I think as far as the Senate is concerned, we've acted very responsibly and as far as the House is concerned. I must say in all candor, they've acted better than we have.

BILL MONROE. Didn't you have any sense of failure, even partial failure, in terms of the end of the last Senate session and the logjam that happened in the Senate?

Senator MANSFIELD. No, not failure. Disappointment, but the Social Security Bill will come back and be passed before Spring, in my opinion, and be made retroactive to the 1st of January. The trade bill and the welfare plan very likely needed some more consideration, so I think if you balance it up, it evens out.

BILL MONROE. Would you like to see the Senate perform better, more efficiently, in the 92nd Congress?

Senator MANSFIELD. Oh, yes. And I anticipate it will, despite the fact that a filibuster is in the making at the present time on the change of Rule 22.

MONROE. What are the circumstances that might let it perform more efficiently?

MANSFIELD. Well, I think we ought to reduce the Rule 22 from two-thirds of those present and voting to three-fifths of those present and voting so that we wouldn't get caught in the logjam, as we did in part, in the closing days of the 91st.

MONROE. To end the filibuster.

MANKIEWICZ. Senator, one of the things the Senate certainly re-asserted and I think one of the things that the President may have been talking about in some of his less complimentary comments on the Senate was in the area of foreign policy and specifically in Southeast Asia. Do you see anything in the events of the last couple of weeks and even in the last couple of days in Cambodia to suggest to you that perhaps the Senate might want to move again in that area?

MANSFIELD. Yes, indeed. I think the Senate is to be commended for taking the time it did last year, unwittingly aided by Administration stalwarts, in the consideration of the Cooper-Church proposal to make its presence felt. Under the Constitution, the Congress is a co-equal branch of the government and I think it's about time that the Senate stepped, the Congress stepped forward, the Senate especially, and looked after the interests of the American people, to a greater extent than heretofore in the field of foreign relations.

Yes, I'm disturbed about Cambodia. I hope it isn't the beginning of a step-up in the war. But at the present time I'm uneasy, concerned and disturbed.

CLARK. Senator, do you think that the President has violated or disregarded the intent of Congress in the expansion of the air war into Cambodia?

MANSFIELD. I think that the intent has been disturbed, distorted, but I think that he's doing the best he can in a most difficult situation and trying to adhere to the strict interpretation of the law, but I think it's being interpreted a little bit out of proportion.

MUDD. Senator, how would that follow? If he's doing the best he can and the best he can involves going beyond the pledges that the Administration gave to the Congress about the use of air power over Cambodia?

MANSFIELD. That's right, but what I mean is the interpretations that are being given by Secretary Laird seem to indicate that what is being done in Cambodia is in accord with Cooper-Church, which I think is contrary to the fact. Furthermore, you may recall that last June 30th the President, on the removal of the last U.S. troops from Cambodia, made the statement that there would be no air support or logistic support for South Vietnamese troops in Cambodia and that the only air activity would be to interdict the inflow of supplies and men from North Vietnam down into South Vietnam.

CLARK. Senator, I think you would agree that the only real power the Congress has, the only real weapon it has in asserting its own authority over the President in ending the war or in curtailing Cambodian operations is the power of the purse.

MANSFIELD. That's right.

CLARK. And that would mean actually withholding appropriations for military operations in the field.

MANSFIELD. That's right.

CLARK. Can you conceive of this Congress taking that drastic step?

MANSFIELD. No. I cannot. Because while my position on the war is well-known—I think it's a tragedy, a mistake. We never should have become involved in the first place—and I must say that I felt this way even before we became involved, that the possibility was there. But you have young men out there who are carrying out their obligations, many of them with grave questions in their mind, and I think we owe an obligation to them and because of that there will be no diminution as far as the funds necessary to be appropriated to care for them.

MANKIEWICZ. Let's talk about Cambodia for a minute, Senator, if we may, and assume, as I imagine you do and certainly Secretary Laird seems to, that without the level of U.S. support that they're now getting, they would

not be able to survive, or at least the present government would not be able to survive.

MANSFIELD. That is correct.

MANKIEWICZ. Now, I take it what you're saying is that if the intent and spirit of the Cooper-Church Amendment were carried out, we would not be giving that support. Would you be willing, then, to see that government, in effect, overrun?

MANSFIELD. Well, let me put it this way. I'm more interested in the release of our prisoners of war, the safety of the U.S. troops, and the continued, it not accelerated withdrawal. The Saigon government has in excess of one million men and they've been trained, paid, armed, fed, everything by this government and if one million or more men cannot defend their country at this time and participate on their own in behalf of Cambodia, then I don't know what can be done. I'm not interested in other countries except on a sympathetic arms-length basis. I am interested in P.O.W.'s. I am interested in our own troops.

MONROE. Senator, is there a basic difference in our approach to Vietnam and ending that war between the Democratic Party and the Nixon Administration?

MANSFIELD. No. Only on the hope of some of us that it could be accelerated. But at least the President has reversed the inflow, is moving in the right direction—out and we want him to continue to do so.

MONROE. There's no consensus yet among Democrats that we should set a deadline for getting all the way out?

MANSFIELD. Well, the question of a deadline is one which ought to be settled in private. But if it comes to the crunch, it may well be that there will be some of us who will vote for a public deadline to help speed up withdrawal. But basically it should be something which the President himself and his advisors ought to arrive at an agreement on.

MONROE. Senator, are you personally more favorable to the idea of setting a deadline now than you were some months ago?

MANSFIELD. Oh, I voted for the McGovern-Hatfield Amendment.

CLARK. Senator could you be convinced that the sort of air support we're giving in Cambodia, and it seems to be very complete tactical air support, heavy bombing raids and so on, that this sort of air support is justified if it's the only way we can guarantee that we can proceed with the timetable for pulling American troops out of Vietnam?

MANSFIELD. I don't see the connection between the two because again I throw in the one million man plus army of South Vietnam.

CLARK. Well, if I could quote your old friend George Aiken, who said only yesterday that he has been among those who has voiced strong concern over what's going on in Cambodia at the moment, but, he said, "That action has to be judged against the problem of withdrawing American troops from Vietnam." Would you disagree with that?

MANSFIELD. Well, I would take George Aiken's word on anything and if George Aiken says that, it's all right with me. I still have my own conviction.

MUDD. Senator, you yourself have said that Democratic criticism against the President's foreign policy has been muted, that you wanted to give him time to go through with his withdrawal. Has the time now come when that criticism must increase in pitch and intensity?

MANSFIELD. Not necessarily, but the time has come, I think, to work harder in an attempt to get the President to continue the policy which he has now undertaken and to speed up the withdrawal of U.S. troops from all of Southeast Asia, all of Indochina and Thailand to withdraw lock, stock and barrel.

MUDD. Precisely how do you do that?

MANSFIELD. By calling attention to what's happening in Cambodia, by showing the people downtown that these things are not going unnoticed, that we intend to hold hearings and to lay the story out.

MUDD. But hearings don't really bring the Administration to heel, do they?

MANSFIELD. Well, hearings bring the people to the—bring the situation to the attention of the people and the people are still the dominant factor in this country, as I think was indicated at the time of Cambodia last Spring.

CLARK. Senator, if the war is still going on in 1972, will the Democratic candidate for President have to be an anti-war candidate with a specific plan and a cut-off date for getting out of Vietnam.

MANSFIELD. You're asking me something I know nothing about.

MANKIEWICZ. Senator, if we could get to something that you were very active in related to the foreign field, the annual debate, the close contest over the anti-ballistic missile system specifically. The President picked up a few votes last summer on that question, but not yours. On the dual argument that the Russians were rushing ahead with development of their new supermissile, the SS-9 and that we wouldn't really need the ABM, we could use it as a bargaining chip in the SALT Talks. Since it now appears that the SS-9 production has slowed, if not stopped and that we apparently are not going to bargain the ABM at SALT, is it your feeling that you may prevail this year? Are you going to make another fight on the ABM, and do you expect most of the Democrats to go with you?

MANSFIELD. Yes, but I don't think the prospects for success are good based on what developed last year. Two years ago we did come within one vote, but now that the start has been made, it would be my belief that the difficulties would be greater in defeating the extension, though I hope we can because I think it's a waste of money. And when you consider that we are far better off in submarines, missile-equipped, than the Soviet Union, far better off in bomber fleets and not too far behind in the field of emplaced missiles, I think that the answer would be to try and achieve a stand-off because we're both aware of the fact that if they're ever loosed, these weapons, that it will be the end of both of us.

MONROE. Do you believe that the Administration is going after disarmament as vigorously as it should?

MANSFIELD. Yes, I do, not fast enough by any means, but I have a great deal of confidence in Gerard Smith, whom I know fairly well and whom I think is doing his damnedest to try and reach an agreement with the Soviet Union.

CLARK. Senator Muskie came back from his trip to Europe this past week with some, what he described as second thoughts about your plan for pulling American troops out of Europe. Does that disturb you? You've on repeated occasions said that you regard Senator Muskie as a front-runner for the Democratic nomination. Is the question of reducing American forces in Europe serious enough to be involved as an issue in the Democratic contest for the Presidential nomination?

MANSFIELD. Well, I never question any Senator's motives. I'm sure that Ed Muskie had reasons to make that statement which indicated that he was not against the removal, but that he was reconsidering his position. But when you have 525,000 American military personnel and dependents in Western Europe a quarter of a century after the end of the Second War, when you figure that out of the annual defense budget $14 billion is spent, would have been spent anyway, a good part of it even if they weren't there, when you think of the gold outflow, the dollar drain, the balance of payments, which are adverse to us, you'd better stop and do something. Basically, it isn't the funds which concern me, it's a matter of principle. And politicians do have principle. As long as a decade and a half ago, I thought that these troops should be reduced. So did Eisenhower. And I think that fifty percent of the troops there today would be plenty because you could strip off the fat, cut down the headquarters which are building on headquarters, cut down some of these installations like the Navy station in London and elsewhere and be probably more effective at less cost. I think also that the European nations themselves they're all better off economically—ought to start bearing the brunt of the burden which is theirs.

CLARK. I take it, then that you're not having any second thoughts as a result of Senator Muskie's defection.

MANSFIELD. Not at all, because I intend to introduce a sense of the Senate resolution and in an appropriate bill consider the possibility of amending it in line with my views.

MANKIEWICZ. That would be to reduce our NATO commitment by 50 per cent.

MANSFIELD. To reduce them substantially, to leave the definition of the word substantially up to the President, to stay in NATO because I think it is vital to our security, but to bring about a reduction and a skimming off of the fat.

MONROE. Senator Mansfield, there's talk of . . .

MANSFIELD. Eisenhower indicated that two divisions would be plenty in Europe and he was quite a military man.

MONROE. There's talk of the defense budget going up. Are the Democrats likely to offer considerable opposition to that?

MANSFIELD. Yes. The understanding is, according to the press, that it will be raised $72 to $75 billion this year. We just can't keep on spending money like that when we have all these problems at home. I think we're spending too much money on exotic weapons. I think that there are weapons being produced today which are probably larger in supply than anywhere near necessary, and to use that now familiar word "reorientation," I think we ought to bring about a re-ordering of our priorities.

MUDD. Just one more question. When the President came up here last week, he did omit any mention of foreign policy. Do you think that was a bad precedent?

MANSFIELD. No. I assume he had his reasons. He did say he was going to give us his feelings, his message on the State of the World next month and the next month isn't very far away. No, I don't fault him for that. I would have liked to have heard something, especially about Cambodia, but it's understandable.

CLARK. Senator, if we can turn to some problems on the homefront, your own homefront here in Congress, the seniority system, which many people regard as the greatest single evil in Congress and the biggest roadblock to progress legislation, has come under the heaviest attack ever, probably, in the last few months, in the last year. There are four Committee Chairmen in Congress, I believe, who are eighty or over. There are eight or ten who are in their seventies. Isn't the seniority system going to have to topple if Congress is to repair its image and give people the idea that it is ready to tackle the great problems facing the country?

MANSFIELD. Well, isn't it remarkable how well the so-called seniority system has worked down through the decades of this Republic almost two centuries? There have been places here and there where there was need for correction. I think the seniority system should be overhauled. I'm not prepared as yet to say how far I intend to go, but I do intend to say that by and large during the entire history of this Republic, it has worked overall exceedingly well.

CLARK. Well, simply on the question of age, Senator, would you have any reservations about that?

MANSFIELD. Yes.

CLARK. Would you set a cut-off, an age limit for Committee Chairman?

MANSFIELD. Well, really, I think we ought to set an age cut-off for Senators.

CLARK. Are you thinking along the lines of the proposal made by John Williams just before he left the Senate?

MANSFIELD. Yes, indeed.

CLARK. And that would mean roughly that Senators couldn't run for election after they were 65 years old. Is that it?

MANSFIELD. Well, that's correct. If they ran before they were 65 and got to 70 or 71 in the process, that would be understandable.

CLARK. Do you plan to do anything to pursue this idea?

MANSFIELD. No.

MANKIEWICZ. Senator, we've talked about a number of issues this evening. I'm thinking specifically of the ABM, Cambodia, and I'm sure all of us here can think of others, on which your vote and your position has sharply differed from that of Senator Byrd of West Virginia who is now your Assistant Majority Leader. Indeed it's hard to think of a major issue in the Senate in the last few years on which you have not differed. Will you find that difficult in terms of presenting the viewpoint of the party to the American people as the even numbered year approaches?

MANSFIELD. No, I would say that Bob Byrd and I have voted a good deal alike on labor matters, for example. There are other matters on which we've differed, but there isn't a Senator in that chamber with whom I have not voted differently from on various occasions. But I look for Bob Byrd to be flexible, to be understanding, to enter on his duties with a sense of dedication and understanding. As far as the policy position is concerned, that will be laid down by the policy committee as well as the regular committees of the Senate and during the past two years, we have come forth unanimously with many positions on various matters which the Democratic caucus by and large has approved.

MONROE. Senator Mansfield, the President has put the issue of reorganization of government before the people. He would like some seven departments melded into four. There's been some talk that the Congress might hesitate to do this because it would disturb the congressional committee structure which more or less parallels the government structure. Would the Congress hesitate on this basis and if so, wouldn't that be the tail wagging the dog?

MANSFIELD. I would hope they wouldn't because I think that it is a step in the right direction. I think we've become too topheavy in departments, bureaus, agencies and the like. I'm not at all certain that it would be the answer. It may be just a conglomeration into a few rather than the many, but this is a proposal which should be considered by the Senate, by the Congress regardless of our personal feelings on the matter. I think, I repeat, it's a step in the right direction, but, by the same token, not only is the argument which you've advanced potent, but also you'll find the greatest lobbying groups combined fighting it, in my opinion, labor, agriculture, businessmen, and so forth.

MONROE. Do you welcome the President's initiative on this and are you likely to support him?

MANSFIELD. Again, I want to see the specifics, but I think it's a move in the right direction. I think we've been slap-happy in piling bureaus, agencies, and departments on one another. It's about time that we come up short and take notice.

CLARK. Senator, wouldn't you agree, though, that the present massive reorganization program is likely to gather more dust than support in this current instance?

MANSFIELD. I would. Still, I think that we ought to give the President, any president, the consideration of hearings, and if the legislation is reported out of committee, taken up on the floor for consideration, debate and disposal.

CLARK. But wouldn't the process be to hear him out and turn him down?

MANSFIELD. That I couldn't say. I would guess so, but I wouldn't know.

MUDD. Senator, you remember better than I the President's Inaugural Address of two years ago. I would very much like to hear your views tonight of what you think the state of the Union is. Do you think we've really advanced since the Inauguration of 1969?

MANSFIELD. In Vietnam, yes. We've advanced in the right direction, out, at least in part. In Western Europe, no. At home I think some of the vetoes of programs by the President were ill-timed, ill-placed because the programs were attempts, in some instances, based on his own recommendations, to face up to the problems confronting our people, both in the urban areas, in the field of health, in the fields of employment and in the ghettos. So it isn't as good as I'd like it to be.

MUDD. You described the vetoes as ill-timed.

MANSFIELD. Yes, and ill-placed.

MUDD. What I mean more than that is just the spirit in the country.

MANSFIELD. I think the . . .

MUDD. Has there been an improvement?

MANSFIELD. No, I don't think so. I think the people are still disturbed. I think on the campuses the situation has quieted down there, but with the unemployment and inflation still running rampant despite a decrease in interest rates and the like, the people are uneasy, concerned, looking for leadership and guidance and looking to Washington for it.

MANKIEWICZ. Senator, if we could ask you a philosophical question that might even go back to your days as a professor of political science, the President has talked about the need for a prosperous economy in peacetime. He talks about this as a transition from wartime to peacetime and there is a suggestion there that perhaps there has been more over the years than we like to admit to the Marxist argument that a society such as ours can only have full employment and prosperity in a time of war. Do you think our economy can be prosperous and that we can have full employment without inflation in peacetime with our present structure?

MANSFIELD. Yes. I do. I don't know in what direction we will go as events develop, but certainly when you consider the needs of mankind, the increase in the population, the problems which confront us and the technical know-how and skills which our people have at the present time, I should think that with a little ingenuity, those energies could be diverted to peacetime uses. I certainly deplore the fact that wars are believed to bring full employment. They don't always. We don't have it now and a war is still in progress with no end in sight. It's a bad situation when any country, especially this country because this is our country, has to depend upon a war for jobs.

CLARK. Senator, one impression that spread during this last Congress and I know there are specific cases where this didn't apply, was that there were a lot of democrats in Congress who were not any more anxious than Republicans were to raise taxes and provide the money to come to grips with some of the great domestic problems that we face.

MANSFIELD. That's true, but that's par for the course, because what you're seeing developing in the Congress, at least in the Senate, is a coalition in reverse, a coalition between the modern Republicans and the liberal Democrats on the one hand, which I think is far superior to the old time coalition of the Southerners and old line Republicans.

CLARK. Senator Goldwater back in 1964 when he was running for president suggested because of this very thing that there should be a basic realignment in political parties.

MANSFIELD. Well, that's a nice theory, but . . .

CLARK. The liberals in one and conservatives in the other.

MANSFIELD. You couldn't work it out and it's a Godsend, I think, that there are these differences in both parties. The Republicans are just feeling the rumblings in late years. We've felt them for decades, but I think it's good for the country because it keeps alive the spirit of independence and difference and that's what it takes, I think, to keep a republic such as ours functioning.

MANKIEWICZ. Well, you seem to feel, Senator, that this new combination of the liberal Democrats and the more modern liberal Republicans seems to you the coming force. The President has said, of course, and the Vice President has said, that the November elections give him an ideological majority in at least the Senate and perhaps in the House as well. Do you agree with that or do you think this new coalition is going to upset it?

MANSFIELD. Time will tell. I don't agree with it.

MONROE. Senator, if you went back to teaching political science, would you teach it any differently than you used to?

MANSFIELD. I wouldn't go back to teach it except on a seminar basis because these youngsters know a lot more than I do, or did, and I'd be a little fearful of going up against them, they're smart. I'm glad they got the 18-year-old vote.

CLARK. You've been in Washington, been in the Senate since 1952, I believe, and in Washington longer than that. Have you ever thought that it might be more fun to try to come to grips with all these problems, try to solve them from the other end of Pennsylvania Avenue in the White House?

MANSFIELD. Never.

MUDD. Senator, one quotation from the President's State of the Union was that America has been going through a long nightmare of war and division, crime and inflation. We have gone through the long dark night of the American spirit, but now that night is ending. Do you think it is ending?

MANSFIELD. I hope so. But, again, time will tell. There are indications that it may be ending, the situation on the college campuses, for example. But there are other disturbing factors which you have to weigh against them. I hope sincerely that the President's right, but I don't know.

MONROE. Do you have any problem, Senator Mansfield, in differentiating in your own mind whether you're talking as a partisan or as a statesman? Do you sometimes wish that you hadn't said a particular thing because in retrospect it sounded a little partisan and you wished you might have been a little more statesmanlike about it?

MANSFIELD. Well, I'm not much of a partisan, and frankly I don't know why I'm in this job, to tell you the truth.

MANKIEWICZ. Is there a suggestion that perhaps, have some of your colleagues suggested that you're in it perhaps because you're not that much of a partisan?

MANSFIELD. Well, maybe it's because somebody has to keep the party together.

CLARK. Senator, you were one of the chief sponsors of the bill, the amendment that gave the vote to 18-year-olds.

MANSFIELD. Yes, indeed.

CLARK. Currently, do you think the Democrats are—realistically, do you think the Democrats are doing anything more to attract the youthful voter in the country than the Republicans are?

MANSFIELD. Well, I don't think we should set out to attract them. We ought to prove by

what we do, especially in the Congress, as to whether or not we are worth their support. These youngsters are smart. They know what's going on. I'm delighted to see them come in because they'll bring in new blood, new vitality, new ideas. I think we could use some of their naivete and they could replace many of us who are looking to the past, to things which were good two or three decades ago and which we think are still good today. These youngsters are coming into a new role. I'm delighted they're coming in. I want them in the system and only in that way will the necessary reforms be made.

CLARK. But, Senator, you talk about you can prove by what you do in Congress, and yet the younger Democratic leaders in the leadership battles in the House and Senate were shut out altogether this year. You ended up with Carl Albert and Hale Boggs and Bob Byrd in the Senate. Is that the way to appeal to youthful voters?

MANSFIELD. Well, those things are internal matters in both houses of the Congress. I think it's the overall record of the Congress which is going to determine how effective we are as Democrats in relation to the young people coming in.

MUDD. But how can you say that that's an internal matter, Senator? This is a national party appealing to the country.

MANSFIELD. That's right. But when you bring in new officers or displace older ones, that is something which is done internally for a variety of reasons, the origin of which I know not.

MANKIEWICZ. Do you have any idea of how these 18-year-olds, 18, 19 and 20-year-olds are going to vote? Have you got any guess on which way they're going?

MANSFIELD. Well, I hope they vote Democratic, but they tell me when they gave the British the 18-year-old vote, they voted Conservative.

MONROE. Senator, how do you manage to be Majority Leader of the Democrats in this particular Senate and not be ambitious to run for President?

MANSFIELD. Oh, I'm too old. I have no ambitions and I'm very satisfied where I am. The greatest job is being a Senator from the State of Montana.

MANKIEWICZ. Senator, I'm afraid our time is up. My colleagues and I want to thank you very much for sharing this time with us this evening.

MANSFIELD. Well, thank you, gentlemen. And I want you to know that I enjoyed this very much.

AMENDMENT OF RULE XXII OF THE STANDING RULES OF THE SENATE

The Senate continued with the consideration of the motion to proceed to the consideration of the resolution (S. Res. 9) amending rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Alabama (Mr. ALLEN) to postpone until the next legislative day the consideration of the motion of the Senator from Kansas (Mr. PEARSON) that the Senate proceed to the consideration of Senate Resolution 9, a resolution to amend rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under an order previously entered, the Senator from Wisconsin (Mr. PROXMIRE) is recognized for 45 minutes.

WAR DOWN—MILITARY SPENDING UP—WHY?

Mr. PROXMIRE. Mr. President, in President Nixon's budget for fiscal year 1972, spending for the military functions for the Department of Defense will go up—by $1.6 billion. The new budget calls for outlays by the Pentagon of $75 billion.

MORE MILITARY MONEY IN THE FUTURE

But budget portents for military spending are much higher than the $1.6 billion rise in outlays for 1972. The amounts for new spending authority—that is, for funds which will be spent both this year and in future obligations— are up by $6.9 billion, or almost $7 billion. The President is asking for $77.7 billion for "recommended budget authority" for fiscal year 1972.

If we add to these totals the funds to be spent or obligated next year for that part of military assistance shown separately under national defense, for the Atomic Energy Commission which supplies atomic warheads, and for the various directly related defense activities—stockpiling, selective service, defense production—the amounts are even higher. The total "outlays" for "national defense" as outlined in the budget are $77.5 billion. The requests for new budget authority total $80.2 billion.

NO PEACE DIVIDEND

We are told that the war is being wound down. But the military budget goes up. It is the only time in American history that we will spend more for the military at the end of a war than while the war was still going strong. The cruel, disappointing fact is that there is no peace dividend.

The only big drop in the military budget was the fictitious figure predicted by President Nixon for fiscal year 1971. It never materialized. In concert with what was actually spent in the last few fiscal years, the facts indicate two things.

REALITY CONFLICTS WITH PROPAGANDA

The first is that there has been no appreciable or substantial cut in defense spending. For all practical purposes there has been no cut at all. The real facts are in sharp contrast with the massive public relations propaganda put out by the Pentagon that there has been a sharp drop in Pentagon spending.

The facts are that in fiscal year 1968, the Defense Department spent $77.4 billion.

In fiscal year 1969, it spent $77.9 billion.

In fiscal year 1970, it spent $77.2 billion.

In fiscal year 1971, the President estimated that Pentagon spending would be $71.2 billion. But so far this year, that is, the fiscal year beginning June 30, the Pentagon is spending at the rate of $75 billion, and even the President's budget now shows an increase in the estimated 1971 outlays of $2 billion for the Pentagon.

The second key point is this. Not only has military spending not been reduced, but it is now going up.

The simple, straightforward, honest conclusion is that military spending, like Old Man River, just keeps rolling along.

WE SHOULD CUT MILITARY SPENDING

In the view of this Senator, and I believe a growing number of colleagues, the changes in circumstances and policies outlined by the President over the past 2 years should not lead to increased military spending but should instead lead to a major decrease in military spending. The failure to cut the military should lead to the most intensive analysis of this situation. The Senate, the Congress, and the American public should subject the request for a rise in defense spending to the most critical examination.

Along with a number of Senators who have been discussing this matter informally, I propose that over the next few weeks and months we call upon former Defense officials. Pentagon experts, scientists and technologists with special military knowledge, and a variety of community and national groups who are concerned with priorities and national needs to help us examine the Pentagon budget.

MAJOR CONCERNS

Among our most important concerns and the areas where the spotlight of public attention might first be focussed are these.

VIETNAM COSTS DOWN

Item. Why is the defense budget going up at a time when the Vietnam war is being brought to a close? Why is it that in a period when the incremental costs of the Vietnam war will drop from a high of $23 to $25 billion in fiscal year 1969 to about $10 to $12 billion in fiscal year 1972—or by $11 to $15 billion—the military budget should rise?

NIXON DOCTRINE SHOULD BRING CUTS

Item. President Nixon at Guam and in subsequent statements enunciated the "Nixon doctrine." He said that "In Korea and again in Vietnam, the United States furnished most of the money, most of the arms and most of the men." In the future he said "we shall look to the nation directly threatened to assume the primary responsibility of providing the manpower for its defense."

The clear meaning of that statement is that America should be bearing a smaller part of the load and that our allies should be bearing a bigger part of the load. In view of that policy and that doctrine, why should military spending go up now?

EXCESSIVE COSTS FOR NATO

Item. Why should the United States, 25 years after World War II still station over 300,000 troops, plus their dependents, in Europe and spend about $14 billion a year for NATO defense? Why should we continue to devote a disproportionate share to the defense of Europe when the Europeans have never met their NATO commitments, when their balance-of-payments position contrasts favorably with ours, when their population is in fact larger than that of the United States, and when they have made a full and complete recovery from the devastation of World War II? The recent NATO proposal to increase their

contribution by $1 billion over the next 5 years is an insignificant gesture.

Just yesterday the Assistant Secretary of State appeared before our Joint Economic Committee to testify in connection with our foreign military assistance program. I asked him to what extent other countries of the free world are engaging in foreign military assistance; that is, what other countries are helping us by military assistance to strengthen the free world nations against aggression. The Assistant Secretary of State, a very able man, Mr. Irwin, could cite only one other country that is engaging in any kind of foreign military assistance, and that is Germany. In the case of Germany, there is involved a relatively modest amount for Greece and Turkey. There is no other assistance from any other country with respect to any other nation in the world. As we know, the European nations have recovered dramatically in the last 25 years and are at an alltime record of prosperity, but they are not carrying their share of the burden.

Under these circumstances, how can we justify spending $14 billion on NATO and stationing 300,000 troops in Europe?

It seems to me that whereas President Nixon has properly called for a Vietnamization of the war in Vietnam, we should call for a "Europeanization" of Europe in defense. I do not believe we should withdraw all of our troops, but perhaps one-half of them would be a reasonable goal over the next few years.

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

Mr. PROXMIRE. I yield.

Mr. MANSFIELD. Mr. President, I am glad that the distinguished Senator from Wisconsin once again is emphasizing the fact that we are maintaining in excess of 300,000 military personnel in Western Europe, a quarter of a century after the end of World War II. I think the distinguished Senator should add to that figure approximately 200,000 dependents, for a total figure of something on the order of 525,000.

The Senator has mentioned the fact that the European nations have recovered, that they are in better shape than we are, and that none of them has met its NATO commitment.

I believe Great Britain has done away with conscription entirely; Denmark has reduced the period of conscription to some extent if it has not eliminated it entirely. If I remember correctly, the only nation which is living up to its full commitment is Luxembourg, which, I think, pledged 800 soldiers to NATO. The Canadians have taken a step in the right direction, and I commend and compliment Prime Minister Pierre Trudeau for bringing about a substantial reduction of Canadian air and ground forces in Europe.

Until that happened—and I say this with all due respect to Luxembourg and Iceland, and others because their position is understandable—the only two nations of consequence which filled their commitments in full were Canada and the United States.

We note, of course, that France, after giving 3 years' prior warning, did pull out of NATO, at least to the extent of ordering the withdrawal from France of all NATO troops, even though the French still maintain, I believe, a 60,000-man force in Germany.

The Senator has indicated the relation of NATO to the balance of payments, as well as the recovery of the NATO nations, and also the fact that $14 billion a year is used to maintain our position in NATO. It is often contended that this is money which might well have been spent elsewhere for military purposes even if it were not spent in NATO, but that is not the point. The point is that this is what NATO participation is costing the United States this year as it has in the past years. The figure can be pegged. It has not been controverted as yet.

Mr. PROXMIRE. May I say on that particular point that the Senator from Montana has always been very guarded in using $14 billion as a total figure and has agreed that we may have spent much of that money anyway; but it is my understanding that if we withdrew 150,000 troops, we would save a substantial amount. It has been estimated that it costs us about $25,000 a man to maintain those troops there. So the saving, in withdrawing 150,000 troops, and demobilizing those 150,000 troops would be a great deal. It would be $2 billion or $3 billion. It would be a considerable help in overcoming our adverse balance of payments, and also ease the inflationary pressure of excessive spending and freeing resources which we could devote to urgent needs here in this country.

Mr. MANSFIELD. Mr. President, if the Senator will yield further, I agree that 50 percent of the force would be just as effective, very likely more effective, than the 300,000 military personnel now stationed in Western Europe. It is my understanding that we have on the order of 100 or more generals and admirals in Europe. It is my understanding that we have headquarters piled on headquarters piled on headquarters. It is my understanding there are headquarters, such as the naval headquarters in London, which could very well be removed and a substantial saving achieved thereby.

What we should emphasize on this point, which is not thoroughly understood, is that those of us who suggest that the time is long past due as a matter of principle, if for no other reason, for a substantial reduction in U.S. forces in Europe think it is important also that we not withdraw from NATO. We recognize NATO's worth to this Nation as well as to Western Europe. We intend that this Nation should remain in it. We know that the future of this country in the Atlantic is tied up with the future of Western Europe. That has nothing to do with antiquated and wasteful military concepts. There comes a time when we have to face up to reality, and this is one of the times.

May I say, in conclusion, that my understanding of the Nixon doctrine promulgated in Guam some months ago called for a low profile all over the world, not just in Asia, and also called for more self-support on the part of our allies. I would like to see the Nixon doctrine applied on those terms and with that definition, not only in the countries in Southeast and East Asia but also in Western Europe as well. This is a difficult and a delicate situation, and action will be taken on this matter this year one way or another.

I thank the Senator.

Mr. PROXMIRE. I thank the majority leader, who, of course, has taken the leadership, as we all know, in introducing a resolution and proposing action by the Congress of the United States to limit our troops in Europe. I would wholeheartedly support the view that we should remain in NATO, that we should provide it with air support, naval support, and a nuclear umbrella; that we should provide a substantial number of troops to make clear that Europe is of vital importance to us and that we will take action to defend free Europe from Communist aggression.

At the same time I agree wholeheartedly that there comes a time when we should withdraw many of our troops. As the Senator from Montana said some years ago, it is unwholesome and unhealthy that American troops have been stationed in a foreign country for all these many years. It is wrong. It is resented. It has to be resented by the plain citizen in that country, whatever the view of the leaders of the foreign country and the government of it.

Mr. President, I was explaining some of the items which I felt would justify a substantial cut in the defense budget. I have already discussed the Nixon doctrine, the diminution of the war in Vietnam, the prospect of withdrawing some of our troops from Europe. I would now like to point to another area.

SHIFT TO ONE-PLUS WAR CONCEPT

Item. Why should defense spending rise when the Secretary of Defense has publicly proclaimed that the basic concept of our military strategy has shifted. Our strategy is now based on the concept of sufficient forces to fight one major war and one minor war at a time instead of the previous concept that we should have sufficient forces to fight two major wars and one minor war or conflagration at the same time.

This shift in policy, announced just over a year ago, should bring major reductions in Pentagon costs. In fact, former Budget Director Charles Schultze has shown that the shift from a two-plus war strategy to a one-plus war strategy should result in savings of $10 billion a year in the cost of general purpose forces, based on fiscal year 1971 costs and prices.

His estimates were not drawn from thin air. They were based on studies and estimates made by the top military policymakers when Mr. Schultze was in the Government only a very few years ago.

The shift should bring a smaller budget. Instead, it is going up.

CONGRESS CUTS FUNDS—SPENDING GOES UP

Item. Why is it that military spending will rise even though Congress has cut military appropriations by huge amounts. In the last 3 years, Congress has cut the President's request for funds contained in the military appropriations

bills by over $13.5 billion. But actual outlays—the amounts actually spent by the Pentagon—have dropped only a total of $2.5 to $3 billion—in other words, the outlays have dropped $10 billion less than the appropriations—dropped, as I have said, by only $3 billion. Why is it that a $13.5 billion-plus cut by Congress has resulted in only a $2.5 to $3 billion cut by the President and his military advisers? And next year it goes up.

That, I believe, is a question worth pursuing.

SLOWDOWN IN SS–9 DEPLOYMENT

Item. We are told on excellent authority that the rate at which the Soviet Union is deploying the huge SS–9 missiles has been dramatically slowed. Yet, it was the increase in the rate of deployment of that weapon which the Pentagon used in their annual "scare hell out of them" tactics to call for a larger missile force and the ABM system.

If the speed up in the deployment of the SS–9 was a reason for the ABM and the MIRV'ing of our land-based missiles, why is not the slowdown in deployment a reason to scrap the ABM and slow down or stop the MIRV'ing of our land-based missiles?

WASTE IN PROCUREMENT

Item. Why is it that after the most intensive examination of military procurement both by congressional committees and the blue ribbon Pentagon committee—the Fitzhugh Committee—that the President is asking for almost $2 billion more in procurement authority for next year than he intends to spend? At a time when Deputy Secretary of Defense Packard admits that procurement is in a "mess"—with overspending and underperforming—why should the Pentagon be asking for more authority to obligate future procurement funds than it is going to spend this year?

BUREAUCRATS GO ON FOREVER

Item. Next year will see a reduction of almost 200,000 military personnel. The onboard strength from June 30, 1971, to June 30, 1972, will drop by that amount. Yet, civilians at the Pentagon, according to the budget which was delivered to us a few days ago, will decline by only 18,000. In fiscal years 1969 and 1970, there were 37 civilians working for the Pentagon for every 100 military men and women. At the end of fiscal year 1972, there will be 42 civilians for every 100 members of the military.

Soon the Department of Defense will resemble the Department of Agriculture. There, as the number of farmers goes down, the number of bureaucrats goes up. This is called burgeoning bureaucracy.

Why should not the number of bureaucrats at the Pentagon fall at least proportionately with the number of military men who are discharged? The present trend will give us fewer fighting men and more bureaucrats.

FAILURE TO USE GUARD AND RESERVE

Item. Next year the budget proposes that we spend $3.1 billion for the National Guard and Army, Navy, Marine Corps, and Air Force Reserve personnel. As the budget message states:

> These forces are designed to augment the active forces in an emergency requiring a rapid and substantial increase in capability.

Yet, there is a very real question whether the National Guard and Reserve Forces have augmented in the slightest the active forces which an emergency might require. In the report of the Senate Appropriations Committee for the fiscal year 1971 budget, the committee had this to say about our National Guard and Reserve Forces in their relationship to the Vietnam war:

> The limited use of National Guard and Reserve Forces personnel to meet the manpower requirements of the conflict in Southeast Asia is a matter of great concern to the committee. During fiscal years 1966 through 1968, the strength of our Active Forces was increased from 2,535,000 to 3,547,000, an addition of over a million. However, during this period only 36,972 National Guard and Reserve Forces personnel were called to active duty involuntarily.

In other words, we had a very rapid step-up in our military forces, an emergency stepup to meet emergency conditions; and yet, in effect, we did not really call on the reserves at all.

Should not these funds and the personnel levels of the Guard and Reserve forces be questioned in light of this stinging criticism of the Defense Appropriations Committee? Has this situation been changed as the Appropriations Committee strongly urged?

Why should we spend $3.1 billion for emergency forces which are not used in an emergency? That issue should certainly be raised.

EXAMINE THE ISSUES

These are just some of the many issues which Congress should examine if it is to carry out even in a limited way its responsibilities under the Constitution "To Raise and Support Armies" and "To Provide and Maintain a Navy."

It was a great mistake for this country to reduce its Armed Forces after World War I and again immediately after World War II to such low levels that we were incapable of defending ourselves. None of us advocates such a policy, and we know no Senator proposes that we make that mistake again. We are not proposing a drastic cutback of the kind that occurred after World War I and World War II. We did leave ourselves drastically weakened, which was one of the reasons for the difficulties which we had following those conflicts.

Furthermore, the rise in prices due to inflation, the various pay raises, and the increased costs of a voluntary army will raise costs. We recognize that. But these seem to be more than offset by the number of items which I have raised today.

SCRUTINIZE THE BUDGET—CUT THE WASTE

The military budget, the premises on which it is based, and the entire question of how real security in a political democracy is best obtained are all questions which the Congress should subject to the most detailed scrutiny.

WE SHOULD FIND THE WASTE, AND THEN CUT IT

In the context of the reduction in our obligations abroad and the rise in our needs here at home, we can do no less and carry out our responsibilities.

We should welcome that task. We invite not only our colleagues in the House and the Senate to join with us, but we hope that constructive criticism may become contagious and that we will be joined by concerned citizens throughout the land.

Mr. President, I am happy to yield to the distinguished Senator from Michigan (Mr. HART).

Mr. HART. Mr. President, I am delighted that I was able to get to the floor before the distinguished Senator from Wisconsin had concluded these remarks. I am delighted, first, because it gives me an opportunity to thank him for raising in very compact style, I think, all of the basic issues to which we should address ourselves as we analyze the request reflected in the budget and in greater detail from the Appropriations Committee as to how much money is required to be given the Pentagon in order that we may effectively prepare for the defense of this country.

Second, I am glad that I was able to get here to perhaps underscore, not each point, but the one point which I think overrides all that the Senator from Wisconsin is suggesting.

He says:

> The military budget, the premises on which it is based, and the entire question of how real security in a political democracy is best obtained are all questions which the Congress should subject to the most detailed scrutiny.

Oversimplifying that a little, the Senator from Wisconsin, as he has over the years, is urging that we subject the requests for defense dollars to the same cross-examination, assigning the same burden of proof, to which we submit the requests for food for hungry children, and require the burden to be borne by those who seek to increase funds for medical research.

I think that is a responsibility that Congress, until the last 2 or 3 years, has failed to recognize. We have begun in the last few years, largely by analyzing specific weapons systems, to attempt better to understand the reason for the request, and better to understand the relevancy that the item has to our security. Certainly the day is past, and all of us are glad of it, when a military authorization bill could come in here on Wednesday afternoon, and we were advised that we would have to pass it by Friday night. Shocking though that is, it describes a condition that applied here until the very recent past.

Mr. PROXMIRE. And those were military authorization bills containing $50, $60, or $70 billion, by far the largest proportion of the money that was under the control of Congress, of course excluding the trust funds and the other items that we cannot very significantly affect; and, as the Senator has properly

said, our responsibility was not discharged sensibly, when we consider the fact that the real power, the real authority we have is over the money that is being spent. This is the way we can affect policy and make it really mean business.

Mr. HART. That is what the Founding Fathers intended when they assigned us, to quote the Senator from Wisconsin, the responsibility of raising the Army.

I make this point because as we have increased our effort intelligently to analyze this request, I sense a developing feeling on the part of some of our colleagues that we are, perhaps they would not say wasting time, but that we are taking an awful lot of time out of the Senate's year.

There is not, of course, any approved rule of thumb as to how we shall allocate our time around here, but if we are to do it as a bookkeeping proposition, the way we ought to allocate our time is to get the total spending requests, and then spread our hours of work in proportion to the total amount of the requests; and my hunch is that if we used that rule of thumb, even on our performance last year, we would find we still are not spending enough time informing ourselves with respect to requests by the Pentagon, and then prudently acting on them.

I hope that there will not develop a feeling that it is all right to debate for a week whether we can increase by $70 million funds for school breakfasts, but that we cannot take a month of our time in the Senate to decide whether $72 billion or $68 billion is the appropriate response to the requirements of national defense.

Mr. PROXMIRE. May I say to the Senator from Michigan that of course I could not agree with him more. I think that it is most important that the Senator from Michigan has taken leadership in the past, and I hope that he will take leadership this year as well, to encourage other Senators to come out and speak on the Senate floor as the year goes on. We do expect, of course, to discuss the authorization bill and the appropriation bill in detail when they come up. We should do that, and we are determined to do it.

In addition, however, I think it will be most helpful if, in the course of the year, we encourage our colleagues to come to the floor and speak out on these matters, because it is something that will and should take a great deal of time to discuss in detail, and if we can develop a questioning, a challenging, of these principal items in the defense budget as the year goes on, we are going to be in a much stronger position to contribute responsibly to a defense budget when the authorization bill and the appropriation bill come before us.

I think that even though we did spend more time on that appropriation bill last year than we usually had sometimes in the past—the Senator is absolutely correct. We spent quite a bit of time on the authorization bill, but when we came down to the appropriations, we were hurried and under pressure and did not really question, for example, the manpower expenditure, which is a huge expenditure and about which there is all kinds of evidence that great waste is involved. We should have gone into this in far greater detail.

I think that one way of doing this is by encouraging Senators to come to the floor and speak out, as the Senator from Michigan and the Senator from Montana and I are doing this morning. I hope this will be done frequently.

Mr. HART. Mr. President, there is one point in the remarks of the Senator from Wisconsin about which, had I seen the text in advance, I must confess I would have asked him whether he was sure he wanted to make the point. I almost wish he had not made it in the fashion he has. He has this caption: "Slowdown in SS–9 Deployment." He says that we have learned on excellent authority that the Soviet Union is deploying the SS–9 missiles at a dramatically reduced rate than had been predicted. He reminds us that it was the rate of deployment of the SS–9 that the Pentagon used to push us to the wall on an antiballistic missile system.

Then the Senator logically asks:

If the speedup in the deployment of the SS–9 was a reason for the ABM and the MIRV-ing of our landbased missiles, why is not the slow down in the deployment a reason to scrap the ABM and slow down or stop the MIRV-ing of our landbased missiles?

I do not question the logic of the Senator's point. The logic is overwhelming. I just have the fear that when this RECORD is read at the Pentagon tomorrow, by the day after tomorrow we will have photographs that show the SS–9 deployment rate has increased dramatically in the last 48 hours.

Mr. PROXMIRE. May I say to the Senator that I would expect that, except that I think their timing might be different. They usually time that for the 3 or 4 days just before the House will consider marking up a Defense authorization. The Pentagon will scare us with a suddenly discovered Russian might again when the Senate comes to it. They will do it when the appropriation bill comes along. The timing has been remarkable. They do this every year. They can find more things the Russians have done in those 3 or 4 days than we find in the preceding many, many months.

Mr. HART. I realize that there was not any reason why the Senator from Wisconsin should not include this comment; because, even if he had not, as he just reminds us, on the eve of the hearing for House action, this newly discovered SS–9 increased rate of deployment would have been unveiled, anyway.

Mr. PROXMIRE. That is correct.

Mr. HART. Mr. President, I thank the Senator from Wisconsin for taking the floor this morning and seeking to persuade us to focus on what is, in terms of resource applications, the most important request to be made of Congress. It is the biggest chunk.

As long as there are so many unmet domestic needs in this country, this Senate, I hope, will find a way actually to turn the Vietnam peace dividend about which we have been reading into a domestic help program. Clearly, the proposed budget of the President would give us no hope that that peace dividend would be paid to anybody other than the Pentagon.

Let us see whether we can make that dividend payable to the people of this country, those who are in greatest need. It is our responsibility to insure that if this is possible, it is done. That is why the Senator from Wisconsin serves so valuable a purpose in rising this morning.

Mr. PROXMIRE. I thank the Senator from Michigan.

I might point out that while I did cover a number of areas where savings could be made in our defense budget, I did not mention the fact that we still have 400 major bases scattered all over the world and a million men overseas, in addition to the 300,000 or so in Vietnam. We have 3,000 minor bases or installations throughout the world, far more than we ever had before in war or peacetime. These are areas in which we can make some cutbacks. We obviously have to have some of these bases. We have to have a capacity to defend our interests throughout the world. But we are overdoing it. We have a challenge in the growing size of the defense budget, and we have not considered it with the critical examination we should.

I think that the Senator from Michigan made the fundamental point, which is, after all, where are we going to get the resources to solve the serious problems we have here at home.

There has been a series of witnesses before the Joint Economic Committee in the last two weeks. One of the things that surprised me most was that the Governors and mayors who appeared generally said that, rather than revenue sharing as being their top priority, their top priority is Federal welfare. They want the Federal Government to step in and assume virtually all the welfare burden. They make a strong case for it on many grounds, but this will cost us $6 or $7 billion.

They also made a strong appeal for a job program that would be effective, because they are laying people off at a time when we have growing unemployment, and the cities desperately need services. We know about the very expensive health insurance program. Some estimates go as high as additional Federal spending of $20 billion for an effective health insurance program. We need that. We need more funds for combating pollution. We need to find a way to provide funds for our cities and States. If not by revenue sharing, I think we should consider seriously eliminating some of the Federal tax sources and making them available to the States and the cities.

All these things will take a great deal of money. In the context of the $229 billion budget, we cannot come close to it unless we are willing to cut back military spending and cut it back substantially.

Mr. President, in conclusion, I should like to read part of an editorial which was published in the New York Times a couple of days ago:

In the national defense area, the recent decline in spending has now been reversed. In fiscal 1972 there will be a rise of defense outlays of $1.5 billion to $76 billion, and the future trend may more clearly be signaled by the President's request for an extra $6 billion in budget authority for national defense.

What is happening is that while force levels are planned to decline in fiscal 1972 to 2.5 million—200,000 fewer than the pre-Vietnam force level—together with a decline in the number of planes and ships, the Pentagon is planning to buy into some highly expensive defense systems: new attack submarines, nuclear destroyers and support ships, fighter aircraft, antisubmarine aircraft, nuclear missiles, manned bombers, antiballistic missile systems and underwater missile systems.

Budgeted defense outlays which may look relatively acceptable this year represent growing future commitments. The Nixon Administration, in its haste to turn control of the Pentagon back to the generals and admirals, has scuttled the kind of financial controls that former Defense Secretary McNamara sought to install. It is urgent that this tremendous cost escalation—a latter-day expansion of Parkinson's law that costs increase as functions contract—be curbed by the President.

Mr. PROXMIRE. Mr. President, I yield the floor.

Mr. GRIFFIN. Mr. President, I have listened attentively to the remarks of the distinguished Senator from Wisconsin who, apparently, does not recognize or will not concede that there has been a rather dramatic reordering of the Nation's priorities under the Nixon administration.

A recently published document entitled, "The Budget In Brief," on page 5 thereof contains this statement:

In the 1971 budget, America's priorities were quietly but dramatically reordered: For the first time in 20 years, the money spent for human resource programs was greater than the money spent on defense.

In 1972, we will increase our spending for defense to carry out the Nation's strategy for peace. However, even with this increase, defense spending will drop from 36% of total spending in 1971 to 34% in 1972. Outlays for human resources programs, continuing to rise as a share of the total, will be 42% of total spending in 1972.

Mr. President, despite the fact that Congress has approved two pay raises for military personnel, one effective January 1, 1970, and another effective January 1, 1971, and despite the increased costs that have resulted from inflation—which hit the Defense Department as well as other segments of the economy, private and public—the amount included in the budget for defense in fiscal year 1972 is nearly $3 billion less than the amount budgeted for defense in the last Johnson year.

In fiscal 1970, the amount budgeted for defense was $80,295 million. The amount included in this fiscal 1972 budget is $77,512 million, nearly $3 billion less, despite the automatic increases which are built in.

Mr. President, I ask unanimous consent that a number of tables numbered 1 through 7 be printed at this point in the RECORD, that a briefing paper presented by Secretary Laird referring to the several tables be printed, and that several pages concerning national defense from the "Budget in Brief" be reprinted thereafter.

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

DEPARTMENT OF DEFENSE BUDGET

TABLE 1.—FINANCIAL SUMMARY

[Dollars in billions]

	Fiscal year—			
	1964	1968	1971	1972
Outlays:				
Current dollars	50.8	78.0	74.5	76.0
Constant fiscal year 1972 prices	75.8	99.9	79.6	76.0
Percent of GNP	8.3	9.5	7.4	6.8
Percent of Federal budget	41.8	42.5	33.9	32.1
Obligational authority:				
Current dollars	50.8	75.9	75.3	79.2
Constant fiscal year 1972 prices	75.8	97.6	80.5	79.2

DEPARTMENT OF DEFENSE BUDGET

TABLE 2.—COST AND MANPOWER COMPARISONS

[Dollars—billions]

	Fiscal year—			
	1964	1968	1971	1972
Current dollar outlays:				
Pay and related costs	22.0	32.6	38.4	39.6
Goods and services	28.8	45.4	36.1	36.4
Total	50.8	78.0	74.5	76.0
Manpower:				
Military	2,685	3,547	2,699	2,505
Civilian	1,035	1,287	1,104	1,082
Defense related industry	2,280	3,470	2,240	2,160
Total	6,000	8,304	6,043	5,747
Current manpower status (December 1970):				
Military				2,880
Civilian				1,120
Industry				2,360
Total				6,360

DEPARTMENT OF DEFENSE BUDGET

TABLE 3—OPERATIONS AND INVESTMENT PROGRAM COMPARISONS

[Dollars in billions]

	Obligational authority, fiscal year—			
	1964	1968	1971	1972
Current dollars:				
Operations	26.5	43.4	47.1	48.6
Investments	24.3	32.5	28.2	30.6
Total	50.8	75.9	75.3	79.2
Constant fiscal year 1972 prices:				
Operations	44.3	59.4	51.2	48.6
Investments	31.5	38.2	29.3	30.6
Total	75.8	97.6	80.5	79.2

DEPARTMENT OF DEFENSE BUDGET

TABLE 4.—SELECTED GENERAL PURPOSE FORCE COMPARISONS

	June 30—		
	1964	1971	1972
Army divisions	16⅓	13⅔	13⅓
Attack/ASW carriers	24	18	16
Carrier air wings	24	16	15
Marine division/wings	3/3	3/3	3/3
Air Force tactical squadrons	119	112	105
Airlift squadrons	61	45	38
Commissioned ships in fleet	932	710	658
Active aircraft:			
Fixed wing	25,160	20,724	19,850
Helicopters	5,148	11,542	11,229

DEPARTMENT OF DEFENSE BUDGET

TABLE 5.—FUNCTIONAL TITLE OBLIGATIONAL AUTHORITY

[Dollars in billions]

	Fiscal year—			
	1964	1968	1971	1972
Current dollars (TOA):				
Military personnel/O. & M.	24.9	40.8	43.2	42.7
Retired pay	1.2	2.1	3.4	3.8
Procurement	15.1	22.9	18.0	19.7
R.D.T. & E.	7.0	7.3	7.1	7.9
Military construction	1.6	2.2	2.1	2.4
Military assistance	1.0	.6	1.5	1.2
Volunteer force				1.5
Total	50.8	75.9	75.3	79.2
Constant fiscal year 1972 prices (TOA):				
Military personnel/O. & M.	38.3	53.4	45.5	42.7
Retired pay	3.8	3.8	3.8	3.8
Procurement	19.5	26.8	18.6	19.7
R.D.T. & E.	9.3	8.7	7.4	7.9
Military construction	2.1	2.6	2.2	2.4
Military assistance	1.3	.7	1.5	1.2
Volunteer force	1.5	1.5	1.5	1.5
Total	75.8	97.5	80.5	79.2

DEFENSE WARTIME BUDGET TRENDS

TABLE 6.—INDEX OF CHANGES, IN CONSTANT PRICES

	Index		
	Prewar	Peak	Postwar
World War II (fiscal year 1940–45–48)	100	3,839	405
Korea (fiscal year 1950–53–56)	100	290	219
Southeast Asia (fiscal year 1964–68–72)	100	132	100

TABLE 7.—*Department of Defense budget—Major investment increases—fiscal year 1971 to fiscal year 1972*

[In millions of $ TOA]

Modernization of forces (procurement):	
Shipbuilding; SSN, DD–963, support ships	$739
Navy aircraft; F–14, S–3A, E–2C, P–3C	807
Air Force missiles; MM III, SRAM, Maverick	450
Army readiness	247
Development of new weaponry: (R.D.T. & E.):	
Strategic forces:	
B–1, ULMS, AWACS, Safeguard, etc.	500
General Purpose Forces:	
Land, SAM–D; Sea, SES, Air; F–15, etc.	300

TABLE 1

The top line of this table traces the Defense budget from the pre-war year of 1964, to the peak war year of 1968, to the current year 1971 and to the budget year 1972. In outlays, the budget year is $1.5 billion above this current year and $25.2 billion above the last peacetime year of 1964. The current year 1971 has been updated to include the MAP Supplemental, the pay raise of January 1, 1970 and the pay raise of January 1, 1971.

The Defense program which is financed in each of these years is not reflected in the dollar values shown for the respective years because of the very significant impact of inflation on the cost of Defense. On the next table I will explain the inflation impact and it is documented in the press package. On this table, however, please accept the fact that we have eliminated the distortion of inflation by pricing each year's program in 1972 prices. The personnel in each program year are priced at 1972 pay rates and the purchased goods and services are priced using the price index increase developed by the

Department of Commerce (FY 1971 increase assumed at 4% and FY 1972 at 3.5%).

The line captioned "Constant FY 1972 Prices" does, therefore, show program content for each year on a comparable basis. FY 1972 outlays at $76.0 billion are only $200 million higher in constant prices than FY 1964, the pre-war year. Defense spending from the peak war level in FY 1968 has been reduced by $23.9 billion at constant prices and the residual cost of the war in FY 1972 is absorbed within the pre-war outlay level. The continued contraction of active forces as the war is wound down brings conventional forces to a level lower than the last pre-war year of 1964. A later table shows these comparative forces.

The point to be made is that the Administration has accomplished a very dramatic change in National Priorities and has reallocated resources equivalent to the peak cost of the war away from Defense. The war is winding down. The Defense portion of the Gross National Product at 6.8% in the budget year is the lowest it has been since 1951 when it was 6.7%. The reallocation of resources within the Federal Budget is reflected in the lowest percentage of the budget for Defense, at 32.1%, since 1950. It averaged 51.4% per year in the fifties and 42.4% per year in the sixties.

We have been talking spending levels. Obligational Authority is more representative of new buying levels. On this basis the fiscal year 1972 budget shows a $3.2 billion higher Obligational Authority level than the outlay level and a $3.9 billion increase over 1971 in current dollars. The decrease between 1971 and 1972 in constant 1972 prices for Obligational Authority is much smaller than the outlay drop. As a matter of fact there is an increase in investment funding between the years and an offsetting decrease in current operational funding.

TABLE 2

I want to use this table to explain the impact of inflation on the Defense program. Government pay scales have increased more than private sector salaries since 1964 because Government salaries were lower than comparable private sector rates in 1964. Within the federal sector Defense employs three quarters of all personnel and the impact of pay increases is greater in the DoD than in any other segment of the economy. In the press package is a page which lists every military and civil service pay increase since 1964. From that time to and including proposals in the 1972 budget, civil service salaries increase by 56.5% and military basic pay, without allowances, increase by 85%. The cost of goods and services purchased from industry has, in the same period, increased 27.7%.

The result is reflected on the table. Pay and directly related costs have increased by $17.6 billion since 1964 or an increase of 80%. If you will look at the military and civilian manpower totals for 1964 and 1972 you will note that the total direct employment decreases by 133,000 personnel. In 1972 we will be paying $17.6 billion, or 80% more, for 133,000, or 3.5%, less people than we had in 1964. In 1964, forty-three percent of the budget was for pay, in 1972 it will be fifty-two percent. This is the measure of the impact of inflation on the defense program.

For goods and services purchased from industry we will be paying $7.6 billion more over the same period and there will be 120,000 fewer people engaged in defense work. This is a 26.4% increase in cost and a 5.3% decrease in people.

I have indicated that total employment for Defense in fiscal year 1972 is budgeted at 5,747,000 or 253,000 lower than the pre-war level of 1964. From the peak employment period of fiscal year 1968 to December 1970, almost 2 million people have been released from the defense effort. That reduction took place over a two-year period. Over the next eighteen months the Defense budget provides for the release of about 600,000 personnel with 300,000 in the next six months and 300,000 in the ensuing year.

The continued decrease in employment as well as in dollars at constant prices reflects the steady rate of withdrawal from Southeast Asia. The slower rate of decrease in the future is an indication that we are turning to the job of improving the strength and readiness of the reduced active forces both for the present period and for the future. I'll cover these trends on later tables.

TABLE 3

On this Table we are again looking at the buying power of Defense versus the spending or outlay impact. Operations is defined as the activity or tempo of the forces and includes the cost of all direct personnel and their support. Investment includes the cost of new or modified weapons, equipment, research and development and construction of facilities.

The cost of operations is up by $22.1 billion from 1964 and all but $4.3 billion is due to inflation. The real increase of $4.3 is attributable to the higher activity rates associated with the war as well as the funding for free world force support, a cornerstone of the Nixon Doctrine.

All of the increase for investment is due to inflation and, in constant prices, there is a real decrease of $900 million in the investment funding since 1964. The disproportionate impact of inflation on operations costs (up 67%) has, over the years since 1964, forced an inadequate level of investment funding as a result of efforts to minimize the effect of increased war costs. Modernization of forces was curtailed, shipbuilding was sharply cut back, equipment and facility maintenance was deferred and research and development was held to a minimum level.

The fiscal year 1972 budget reflects a modest change in that an increase over fiscal year 1971 for investment funding is being requested and further it is an increase in terms of constant prices.

TABLE 4

This is a listing of the major general purpose forces. We have discussed manpower earlier. It will be noted that the forces are lower than in 1964 and lower than in 1971. This reflects both the wind down of the war and the effect of the Nixon Doctrine on U.S. conventional forces.

Strategic forces are not shown because they stay essentially level between fiscal year 1971 and 1972. The budget itself, however, does have a table which shows the comparative strategic forces.

TABLE 5

On this table we can see more of the detailed changes between fiscal years. In real terms, that is constant prices, operations funding decreases while procurement, RDT&E and construction increases. The continued withdrawal from SEA allows a lower operational level while the need to modernize forces and emphasize weapons development requires a higher investment level. Aid to Allies, another element of the Nixon Doctrine, shows an increase for the past two years.

While an increase in buying authority over fiscal year 1971 is being requested it should be pointed out that RDT&E is still at a level of $1.4 billion or 15% lower than the pre-war year of 1964 when the effect of inflation is eliminated. The level of procurement funding is essentially the same in 1964 and in 1972 while construction is up by about 15%. The increases in FY 1972 are modest but they do provide for the strengthening of current and future forces of the U.S. and its Allies.

TABLE 6

On this table I want to point out a historical first. In all the earlier wars of this country the armed forces have, in the post-war period, remained at a higher level than in the pre-war period. This has been true in terms of manpower as well as in funding. Because of this ratchet effect the postwar military level has never before returned to the pre-war status.

This is not true in the case of Vietnam. Already, even with remaining war activity, the manpower level for defense purposes is 253,000 below the pre-war level and the funding is within $200 million of the pre-war cost.

TABLE 7

I have said that the Defense portion of the total Federal Budget in fiscal year 1972 will amount to 32.1% and that this will be the lowest percentage for Defense since 1950. So many people, however, believe that high Defense budget levels have precluded funding for domestic programs that I want to show you a comparative trend over the years.

This table compares Defense and non-Defense spending in the Federal Budget.

Defense at $76 billion in fiscal year 1972 is 50% higher than in 1964. Non-Defense for the same period is 230% higher. The non-Defense budget increase since 1964 is 4 times that of Defense. From 1968 Defense has *decreased* while non-Defense is up by $55.5 billion. I would not think that domestic programs have suffered from inadequate spending or that Defense spending has been the major cause of inflation. On the other hand, we do think that Defense cutbacks have significantly helped in the efforts to control inflation.

The budget requests an increase in buying authority from fiscal year 1971 of $3.9 billion. This table lists some of the more significant increases and decreases in specific programs. They are in consonance with the changes in program emphasis which stresses modernization of current forces, development of future weapons and the continued phase-down of the war effort.

The fiscal year 1972 budget requires a reduction in direct military and civilian personnel employment of 216,000. This reduction results from a contraction in active forces, a reduction by Congress in fiscal year 1971 funding and continuing actions to achieve improved efficiency and economy. In making this reduction it will be necessary to reduce and realign military and civilian personnel strengths at a number of installations in the United States and overseas.

Based on current studies, it is now anticipated that if Congress approves fiscal year 1972 budget requests, it will not be necessary, however, to take any major base closure actions in the United States.

The hope is that the personnel reductions can be achieved in large measure by not filling currently authorized spaces or by attrition. The Department of Defense loses by attrition approximately 1% of its civilian strength each month.

The progress of Vietnamization and the implementation of the Nixon Doctrine are reflected in the reduction of 194,000 military personnel in fiscal year 1972. This will result in a number of realignment actions in the United States and overseas. Some units or functions will be shifted from one installation to another and some support and training functions, particularly those specifically related to the level of U.S. involvement in Southeast Asia, will be reduced.

To sum up: Based on present determinations and in the anticipation of favorable Congressional action on the fiscal year 1972 Defense budget, the Department of Defense does not plan, for budget reasons, major base closure actions in the United States.

EXCERPT FROM BUDGET IN BRIEF—NATIONAL DEFENSE

Program	Outlays in millions		
	1970 actual	1971 estimate	1972 estimate
Department of Defense—Military:			
Military personnel	$23,031	$21,698	$20,105
Retired military personnel	2,849	3,394	3,744
Operation and maintenance	21,609	20,380	20,234
Procurement	21,584	18,448	17,936
Research, development, test, and evaluation	7,166	7,281	7,504
Military construction and other	1,059	1,407	2,019
Allowances		945	3,580
Deductions for offsetting receipts	−148	−183	−147
Subtotal, military [1]	77,150	73,370	74,975
Military assistance [2]	731	1,130	1,025
Atomic energy [1]	2,453	2,275	2,318
Defense-related activities	79	−54	92
Deductions for offsetting receipts [3]	−118	−278	−898
Total	80,295	76,443	77,512

[1] Entries net of offsetting receipts.
[2] Excludes support to other nations funded directly by the Department of Defense.
[3] Excludes offsetting receipts deducted by subfunction above: 1970, $979,000,000; 1971, $1,193,000,000; 1972, $1,113,000,000.

The defense programs recommended in this budget are necessary to provide the strength needed for our security. From our position of strength we seek meaningful negotiations for peace and a reduction or limitation of military forces. It is essential to our policies and to the effectiveness and readiness of our military forces that budget authority and outlays for national defense programs increase.

Our strategic forces are the cornerstone of the free world's deterrent against nuclear attack and must always be sufficient for this crucial role. We seek a negotiated limit or reduction of strategic nuclear forces in the SALT talks. In the absence of such an agreement, and in the face of a formidable Soviet threat, we must proceed with planned improvements.

Our general purpose forces, together with those of our allies, must be adequate to counter a major Warsaw pact attack in Europe or a Chinese attack in Asia, to assist our allies against lesser threats in Asia and simultaneously to contend with a minor contingency anywhere.

Funds in this budget will assist our allies and friends assume a greater share of their own defense. The general purpose forces will be kept modern, fully ready and trained to meet a range of contingencies.

This strategy is already meeting its first tests. By May 1971, authorized troop ceilings in Vietnam will be approximately half the strength approved when this administration took office. Reductions in approved force levels have also been possible in Thailand, Korea, Japan, Okinawa, and the Philippines.

National defense outlays will increase by $1.1 billion over 1971, to $77.5 billion. This increase primarily reflects a rise in outlays for military functions and the military assistance programs to provide for:

A high level of readiness and increased modernization for the general purpose forces;

A high level of military assistance;

A more effective research and development effort; and

Progress toward an all-volunteer armed force.

Atomic Energy Commission outlays are estimated to increase $43 million, to $2.3 billion in 1972. These increases will be partially offset by sales of $920 million from the stockpile of strategic materials.

DEPARTMENT OF DEFENSE—MILITARY

This Nation's ability to pay the full cost of an adequate military program has never been questioned. Outlays for the military and military assistance programs will rise. Despite this increase the resources required for our military programs will continue to decline as a percent of Gross National Product (GNP).

Strategic forces.—The function of the strategic forces is to deter nuclear attack or to retaliate decisively should this fail. This capability is assured by three major strategic systems—intercontinental ballistic missiles (ICBM's), submarine-launched ballistic missiles (SLBM's) and bombers—each able to survive a first strike and inflict unacceptable damage upon any aggressor. This budget provides funds to: (1) Continue converting our intercontinental and submarine-launched missile forces to more effective systems; (2) a phased minimum deployment of the Safeguard ABM system; (3) proceed with orderly development of a new manned strategic aircraft; and (4) continue development of an advanced ballistic missile submarine system.

General purpose forces.—Our general purpose forces, and those of our allies, must be adequate to meet a variety of nuclear and conventional war situations below the level of strategic nuclear exchange. We expect our allies to do more in their own behalf, as many are planning to do; but we must also do our share. We have a vital interest in peace and stability abroad and plan to maintain the capabilities to protect these interests. Withdrawals from Vietnam and the change in our force planning and strategy permit a smaller force structure than in the past. At the same time, Vietnam has limited our ability to meet some military needs elsewhere, particularly in NATO. Military forces must be combat ready and properly equipped to fulfill their role in our strategy for peace.

Land forces will be increasingly tailored to meet a range of contingencies. Armored and mechanized infantry forces will be kept ready with our NATO commitments in mind. Marine Corps divisions and Army airmobile and airborne units will emphasize rapid response.

Ship construction will be budgeted at the highest levels since 1963 to continue the improvement of the fleet. Five high-speed nuclear attack submarines, one nuclear guided-missile frigate, and seven antisubmarine destroyers will be added. It is also necessary to explore new ways to develop better *naval forces* for the late 1970's, and 1980's. In this connection, the budget will support: (1) Experimentation with dual use of our aircraft carriers in both attack and antisubmarine warfare roles; (2) initial procurement for a force of high-speed patrol boats with surface-to-surface missile capability; and (3) exploration of concepts for a new class of smaller, faster escort ships.

Tactical air forces contribute to general purpose operations by providing air support for ground actions. To provide for future modernization, development of F–15 and AX air systems for the Air Force will proceed and procurement of the swing-wing F–14 fighters for fleet air defense and Harrier vertical-takeoff-and-landing aircraft for the Marine Corps will be increased.

Research and development.—In order to improve the effectiveness and readiness of our general purpose and strategic forces, increased emphasis will be placed on the development of new weapons, vehicles, and communications systems, and on strengthening the technological base that is essential to our national security.

MILITARY ASSISTANCE

Military assistance and sales programs supplement the efforts of other countries to provide for their own defense, and ease the transition of our allies and friends to a position of greater self-reliance—a fundamental requirement for success of the Nixon doctrine.

ATOMIC ENERGY

The Atomic Energy Commission is responsible for developing and manufacturing nuclear weapons, improving nuclear power reactors for propulsion of naval vessels and generation of electric power, and providing services to enrich nuclear fuels for atomic powerplants. It also pursues the various peaceful applications of atomic energy, and conducts basic research in the physical and biomedical sciences.

Funds are included for continued development and production of nuclear weapons and development of higher performance naval reactors.

Research on the NERVA nuclear rocket will be reduced in scale. Two plutonium production reactors will be shut down due to a reduction in military requirements. The program to develop a "fast breeder" nuclear power reactor designed to meet future energy needs will be accelerated.

NATIONAL DEFENSE

Fiscal year	Total outlays (in millions)	Percent of total budget outlays
1972 estimate	$77,512	33.8
1971 estimate	76,443	35.9
1970	80,295	40.8
1969	81,232	44.0
1968	80,517	45.0
1967	70,081	44.3
1966	56,785	42.2
1965	49,578	41.9
1964	53,591	45.2
1963	52,257	46.9
1962	51,097	47.8
1961	47,381	48.4

Mr. PROXMIRE. Mr. President, in response to the comments of the Senator from Michigan (Mr. GRIFFIN), may I say that, indeed, there has been a reordering of priorities in the past 2 years. It has been done by the Congress of the United States with the President's resistance almost every step of the way. He has vetoed some of the legislation that would have justified a more profound and thoroughly justified reordering of priorities.

Furthermore, the distinguished Senator from Michigan (Mr. GRIFFIN) pointed out that in the last Johnson year the military budget was $3 billion higher than it is this year.

Two points: One, the military budget was cut that last Johnson year to which Senator GRIFFIN referred. It was not the $3 billion greater after Congress finished. Two, the last Johnson year was the all-out war year in Vietnam. The Vietnam war cost has gone down $13 billion since then; yet, Nixon's last budget was only $3 billion below it. That means, somehow, that $10 billion of the peace dividend has been lost.

I would agree with the Senator from Michigan (Mr. GRIFFIN) that he is absolutely right. There has been inflation and there have been pay raises. But I say, when we cost out that inflation and the pay raises, there is still an excessive amount being added to the defense budget which has not been justified, and should be.

I yield the floor.

Mr. GRIFFIN. Mr. President, as will be noted in the briefing paper inserted earlier, total employment for the Defense Department for fiscal year 1972 is budgeted at 5,747,000 personnel, or a

figure which is 253,000 lower than the prewar level of 1964.

In addition, between fiscal year 1968, which was a peak war year under the Johnson administration, and December 1970, almost 2 million people were released by the Defense Department from the defense effort.

Let me repeat that: From the peak employment period for the Defense Department in fiscal year 1968 to the end of the year 1970, almost 2 million people were released from the defense effort.

That reduction took place over a 2-year period.

Mr. President, during the 18-month period ahead, the Defense budget contemplates the release of more personnel—600,000 more; 300,000 in the next 6 months and another 300,000 in the ensuing year.

Mr. President, some of the same Senators and Representatives who refuse to recognize that there has been a reordering of priorities often express their concern about the unemployment problem we have today. The junior Senator from Michigan shares that deep concern about the high rate of unemployment we have today.

But many of those who demand deeper cuts in Defense spending do not seem to realize that Defense cuts already made are largely responsible for the unemployment we have today.

I have seen reliable estimates which indicate that about half the increase in unemployment which has taken place during the past 2 years is attributable to the cutbacks already made by the Nixon administration in Defense spending and in spending for the space program. Unfortunately, those unemployment figures themselves are rather dramatic evidence that there has been a significant reordering in priorities as far as Federal spending is concerned. There is a danger now that the Defense budget could be cut too much—below the minimum which is necessary, for national security.

Mr. President, as indicated by tables inserted in the RECORD, in 1961 the Federal Government was spending 48 percent of the national budget for defense.

By 1969, that percentage had gone down to 44 percent.

In fiscal 1971, the first full budget year for the Nixon administration, defense spending went down to 35.9 percent of the budget.

In fiscal 1972, the percentage spent for national defense is scheduled to go down again—down to 33.8 percent of the budget.

Mr. HART. Mr. President, when we talk about percentages, we should realize that the enormous and wholly desirable increase in social security funding is an important fact. All of us recognize and some of us believe that it is largely because of congressional heat that there has been a decrease in Pentagon spending.

The fact is that there remain enormous unmet domestic needs. Rather than take satisfaction out of playing this numbers game to prove that the percentage of total defense spending is less, we should continue to stress the unmet domestic needs. The only place we will be able to find money—and let us not kid ourselves—to feed those children, as the present occupant of the Chair, the Senator from South Dakota (Mr. MCGOVERN) recognizes, is out of the Pentagon pot.

There are people in this country who regrettably feel that we will be unable or unwilling to do it.

We must be careful when we talk about the unemployment that results from the reduction of the Pentagon spending.

The Soviet Union long has preached that the great threat to world peace is the United States because the United States cannot afford to disarm. That is not my theory. That has been Soviet gospel for a long time.

Let us be cautious when we analyze the unemployment figures. This is harsh, I suppose, to the man who is in that army of the unemployed, but it is desirable nonetheless that we remind ourselves of that fact. Finally, while we all acknowledge that inflation faces us in further expanded Pentagon spending, let us remember that the most inflationary spending of all was the Pentagon spending. It does not put food in the grocery store. It does not provide very much in the way of consumer goods.

If our effort is to curb spending in order that we bite into inflation, the place into which most usefully to apply our effort is in the Pentagon budget.

MESSAGE FROM THE PRESIDENT

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

EMERGENCY PUBLIC INTEREST PROTECTION ACT—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 92-43)

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was referred to the Committee on Labor and Public Welfare:

To the Congress of the United States:

Early in 1970, I proposed to the Congress a new approach for dealing with national emergency labor disputes in the transportation industry. The proposal was based upon my belief that existing law did not provide adequate remedies for settling such disputes, and thus failed to protect the national interest.

Today, I am again recommending that proposal, the Emergency Public Interest Protection Act. Events since the bill's first introduction have made its enactment even more urgent. I am hopeful that the Congress will give the proposal its prompt and favorable consideration—before there is another crisis in the transportation industry.

The bill I propose would give the President vital new authority to deal with national emergency disputes in the railroad, airline, maritime, longshore, and trucking industries.

First, the bill would abolish the emergency strike provisions of the Railway Labor Act—which now govern railroad and airline disputes—and make all transportation industries subject to the national emergency provisions of the Taft-Hartley Act.

Second, the bill would amend the Taft-Hartley Act to give the President three new options in the case of a national emergency dispute in a transportation industry, when that dispute is not settled within the eighty-day "cooling-off period" authorized by Taft-Hartley. Under those circumstances, if a strike or lockout should threaten or occur, and national health or safety continued to be endangered, the President could select any one of the following courses of action:

—He could extend the cooling-off period for as long as thirty days. This might be most useful if the President believed the dispute to be very close to settlement.

—He could empanel a special board to determine if partial operation of the industry were feasible and, if so, to set out the boundaries for such an operation. This alternative would allow a partial strike or lockout without endangering the national health or safety. It could not extend beyond 180 days.

—He could invoke a "final offer selection" alternative. Under this procedure, the final offers of each party would be submitted to a neutral panel. This panel would select, without alteration, the most reasonable of these offers as the final and binding contract to settle the dispute. Unlike arbitration, which too often merely splits the difference between the parties, and thereby encourages them to persist in unreasonable positions, this procedure would reward reasonableness and thereby facilitate negotiation and settlement.

Third, the bill would establish a National Special Industries Commission to conduct a two-year study of labor relations in industries which are particularly vulnerable to national emergency disputes.

Fourth, the bill would amend the Railway Labor Act to conform the management of labor relations under that Act to the practices prevalent in most other industries, including the encouragement of voluntary settlement of grievances by overhauling the existing grievance procedures.

The urgency of this matter should require no new emphasis by anyone; the critical nature of it should be clear to all. But if emphasis is necessary, we need only remember that barely two months ago the nation was brought to the brink of a crippling railroad shutdown, the strike being averted only by legislation passed after a walkout had actually begun. That legislation, we should also remember, settled little; it merely postponed the strike deadline. A few weeks from now another railroad strike over the same issue which precipitated the last one is a distinct possibility.

I believe we must face up to this problem, and face up to it now, before events overtake us and while reasoned consideration is still possible.

Time and again, as the nation has suffered major disruptions from a transportation shutdown, voices have been raised on all sides declaring emphatically that

this must not happen again—that better laws are needed to protect the public interest, and that the time to enact those laws is before, not after, the next crippling emergency. But with the same regularity, as each emergency in turn has passed the voices have subsided—until the next time. So nothing has been done, and emergency has followed emergency, at incalculable cost to millions of innocent bystanders and to the nation itself.

The legislation I propose today would establish a framework for settling emergency transportation disputes in a reasonable and orderly fashion, fair to the parties and without the shattering impact on the public of a transportation shutdown. I urge that this time we not wait for the next emergency, but rather join together in acting upon it now.

RICHARD NIXON.

THE WHITE HOUSE, *February 3, 1971.*

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER (Mr. MCGOVERN). At this time, under the previous order, the Senate will now proceed to the transaction of routine morning business for 45 minutes, with a time limitation of 3 minutes to each Senator.

Mr. BYRD of West Virginia. As I understand it, the period for the transaction of routine morning business will not exceed 45 minutes; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. BYRD of West Virginia. I thank the distinguished Presiding Officer.

THE LATE SENATOR RICHARD B. RUSSELL

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, notwithstanding rule VII, paragraph 5, a letter from Lt. Gen. Y. Rabin, Ambassador to the Embassy of Israel in Washington, D.C., expressing condolences and regrets at the passing of the late Senator Richard B. Russell, be printed in the RECORD.

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

EMBASSY OF ISRAEL,
Washington, D.C., January 25, 1971.

The VICE PRESIDENT,
The Capitol,
Washington, D.C.

DEAR MR. VICE PRESIDENT: It was with deep regret that I heard of the passing of Senator Richard B. Russell. Senator Russell was, I know, held in universal esteem as an outstanding parliamentarian and a great American.

I would be grateful if you would convey my condolences to his family.

Yours sincerely,

Y. RABIN,
Lieutenant General, Resident Ambassador.

LATEST PRESIDENTIAL USE OF "POCKET VETO" VIOLATES THE SEPARATION OF POWERS DOCTRINE

Mr. ERVIN. Mr. President, as chairman of the Judiciary Subcommittee on Separation of Powers, I called hearings on January 26, 1971, in the form of a roundtable discussion, to examine a serious breach of the doctrine of separation of powers—President Nixon's recent attempt to "pocket veto" two bills passed by Congress.

This latest conflict of executive-legislative powers and prerogatives took place on Christmas Day when the President failed to return the two bills and claimed that they had been "pocket vetoed" because Congress had "adjourned," thereby preventing their return.

The two bills involved were S. 3418, the Family Practice of Medicine Act which authorized the appropriation of $225 million over the next 3 years to help train family-practice doctors, and H.R. 3471, a private bill granting jurisdiction to the Foreign Claims Settlement Commission to hear a claim of the heirs of Miloye Sokitch.

In the *Pocket Veto* case, 279 (U.S. 655 (1929), the Court ruled that a congressional recess of several months constituted an "adjournment" and was sufficient to support a "pocket veto." In that case, the House had adjourned sine die, and the Senate had recessed for several months until reconvening to sit as a court of impeachment. Prof. Arthur S. Miller of the George Washington University National Law Center and a consultant to the Subcommittee on Separation of Powers, said at the subcommittee's hearings that the Pocket Veto case "really is so different that it does not even bear much resemblance to what happened last month at the short recess for Christmas."

The other Supreme Court decision was in *Wright* v. *U.S.*, 302 U.S. 583 (1938). The facts in that case are that the Senate had adjourned for 3 days while the House was still in session. This case is not in point either because the facts differ greatly from the recent Christmas break when both Houses of Congress recessed for 4 days. In the Wright case, the Court simply declared that the Congress is not adjourned in the constitutional sense when one House is adjourned for 3 days or less.

Mr. President, I discussed both these cases and the specific facts of the Christmas "pocket veto" in my opening statement at the subcommittee's hearings. I ask unanimous consent to insert my opening remarks in the RECORD at this point.

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

POCKET VETO CONCEPT

(Statement of Senator SAM J. ERVIN, Jr.)

On December 14, 1970, the Congress sent to President Nixon the Family Practice of Medicine Act, which authorized $225 million to be appropriated over the next three years for special grants to hospitals and medical schools to train general practice physicians. The bill passed the Senate by a vote of 64 to 1, and the House of Representatives by 364 to 2.

In accordance with Senate Concurrent Resolution 87, the Senate—in which the Family Practice of Medicine Act originated—recessed from the close of business on Tuesday, December 22, 1970, until 12 o'clock noon on Monday, December 28, 1970. This was a recess of four days, the intervening Sunday, December 27, 1970, not counted. The Senate had given unanimous consent for the Secretary of the Senate to receive messages from the President during this Christmas recess.

Since the Senate was not in session on December 25, 1970, President Nixon announced that the Family Practice of Medicine Act has been "pocket vetoed." This action involves construction of Article I, Section 7, Clause 2 of the Constitution, Which provides:

"Every Bill which shall have passed the House of Representatives and the Senate shall, before it becomes a Law, be presented to the President of the United States; if he approves, he shall sign it, but if not, he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. . . . If any Bill shall not be returned by the President within ten days (Sunday excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its return, in which Case it shall not be a law."

The last sentence of this provision is the determinative langauge in considering—as we shall this morning—whether or not President Nixon had the constitutional authority to "pocket veto" the Family Practice of Medicine Act, and whether or not the Act became law without his signature.

In the *Pocket Veto* case, 279 U.S. 655, the Supreme Court ruled in 1929 that an interim adjournment of a Congress at the end of a session prevented the return of a bill by the President to the Congress, and thus substantiated his pocket veto. In that case, a bill which originated in the Senate was presented shortly before the adjournment at the end of the first session of the 69th Congress. President Coolidge did not sign the bill nor return it with his objections within the 10-day constitutional limitation, and it was not published as a law. While the Supreme Court drew no distinction between the types of adjournments—whether at the end of a Congress, sine die, at the end of a session, or within a session—the question at hand was the adjournment *at the end of a session*. The Court did not dwell on the relationship of the "pocket veto" concept to one short recess within a session.

In *Wright v. United States,* 302 U.S. 583, the Supreme Court in 1938 did deal with an adjournment within a session, and it considerably limited its opinion and dictum of the *Pocket Veto* case. In the *Wright* case, a bill which had originated in the Senate was vetoed by the President and returned with his objections to the Senate during a 3-day adjournment of that body. The House of Representatives was in session at that time. The bill with the President's message was received by the Secretary of the Senate, and submitted by him to the Senate when it reconvened. The issue presented was whether the veto was effective in view of the fact that the President's objection had not been received within the 10-day period by the originating House while in session. The Supreme Court held that an adjournment of the Congress, both House and Senate, prevents a return of the bill by the President within the period of 10 days allowed for that purpose; but that since the Senate alone had adjourned, the constitutional provision did not apply and the veto was effective.

In the *Pocket Veto* case, the Court stated that the House to which the bill is to be returned "is the House in session". However, in the *Wright* case, the Court said that this phrase cannot be narrowly considered and is not applicable during a temporary recess as opposed to the end of a session. The Court further stated, in opposition to the *Pocket Veto* holding, that the officers and agents of the Houses of Congress have great power and responsibilities and that they can be

utilized to receive returned bills from the President.

The *Wright* opinion gives attention to the need to consider the realities and practicalities of returning bills, rather than relying on wholly unnecessary technicalities. The criteria set out in that opinion are, first, that the President shall have suitable opportunity to consider bills presented to him, and, second, that the Congress shall have suitable opportunity to reconsider the bill and pass it over his veto, provided there are the requisite votes.

In the *Pocket Veto* case, the Supreme Court also stated that the Constitution, in giving the President veto authority, imposes upon him not only the obligation to sign bills that he approves, but also to return bills that he disapproves, with his objections, in order that they be reconsidered by the Congress.

In the situation before us today, the President had ample time to consider his objections to the Family Practice of Medicine Act, yet the congressional opportunity to override his veto was frustrated by the attempted "pocket veto," even though Congress had authorized the Secretary of the Senate to receive his veto message.

It also seems to me that if the President is allowed to "pocket veto" legislation during short recesses of the Congress within a session, he will have established an *absolute* veto power during these brief periods. The Founding Fathers had no intention of granting the President such an absolute power. The veto they devised in 1787 is a qualified power, as opposed to the absolute power held by the King of England. Indeed, Alexander Hamilton observed in *The Federalist No. 69:*

"The King of England, on his part, has an absolute negative upon the acts of the two houses of Parliament. The disuse of that power for a considerable time past does not affect the reality of its existence and is to be ascribed wholly to the crown's having found the means of substituting influence to authority, or the art of gaining a majority in one or the other of the two houses, to the necessity of exerting a prerogative which could seldom be exerted without hazarding some degree of national agitation. The qualified negative of the President differs widely from this absolute negative of the British sovereign. . ."

In short, to my mind a "pocket veto" during a short recess of Congress within a session is tantamount to an absolute veto, which is contrary to the intent of the Framers of the Constitution.

I might also add that at the time the Constitution was written and for many years thereafter, it was the custom of the Congress to meet only during the first few months of each year and then go home. The 10-days provision obviously was written into the Constitution to cover the adjournments at the end of a session, since Congress would be absent from the Capital for many months. It was designed not only to prevent delay on the part of the President in considering legislation, but to give him ample time to study bills passed by the Congress. At the same time, it placed upon the Congress the burden not to adjourn and go home before he had sufficient time either to sign or to return bills it has passed.

Today of course, we have a different situation entirely. The Founding Fathers did not envision brief holiday trips to the ski slopes of Colorado or the sunny shores of the Bahamas. Surely they did not foresee that legislative sessions would become a year-round operation, often straining to finish its business before the constitutional end of a Congress.

Therefore, we have these general questions before us today: "Was th Senate adjourned in a constitutional and traditional sense on December 25, 1970? Did the Family Practice of Medicine Act become law? If it did not, then what can Congress do to protect its right to reconsider bills which the President has allegedly vetoed?"

Mr. President, in order to shed some light on the questions outlined in my opening statement, the Subcommittee conducted a round-table discussion among several distinguished participants. I should like to briefly summarize the testimony adduced.

William H. Rehnquist, Assistant Attorney General, Office of Legal Counsel, spoke on behalf of the President's position and maintained that, under the *Pocket Veto* Case, Congress was adjourned in a constitutional sense on Christmas Day. Therefore, he argued, the President was prevented from returning the bills to the Senate and the House at the expiration of the 10-day period and had no choice but to exercise a "pocket veto." Thus, the two bills did not become law, according to the President's argument.

Mr. Rehnquist contended that the ruling in the *Pocket Veto* case defines "adjournment" as any recess of more than three days. A recess of three days or less, he said, is not considered an "adjournment" under the holding in the *Wright* case.

While the administration placed emphasis on the word "adjournment," Professor Miller contended that:

"the operative part [of Article I, Section 7, Clause 2], is not so much "Adjournment," it seems to me, as it is "prevent its Return." . . . If you take the word "adjournment" in its ordinary meaning, I would think most people would think that it means an adjournment at the end of a session of Congress, *sine die*.

"I would emphasize the notion that the real question is whether Congress, not being actually in session, prevented return of the bill. I take it that the bill . . . was not prevented [from being returned] because the Congress made specific provision for an officer of the Senate to receive the message from the White House. So I would consider it to be a fairly clear case that the Congress did not prevent the return of the Family Practice of Medicine Act."

In addition to the legal questions, participants in the Subcommittee's round-table discussion also explored the political and policy implications involved. Representative Fred B. Rooney of Pennsylvania, sponsor of the Family Practice of Medicine Act in the House, said that he had word on the day the bill came up for debate in the House that President Nixon was going to exercise his veto power if Congress enacted the measure. Therefore, Representative Rooney said, he called for a roll-call vote "because I wanted the President to get the consensus of the Congress, especially the Republican leadership, which voted unanimously to support the legislation."

Dr. Donald R. Matthews of the Brookings Institution, a political scientist, reflected on the political implications of President Nixon's "pocket veto" action in the context of his relations with the Congress:

"It seems to me that . . . it was rather unfortunate that the President pocket vetoed this particular bill without any regard at all to its merits or lack thereof. It showed a gross lack of respect for Congressional opinion. Here was a bill that was opposed by one Senator and two members of the House and was not a close thing. This was about as close to a consensus as you could get. . . . [A]fter it passed so overwhelmingly in both Houses, to veto it in a way which does not give the Congress an opportunity to override the veto seems to me to show some lack of respect, or at least discourteousness. I think it was unfortunate.

"On the whole, the pocket veto probably ought to be used only when Congress finally adjourns . . . and goes home for some period of time; otherwise, this would not be a good way of orderly running the government."

Dr. Thomas E. Cronin of the University of North Carolina and the Brookings Institution, who served in the White House under President Johnson, also spoke of the political aspects of the pocket veto:

". . . I am in favor of a strong presidency, but it seems to me this act by President Nixon was an act not of strength but of weakness, an action of shortness, taking advantage of a very pro-presidential court decision [and] a reasonable four or five day Christmas break. It seems to me this appears as a retaliatory, almost angry act by the President. This was seemingly an act of weakness, to go this route. It seems to me that an alternative to President Nixon would have been to return on Saturday a message . . . saying, 'I realize that this is a Christmas break, which is not at the end of a session, that clearly the intent of the Founding Fathers was not to use a pocket veto for this type of recess, and I would hope that you would take up this legislation and my veto on Monday', which was the day the Senate, I understand, was coming back."

Having discussed the legal and political aspects of President Nixon's action, the panel turned its attention briefly to methods by which the Congress can protect its power against such "pocket veto" attempts in the future. Specifically, discussion was directed at what action can be taken in the case of S. 3418 and H.R. 3471. Of the Family Practice of Medicine Act, Senator Kennedy said:

"It is my own belief that the legislation that was passed so overwhelmingly . . . is law today, and I think really the basic question . . . is how we are going to get the appropriate resolution of this question.

"As I understand, there are some variety of ways in which this might be done. We in the Congress can appropriate money to implement the Family Practice bill as though it were a valid public law. It is possible, although, as I understand, it is extremely difficult to begin a mandamus action to compel the Administration officials to carry out a ministerial duty to enroll the Family Practice Law. . . . The third and perhaps the best opportunity would be in court testing, involving the private bill that was similarly pocket vetoed."

Mr. President, it is time for the Congress to move positively to resolve the question presented by the "pocket veto" of S. 3418 and H.R. 3471. Congress should either appropriate the funds to carry out the purposes of S. 3418 as though it has become positive public law, initiate a mandamus action to require enrollment of the Act by the Executive, or join in a court test of the private claims bill, H.R. 3471, as Senator Kennedy has suggested.

I agree with Senator Mathias, who said during the round-table discussion:

". . . The question that is raised in its baldest form is whether the Executive Branch, through the vehicle of the pocket veto, has usurped the powers of the Legislative Branch or perhaps even more baldly, that the President is accused of using the pocket veto to circumvent the orderly legislative process of sending a vetoed bill back to Congress for final consideration . . . (T)he time is ripe at which we should attempt to make a determination of the proper limits and boundaries and settle this question."

Mr. President, almost daily, the Members who are honored to sit in this body express outrage over the usurpation of congressional authority by the Executive Branch of the Government. Much of this outrage is, no doubt, justified. In the instant controversy, there is no doubt in my mind that President Nixon violated the doctrine of separation of powers. The Founding Fathers, in order to fragmentize political power, allocated Federal legislative power to the Congress, Federal executive power to the President, and Federal judicial power to the Supreme Court

and "such inferior courts as the Congress may from time to time ordain and establish."

In other words, the Founding Fathers, to make government by law secure, ordain that the Constitution and the laws enacted by Congress pursuant to it should be the supreme law of the land, and imposed upon all public officials the duty to obey them. This includes, of course, the President of the United States.

Mr. President, in the instant "Pocket Veto" controversy, I am dismayed to hear a representative of the Executive Branch of the Government declare that the use of the "pocket veto" surrounding the bills under discussion is justified because Presidents throughout the history of this nation have followed the same course of action. All mankind knows that citing instances of murder and rape does not make those crimes legal. Likewise, just because Congress over the years has acquiesced in unconstitutional "pocket vetoes", does not make President Nixon's recent action constitutional.

I think this controversy boils down to a very simple question: Will the Congress demand that the Executive Branch of the Government respect its rights, duties, and obligations as set out by the Constitution?

Mr. President, in the very near future, I hope to discuss at length possible methods by which the Congress may protect its rights duties, and obligations under the Constitution in circumstances involving an illegal use of the "pocket veto" power.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

PROPOSED LEGISLATION BY THE GENERAL SERVICES ADMINISTRATION

Twelve letters from the Assistant Administrator, General Services Administration, transmitting drafts of proposed legislation (with accompanying papers), which were referred to the Committee on Armed Services, as follows:

A bill to authorize the disposal of manganese, battery grade, synthetic dioxide from the national stockpile;

A bill to authorize the disposal of thorium from the supplemental stockpile;

A bill to authorize the disposal of diamond tools from the national stockpile;

A bill to authorize the disposal of mica from the national stockpile and the supplemental stockpile;

A bill to authorize the disposal of amosite asbestos from the national stockpile and the supplemental stockpile;

A bill to authorize the disposal of quartz crystals from the national stockpile and the supplemental stockpile;

A bill to authorize the disposal of shellac from the national stockpile;

A bill to authorize the disposal of iridium from the national stockpile;

A bill to authorize the disposal of vegetable tannin extracts from the national stockpile;

A bill to authorize the disposal of chromium metal from the national stockpile and the supplemental stockpile;

A bill to authorize the disposal of silicon carbide from the national stockpile and the supplemental stockpile; and

A bill to authorize the disposal of metallurgical grade manganese from the national stockpile and the supplemental stockpile.

REPORT OF THE SECRETARY OF DEFENSE

A letter from the Deputy Secretary of Defense, transmitting, pursuant to law, a report setting forth the financial condition and operating results of working capital funds at 30 June 1970 (with an accompanying report); to the Committee on Armed Services.

REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on ways to reduce payments for physician and x-ray services to nursing-home patients under medicare and medicaid, Department of Health, Education, and Welfare, dated February 2, 1971 (with an accompanying report); to the Committee on Government Operations.

PROPOSED LEGISLATION TO ESTABLISH A FEDERAL EXECUTIVE SERVICE

A letter from the Chairman, U.S. Civil Service Commission, transmitting a draft of proposed legislation to amend title 5, United States Code, to establish and govern the Federal Executive Service, and for other purposes (with accompanying papers); to the Committee on Post Office and Civil Service.

REPORT OF SALES AND TRANSFERS OF FOREIGN EXCESS PROPERTY BY THE VETERANS' ADMINISTRATION

A letter from the Deputy Administrator, Veterans' Administration, Office of Veterans Affairs, transmitting a report of sales and transfers of foreign excess property by the Administration for the year ended December 31, 1970 (with an accompanying report); to the Committee on Veterans' Affairs.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. McCLELLAN, from the Committee on Government Operations, with amendments:

S. Res. 31. Resolution authorizing additional expenditures by the Committee on Government Operations for inquiries and investigations; referred to the Committee on Rules and Administration.

BILLS AND A JOINT RESOLUTION INTRODUCED

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

By Mr. BOGGS (for himself and Mr. ROTH):

S. 556. A bill to authorize the conveyance of certain unneeded Federal lands of the Fort Miles Reservation, Dela., to the State of Delaware for public education and park purposes, and for other purposes; to the Committee on Armed Services.

(The remarks of Mr. BOGGS when he introduced the bill appear below under the appropriate heading.)

By Mr. JAVITS (for himself, Mr. ANDERSON, Mr. HARTKE, Mr. MAGNUSON, Mr. PROUTY, and Mr. RANDOLPH):

S. 557. A bill to amend the Wagner-O'Day Act to extend the provisions thereof to other severely handicapped individuals who are not blind, and for other purposes; to the Committee on Labor and Public Welfare.

(The remarks of Mr. JAVITS when he introduced the bill appear below under the appropriate heading.)

By Mr. JAVITS (for himself, Mr. CANNON, Mr. HATFIELD, Mr. PELL, and Mr. PERCY):

S. 558. A bill to provide for the efficient disposal and recycling of motor vehicles, and for other purposes; to the Committee on Public Works, by unanimous consent.

(The remarks of Mr. JAVITS when he introduced the bill appear below under the appropriate heading.)

By Mr. BYRD of West Virginia (for Mr. CRANSTON):

S. 559. A bill for the relief of Albina Lucio Z. Manlucu; to the Committee on the Judiciary.

(The remarks of Mr. BYRD of West Virginia when he introduced the bill appear below under the appropriate heading.)

By Mr. GRIFFIN (for himself and Mr. DOLE):

S. 560. A bill to provide more effective means for protecting the public interest in national emergency disputes involving the transportation industry and for other purposes; to the Committee on Labor and Public Welfare.

(The remarks of Mr. GRIFFIN when he introduced the bill appear below under the appropriate heading.)

By Mr. COTTON:

S. 561. A bill for the relief of Julius Petrovic; to the Committee on the Judiciary.

By Mr. HARTKE:

S. 562. A bill for the relief of Gyorgy Sebok; and

S. 563. A bill for the relief of Elena P. Muya; to the Committee on the Judiciary.

By Mr. PACKWOOD (for himself, Mr. BENNETT, Mr. GRAVEL, Mr. HATFIELD, Mr. STEVENS, and Mr. FANNIN):

S. 564. A bill to promote the exploration and development of geothermal resources through cooperation between the Federal Government and private enterprise; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. PACKWOOD when he introduced the bill appear below under the appropriate heading.)

By Mr. BAYH:

S. 565. A bill for the relief of Malunka Pesic;

S. 566. A bill for the relief of Maria Grazia Iaccarino;

S. 567. A bill for the relief of of Diana G. Collas;

S. 568. A bill for the relief of Fidelina Guadaloupe Pichardo;

S. 569. A bill for the relief of Marguerita Ponce; and

S. 570. A bill for the relief of Silah Corlean Alleyne; to the Committee on the Judiciary.

By Mr. PEARSON:

S. 571. A bill to amend the Federal Meat Inspection Act relating to the importation of meat and meat products into the United States; to the Committee on Agriculture and Forestry.

S. 572. A bill for the relief of Ensy Hsiao; to the Committee on the Judiciary.

(The remarks of Mr. PEARSON when he introduced S. 571 appear below under the appropriate heading.)

By Mr. MUSKIE (for himself, Mr. BAKER, Mr. BAYH, Mr. BOGGS, Mr. EAGLETON, Mr. GRAVEL, Mr. MONTOYA, Mr. SPONG, and Mr. TUNNEY):

S. 573. A bill to amend the Clean Air Act and the Federal Water Pollution Control Act to provide for standards for the manufacture of certain products to protect the quality of the Nation's air and navigable waters; to the Committee on Public Works.

(The remarks of Mr. MUSKIE when he introduced the bill appear below under the appropriate heading.)

By Mr. GRAVEL:

S. 574. A bill relating to oil productions, processing and transportation facilities in the United States; to the Committee on Interior and Insular Affairs.

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

By Mr. RANDOLPH (for himself, Mr. COOPER, Mr. AIKEN, Mr. ALLEN, Mr. BEALL, Mr. BAKER, Mr. BAYH, Mr. BIBLE, Mr. BOGGS, Mr. BURDICK, Mr. BYRD of Virginia, Mr. BYRD of West Virginia, Mr. CHURCH, Mr. CRANSTON, Mr. EAGLETON, Mr. EASTLAND, Mr. ERVIN, Mr. FULBRIGHT, Mr. GRAVEL, Mr. HARRIS, Mr. HART, Mr. HARTKE, Mr. HATFIELD, Mr. HOLLINGS, Mr. HUGHES, Mr. HUMPHREY, Mr. JACKSON, Mr. JAVITS, Mr. JORDAN of North Carolina, Mr. JORDAN of Idaho, Mr.

KENNEDY, Mr. MAGNUSON, Mr. MATHIAS, Mr. MCCLELLAN, Mr. MCGEE, Mr. MCGOVERN, Mr. MCINTYRE, Mr. METCALF, Mr. MONTOYA, Mr. MUSKIE, Mr. NELSON, Mr. PELL, Mr. PERCY, Mr. SAXBE, Mr. SCHWEIKER, Mr. SCOTT, Mr. SPARKMAN, Mr. SPONG, Mr. STENNIS, Mr. STEVENS, Mr. TALMADGE, Mr. TUNNEY, Mr. WEICKER, and Mr. WILLIAMS):

S. 575. A bill to authorize funds to carry out the purposes of the Appalachian Regional Development Act of 1965, as amended; to the Committee on Public Works.

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

By Mr. TOWER:

S. 576. A bill to provide tax incentives to encourage physicians to practice medicine in physician shortage areas; to the Committee on Finance.

(The remarks of Mr. TOWER when he introduced the bill appear below under the appropriate heading.)

By Mr. TOWER:

S.J. Res. 26. Joint resolution to authorize and request the President to issue annually a proclamation designating the second Sunday of October of each year as "National Grandparents Day"; to the Committee on the Judiciary.

(The remarks of Mr. TOWER when he introduced the joint resolution appear below under the appropriate heading.)

S. 556—INTRODUCTION OF A BILL TO CONVEY FIVE PARCELS OF LAND AT CAPE HENLOPEN, DEL., FROM THE ARMY AND NAVY TO THE STATE OF DELAWARE

Mr. BOGGS. Mr. President, I introduce on behalf of my colleague, Mr. ROTH, and myself a bill which would convey five parcels of land at Cape Henlopen, Del., from the Army and the Navy to the State of Delaware.

This is not new legislation. It was offered last year, but no hearings were held on it. The former senior Senator from Delaware, Mr. Williams, and I offered it on May 5, 1970, and my colleague, Mr. ROTH, offered the same legislation in the other body.

Of particular interest to those of us from Delaware is the 190 acres at the cape owned by the 1st Army, headquartered at Fort Meade, Md. We feel that this valuable beachland has been abused by the Army and that its best use could be realized by incorporating it into the Delaware State park system.

The Armed Services Committee did not hold hearings on the bill, partly because the Department of Defense never offered written comment on it, despite two requests from the distinguished committee chairman.

The land lies on the Atlantic Ocean, north of Rehoboth Beach in Sussex County, Del. The State of Delaware operates public parkland which surrounds the military land.

It is one of the few areas of unsullied beach remaining on the densely populated East Coast of the United States and it is a popular vacation and swimming spot for thousands of Americans from Eastern cities.

Frankly, the State of Delaware long has coveted these parcels for incorporation into the park system where they could be of service to many more thousands of persons.

It became evident during April of last year—during Earth Week to be more exact—that it is necessary for the land to be conveyed to the State if it is to be used wisely.

The 1st U.S. Army chose that week to level what we used to refer to as the "Big Dune." The Big Dune once stood 70 feet high—the largest between Sandy Hook, N.J., and Cape Hatteras, N.C. It was so well known among naturalists that it was the subject of learned articles in the National Geographic and Scientific American. This natural wonder was knocked down and in its place the 1st Army installed five house trailers.

The Navy, I must say, has been reasonable and has indicated a willingness to part with some of the land it does not need for vital defense purposes. The Army, however, has been adamant that it must retain its 190-acre plot.

The Army uses its land only as a rest and relaxation area. There is a firing range on the land and an underground bunker, neither of which is in use.

Former Secretary of the Interior Walter J. Hickel has indicated the land should belong to the State and be used for recreational purposes. That is an attitude long held by the National Park Service. In 1955 it issued a survey of the Atlantic and gulf coasts. That survey mentioned the Delaware coastline north of Rehoboth Beach as a most desirable place to develop public recreational facilities.

This Army land is adjacent to the Cape Henlopen State Park, which accommodated 1 million persons last year, compared to the few people served by the Army facility. The State park commission estimates that the 2,800 feet of beach occupied by the Army would accommodate 4,500 swimmers at a time.

The State of Delaware has been a generous host over the years. Usage of the Cape Henlopen Park, alone, is double the population of the State. It is estimated that 4 million visitors will use Delaware parks this year. That is nearly eight times the State's population.

The State of Delaware is fortunate to have such beautiful beach areas and it is anxious that they be maintained properly. The Army has demonstrated its disregard for the piece of beach it owns and the land should be consolidated within the adjacent State parks.

There is ample precedent for this action. Recently, the Marine Corps turned over 3½ miles of beachland at Camp Pendleton for inclusion in a California State park. If the Marines can part with 3½ miles of beach at an active military installation, the Army certainly can part with 2,800 feet of beach at an inactive one.

It is not our intent to deny the use of this land to military personnel, but rather to make it available for all on an equal basis.

Neither is it our intent to deny the Department of Defense any facilities that are important for our national defense. There is a Navy installation and a Navy Reserve facility at Cape Henlopen, and we have no desire to oust them.

Although this bill would convey all the military lands at Cape Henlopen, we are willing—indeed anxious—to work out our differences with the Department during the legislative process.

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

The PRESIDING OFFICER (Mr. MCGOVERN). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 556) to authorize the conveyance of certain unneeded Federal lands of the Fort Miles Reservation, Del., to the State of Delaware for public education and park purposes, and for other purposes, introduced by Mr. BOGGS (for himself and Mr. ROTH), was received, read twice by its title, referred to the Committee on Armed Services, and ordered to be printed in the RECORD, as follows:

S. 556

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Army and the Secretary of the Navy shall convey to the State of Delaware by quitclaim deeds and without reimbursement, that part of the federally owned real property of the Fort Miles Army and Naval Reservation, Delaware, said real property comprising five (5) parcels totaling 820.38 acres, more or less.

S. 557—INTRODUCTION OF A BILL TO AMEND THE WAGNER-O'DAY ACT

Mr. JAVITS. Mr. President, I introduce for myself and for Senators ANDERSON, HARTKE, MAGNUSON, PROUTY, and RANDOLPH a bill amending the Wagner-O'Day Act, the 1938 law which gives to the blind a special priority in the selling of certain products to the Federal Government.

For the past 33 years, the Wagner-O'Day Act has stood without amendment. In the intervening years, techniques for utilizing the innate talents of the blind and other severely handicapped have continually improved and the realization has grown that these persons can pursue useful, productive lives rather than being institutionalized or becoming burdens upon their families. This bill involves no added cost to the Government.

This bill has two principal objectives: First, to extend the special priority in the selling of certain products to the Federal Government now reserved for the blind to the other severely handicapped, assuring, however, that the blind will have first preference; and, second, to expand the category of contracts under which the blind and other severely handicapped would have priority to include services as well as products, reserving to the blind first preference for 5 years after the enactment of the bill.

This measure is similar to the legislation which passed the Senate unanimously last year, too late, unfortunately, to be considered by the House. A companion bill is being again introduced in the House of Representatives by Representative CRAIG HOSMER of California and a group of his colleagues from both parties in the other body.

During the hearings last year, support for this proposal was indicated by rep-

resentatives of the three Federal agencies concerned; namely, the Committee on Blind-made Products, the Rehabilitation Services Administration of the Department of Health, Education, and Welfare, and the President's Committee on Employment of the Handicapped. Among the organizations submitting testimony in support were the American Association of Workers for the Blind, the American Foundation for the Blind, the General Council of Workshops for the Blind, the Goodwill Industries of America, the International Association of Rehabilitation Facilities—formerly the National Association of Sheltered Workshops and Homebound Programs and the Association of Rehabilitation Centers, the National Association for Retarded Children, the National Easter Seal Society for Crippled Children and Adults, the National Industries for the Blind, the National Rehabilitation Association, and the United Cerebral Palsy Association of America.

The proposed legislation is not a welfare measure. It is a hard-nosed proposal to help those who have no choice but to help themselves. The blind and the other severely handicapped wish to be self-supporting and to be taxpayers, not tax burdens. This legislation would provide a significantly increased number of opportunities for work for those who otherwise might be relegated to institutions, to welfare programs or supported by already burdened families. After 33 years of successful operation, the Wagner-O'Day Act must now be strengthened.

In conclusion, I wish to express my gratification that the Senator from West Virginia (Mr. RANDOLPH) is a cosponsor of this bill. As a Member of the House, he was a coauthor of the Randolph-Shepherd Act which for the past 35 years has benefited blind vendors in public buildings. He has long been a pioneer in the effort to help the blind become productive citizens, as they are well able. I think it is most heartening that he has lent himself to this effort as well.

The PRESIDING OFFICER (Mr. MCGOVERN). The bill will be received and appropriately referred.

The bill (S. 557) to amend the Wagner-O'Day Act to extend the provisions thereof to other severely handicapped individuals who are not blind, and for other purposes, introduced by Mr. JAVITS, for himself and other Senators, was received, read twice by its title and referred to the Committee on Labor and Public Welfare.

S. 558—INTRODUCTION OF THE MOTOR VEHICLE DISPOSAL ACT

Mr. JAVITS. Mr. President, I introduce a bill, entitled the Motor Vehicle Disposal Act, on behalf of myself and Senators CANNON, HATFIELD, PELL, and PERCY.

Mr. President, this bill provides for the efficient disposal and recycling of junked and abandoned automobiles.

There are in this country roughly 9 million cars that will go out of service this year, and of that number, 15 percent, or about 1,300,000, will simply be abandoned. Right here in Washington, cars are abandoned at the rate of about 1,000 a month, and in my own city of New York, the rate is 1,000 a week. These numbers are cumulative. The cars are going into the woods and onto vacant lots, and they are an eyesore and a hazard. Nevertheless they are also a challenge to a society which prides itself on its ability to generate technological solutions to its problems.

PROVISIONS OF THE ACT

This bill would require that all cars carry a permanent plate issued by the Federal Government for a fee of from $25 to $50, depending on the size and weight of the car. Title to the plate would inhere in the car itself, so that transfer of the car would automatically transfer title to the plate, and the value of the plate, in turn, would obviously affect not only the original price of the car but also its resale price, in each case in an amount equal to the value of the plate, which the last owner would recoup upon proper disposal of the remains of the car.

The last owner of the car could obtain a full refund of the license fee by depositing the car with a concern authorized to process, and in the business of processing, junked vehicles into established grades of scrap for remelting purposes. This would return the scrap metal to the stream of commerce without littering streets and landscapes. In the event a car is unlawfully abandoned in a public place—and that is our problem—a public agency authorized by law to remove the car could then take it to such a qualified scrap-processing concern, and the agency itself would receive the disposal fee to cover its very considerable cost in removing abandoned cars.

In addition to providing an incentive not to abandon cars on public streets—the incentive being loss of the disposal fee refund—and giving a bounty to the local government to remove such abandoned cars, this plan, which is entirely a self-help plan, would also create an incentive for junkyards not to expand their inventory endlessly, for each car carcass on a junkyard would always be worth at least $25 to the lot owner if he removes and deposits it with an authorized disposal concern.

This proposal conceivably could be done on a State level as well, of course, but this is such a broad problem that I believe the national establishment has the right to move into it in the interest of interstate commerce as well as health, sanitation, and the prevention of crime.

THE COST OF THE PROPOSAL

Senators will recall that the President, in his February 10, 1970, message to the Congress on environment and pollution, said:

> The way to provide the needed incentive is to apply to the automobile the principle that its price should include not only the cost of producing it, but also the cost of disposing of it.

I think it is important to note that this bill, except for the expenses of initial organization of the plan, would be completely self-liquidating in terms of cost. A law-abiding car owner would incur no cost at all, assuming that he would recoup the cost of his license when he sells his car to a second owner, and further assuming that the last owner—whose cost would include the cost of the license—would get a complete refund when he deposits the car for disposal. The bill would also make self-liquidating the very considerable cost which local governments incur for towing away abandoned vehicles, bearing in mind that there are 90 million vehicles in the United States. So this is a very tidy sum of money. The cost of administration could, I believe, be defrayed by the interest on money deposited in the revolving fund made up of the license fees themselves.

THE GENERAL MARKET FOR RECYCLED MATERIAL

Since I introduced this measure in an earlier version last year, experts have come forward and pointed out to me that the system my bill proposes would create a useful "pressure" of raw material into the recycling system, but that a fully effective system will also require some "suction" on the market.

By "suction," I mean some requirement or incentive for the producers of raw materials—not just steel, but perhaps also aluminum, rubber, glass, paper, and so forth—to use a stated percentage of recycled material in their "mix." My staff and I are working on that problem now, and I expect to have a measure along that line ready for introduction this year.

The problem, of course, is so general and all pervasive that it calls for a general solution such as this.

But even with respect to cars alone, a great deal can be done as a first step, because, astounding as it may seem, 20 percent of all American steel goes into automobles, as well as 10 percent of our aluminum, 7 percent of our copper, 13 percent of our nickel, 35 percent of our zinc, over 50 percent of our lead, and 60 percent of all rubber. We simply cannot afford to waste that much material, nor can we afford to destroy our environment by letting the scrap accumulate on the roadsides, in vacant lots, and on side streets.

Mr. President, 1 day of hearings was held last year in the Public Works Committee on my bill and one other. I hope very much that the committee will act dispositively with respect to the problem this year at an early date.

I ask unanimous consent that the text of this bill be printed in the RECORD, and that it be referred to the Committee on Public Works, as it was in the 91st Congress.

The PRESIDING OFFICER (Mr. MCGOVERN). The bill will be received; and, without objection, the bill will be referred to the Committee on Public Works and printed in the RECORD.

The bill (S. 558) to provide for the efficient disposal and recycling of motor vehicles, and for other purposes, introduced by Mr. JAVITS, for himself and other Senators, was received, read twice by its title, referred to the Committee on Public Works, by unanimous consent, and ordered to be printed in the RECORD, as follows:

S. 558

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 "Motor Vehicle Disposal Act".

DISPOSAL FEE REQUIRED

SEC. 2. (a) Each person within any State who owns a motor vehicle on the effective date of this title shall, within three months after the effective date of this title, pay to the Secretary of the motor vehicle disposal fee required by the provisions of this title, and affix to the motor vehicle a plate or other device, designed by the Secretary, stating that the motor vehicle disposal fee has been paid.

"(b) Every motor vehicle manufacturer shall pay for each motor vehicle manufactured by it after the effective date of this title the motor vehicle disposal fee required by the provisions of this title, and shall affix to the motor vehicle a plate or other device, designed by the Secretary, stating that the motor vehicle disposal fee for that vehicle has been paid.

EVIDENCE OF PAYMENTS OF DISPOSAL FEE

SEC. 3. (a) The Secretary shall design a plate or other device suitable for easy and permanent installation in a conspicuous place on a motor vehicle on which the disposal fee required by this title has been paid.

(b) The Secretary shall make available places at convenient locations throughout the country in which persons shall pay the disposal fee required under section 2 and receive the plates or other devices evidencing such payments together with instructions for the installation of such plates or other devices.

(c) The Secretary shall make necessary arrangements with manufacturers required to pay the disposal fee under section 2 to receive the payment of such fees at such times as he determines to be convenient for such manufacturers and to furnish such manufacturers sufficient numbers of plates or other devices evidencing such payment.

AMOUNT OF DISPOSAL FEE AND ESTABLISHMENT OF THE MOTOR VEHICLE DISPOSAL FUND

SEC. 4. (a) The Secretary shall prescribe the amount of the disposal fee required under this title in an amount not less than $25 nor more than $50 per motor vehicle. In determining the amount of the disposal fee the Secretary may establish a schedule of fees after considering the size of the motor vehicle and the cost of removing motor vehicles. Any fee or fee schedule established under this section may not be established by the Secretary without proceedings including notice and an opportunity for a hearing held in accordance with the provisions of subchapter II of chapter 5, title 5, United States Code, and provisions for judicial review in the United States Court of Appeals for the District of Columbia in accordance with the provisions of chapter 7 of such title.

(b) Any sums appropriated pursuant to section 2 of this title and any disposal fees collected pursuant to this title shall be deposited in a revolving fund which is hereby established in the Treasury of the United States and shall be known as the "Motor Vehicle Disposal Fund". Moneys in the fund shall be available, without fiscal year limitation, to the Secretary to make payments to persons certified to him by licensed motor vehicle disposal concerns in accordance with the provisions of this title. Moneys in the fund not necessary for current operations shall be invested in bonds or other obligations of, or guaranteed by, the United States.

MOTOR VEHICLE DISPOSAL CONCERNS LICENSED

SEC. 5. (a) After the effective date of this title, any person engaged in the business of processing junked motor vehicles into established grades of scrap for remelting purposes may make application to the Secretary for a license under this section at such time, in such manner, and containing such information as the Secretary shall by regulation reasonably require.

(b) Licenses issued under this section shall be in such form as the Secretary shall prescribe and shall continue in effect unless revoked pursuant to this title.

(c) In issuing or refusing to issue any licenses under this section the Secretary shall conduct proceedings in accordance with the provisions of subchapter 2 of chapter 5 of title 5, United States Code. Such proceedings shall be reviewable in the appropriate United States court of appeals in accordance with chapter 7 of such title.

(d) The Secretary shall issue a license to any applicant if he determines that—

(1) the applicant is qualified and has the facilities necessary to process junked motor vehicles into established grades of scrap for remelting purposes;

(2) agrees to certify to the Secretary the names and addresses of persons eligible to receive disposal payments under this title.

(e) (1) The Secretary is authorized to enter the facility of any person authorized under this title or any person applying for a license under this title and to inspect the premises and facilities on such premises at reasonable times, within reasonable limits, and in a reasonable manner.

(2) Every licensee shall establish and maintain such records, make such reports, and provide such information, including technical information, as the Secretary may reasonably require to enable him to carry out the provisions of this title. All information contained in any report received under this section shall be deemed to be confidential information for the purposes of section 1905 of title 18 of the United States Code.

(f) Subject to such terms and conditions as the Secretary may by regulations prescribe, persons licensed under this section shall receive from the Secretary a fee, in an amount not less than $1 nor more than $5 for each car processed, to cover the cost of removal of the plate or device required by this title and the keeping of necessary records as required by this title.

REVOCATION OF LICENSES

SEC. 6. (a) Any license issued pursuant to this title may be revoked by the Secretary if he determines that (1) the licensee has discontinued the business of disposing of motor vehicles as provided in the license, or (2) the licensee fails or refuses to make the certifications required by this title.

(b) Before revoking any license pursuant to subsection (a) of this section, the Secretary shall serve upon the licensee an order to show cause why an order of revocation should not be issued. Any such order to show cause shall contain a statement of the basis thereof, and shall call upon such licensee to appear before the Secretary at a time and place stated in the order, but in no event less than thirty days after the date of receipt of such order, and give evidence upon the matter specified therein. The Secretary may in his discretion suspend any license simultaneously with the issuance of an order to show cause, in cases where he finds that the public interest requires such suspension. Such suspension shall continue in effect until the conclusion of any revocation proceeding, including judicial review thereof, unless sooner withdrawn by the Secretary, or dissolved by a court of competent jurisdiction. If, after hearing, default, or waiver thereof by the licensee, the Secretary determines that an order of revocation should issue, he shall issue such order, which shall include a statement of his findings and the grounds and reasons therefor and shall specify the effective date of the order and he shall cause such order to be served on the licensee. In any case, where a hearing is conducted pursuant to the provisions of this section, both the burden of proceeding with the introduction of evidence and the burden of proof shall be on the Secretary. Proceedings under this section shall be independent of, and not in lieu of, any other proceeding under this title or any other provision of law.

MOTOR VEHICLE DISPOSAL PAYMENTS

SEC. 7. (a) Each person who owns a motor vehicle on which the motor vehicle disposal fee has been paid is entitled to receive a disposal payment in an amount equal to the motor vehicle disposal fee whenever such vehicle is transferred to, and presented for disposal to, a concern licensed under the provisions of this title.

(b) If an owner, in violation of State law, abandons a motor vehicle on which the motor vehicle disposal fee has been paid, and such vehicle is thereafter presented to a concern licensed under the provisions of this title by a public agency authorized by State or local law to confiscate and dispose of such abandoned vehicle, the public agency so presenting and transferring such abandoned vehicle shall be entitled to receive a disposal payment equal to the motor vehicle disposal fee.

(c) Whenever a motor vehicle is properly presented to a motor vehicle disposal concern as provided in paragraph (a) or (b) of this section, such concern shall issue to the person or agency presenting and transferring such vehicle a receipt therefor, on a form prescribed by the Secretary, stating that such vehicle has been properly disposed of under this title and that such person or agency is entitled to receive the disposal payment.

(d) The Secretary shall redeem, by payment of the disposal payment, under whatever arrangements he deems appropriate, receipts properly issued under paragraph (c) of this section.

UNLAWFUL ACTIVITIES

SEC. 8. It shall be unlawful for any person—

(1) to fail or refuse to pay the motor vehicle disposal fee required by section 2 or to fail to affix the evidence of such payment to the motor vehicle in accordance with the provisions of this title;

(2) to manufacture for sale, offer for sale, introduce or deliver for introduction in interstate commerce any motor vehicle manufactured on or after the effective date of this title without the payment of the disposal fee for such vehicle under section 2 and a plate or other device evidencing such payment being affixed to such vehicle in accordance with the provisions of this title;

(3) who is licensed under the provisions of this title, to fail or refuse access to or copying of records or fail to make reports or furnish information or fail to permit entry or inspection as required under section 405;

(4) to manufacture or furnish to any other person a plate or other device designed by the Secretary for the purposes of this title unless such person is authorized by the Secretary to do so; or

(5) to remove, destroy, or otherwise dispose of the plate or device evidencing payment of the disposal fee provided in section 2, except as authorized by this title or by regulations promulgated by the Secretary pursuant to this title.

PENALTIES

SEC. 9. (a) Any person who is required to pay the disposal fee pursuant to section 2 of this title and who willfully and knowingly fails to make such payment shall be subject to a penalty of not to exceed $500 for such violation.

(b) Any person who violates the provisions of section 3 or paragraph (3), (4), or (5) of section 8, or regulations issued thereunder, shall be subject to a civil penalty not to exceed $500 for each such offense except that

the maximum penalty shall not exceed $100,000 for any related series of violations committed by the same person.

(c) Any person who willfully and knowingly makes a false statement of any information required under this title shall be deemed to have violated the provisions of section 1001 of title 18, United States Code.

(d) Any such civil penalty under this section may be compromised by the Secretary and shall be recoverable in a civil action in any district court in the district in which any such person resides, or is doing business.

(e) In addition to the civil penalties provided hereunder, any person who willfully violates the provisions of paragraph (4) or (5) of section 8 shall be subject to imprisonment of not more than six months for each such violation.

ADMINISTRATION

SEC. 10. (a) In order to carry out the objectives of this title, the Secretary is authorized to—

(1) promulgate such rules and regulations as may be necessary;

(2) appoint such advisory committees as he may deem advisable;

(3) procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code;

(4) use the services, personnel, facilities, and information of any other Federal department or agency, or any agency of any State, or political subdivision thereof, or any private research agency with the consent of such agencies, with or without reimbursement therefor; and

(5) manufacture the plates or devices designed by him for the purposes of this title at the expense of the United States.

(b) Upon request by the Secretary each Federal department and agency is authorized and directed to make its services, personnel, facilities, and information, including suggestions, estimates, and statistics available to the greatest practicable extent to the Secretary in the performance of his functions under this title.

(c) The Secretary, the Comptroller General of the United States, or any of their duly authorized representatives shall have access, for the purpose of audit and examination, to any books, documents, papers, and records that are pertinent to the payments certified to by any licensee under this Act.

(d) The Secretary shall have discretion, based on market or other conditions in any locality or area of the country causing an inability or unwillingness of any licensed disposal concern to accept vehicles for disposal, to license automobile wreckers, including any public agency of a State or political subdivision thereof acting as an automobile wrecker, to accept vehicles for disposal and issue receipts under section 7, on condition that such wrecker undertakes to deposit such vehicles with an authorized disposal concern within twelve months after the Secretary determines that such market or other local conditions have abated.

(e) The Secretary shall have discretion, if business practices make it advisable in a particular locality or area of the country, to authorize any person engaged in the business of hauling scrapped motor vehicles, after crushing, to licensed disposal concerns, to issue receipts under section 7, provided that such persons satisfy the Secretary of their undertaking to deposit such vehicles as required by this Act and applicable regulations issued by the Secretary.

DEFINITIONS

SEC. 11. As used in this title—

(1) The term "person" includes any individual, corporation, company, association, firm, partnership, society, joint stock company, or public agency.

(2) The term "motor vehicle" means any vehicle driven or drawn by mechanical power manufactured primarily for use on the public streets, roads, and highways, except any vehicle operated exclusively on a rail or rails. The Secretary may exclude classes of motor vehicles other than passenger automobiles from the definition of motor vehicle for the purposes of this title upon a finding that to do so is in the public interest.

(3) The term "manufacturer" means any person engaged in the manufacturing or assembling of motor vehicles including any person importing motor vehicles for resale.

(4) The term "State" includes each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, the Canal Zone and American Samoa.

(5) The term "interstate commerce" means commerce between any place in a State and any place in another State, or between places in the same State through another State.

(6) The term "Secretary" means the Secretary of Transportation.

AUTHORIZATION AND APPROPRIATION

SEC. 12. There is hereby authorized to be appropriated to the Secretary to carry out the provisions of this title not to exceed $500,000 for the fiscal year ending June 30, 1971.

NATIONAL MOTOR VEHICLE DISPOSAL COUNCIL

SEC. 13. (a) The Secretary shall establish a National Motor Vehicle Disposal Council which shall consist of seven members, of whom three members who shall be representatives of businesses engaged in processing junked motor vehicles into established grades of scrap for remelting purposes, three members representative of the general public, and one member representative of automobile wreckers. Representatives of the general public may include representatives of Federal, State, or municipal agencies working in the fields of environmental protection and control.

(b) The Secretary shall consult with the National Motor Vehicle Disposal Council with respect to all matters subject to regulations which may be promulgated under this title.

(c) Members of the National Motor Vehicle Disposal Council may be compensated at a rate not to exceed $100 per diem (including traveltime) when engaged in the actual duties of the Advisory Council. Such members, while away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistance as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently. Payments under this section shall not render members of the Advisory Council employees or officials of the United States for any purpose.

EFFECTIVE DATE

SEC. 14. The provisions of this title shall take effect on September 1, 1971, except that sections 3, 10, 11, 12, and 13 shall become effective on the date of enactment of this title.

S. 559—INTRODUCTION OF A BILL FOR THE RELIEF OF ALBINA LUCIO Z. MANLUCU

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that I be permitted to introduce, for the Senator from California (Mr. CRANSTON), a bill for the relief of Albina Lucia Lucio Z. Manlucu.

The PRESIDING OFFICER. Without objection, it is so ordered. The bill will be received and appropriately referred.

The bill (S. 559) for the relief of Albina Lucio Z. Manlucu, introduced by Mr. BYRD of West Virginia (for Mr. CRANSTON), was received, read twice by its title, and referred to the Committee on the Judiciary.

S. 560—INTRODUCTION OF THE EMERGENCY PUBLIC INTEREST PROTECTION ACT OF 1971

Mr. GRIFFIN. Mr. President, it is with a sense of urgency that I rise to reintroduce a bill which I introduced in the 91st Congress—a bill entitled the Emergency Public Interest Protection Act which, if enacted, would implement an administration proposal.

This bill is an effort to deal in a positive, equitable, and sensible way with threat of National emergency strikes that arise from time to time in the transportation industry.

It should hardly be necessary to point out the deficiency of current law for protecting the public interest against such crippling emergency strikes. But allow me to briefly take note of some events in 1970 which highlight the critical need for reform.

January 31, 1970: Shopcraft unions struck the Union Pacific Railroad. A District Court temporary restraining order was issued and twice extended.

March 2, 1970: Shopcraft unions were barred by injunction from striking individual railroads.

March 4, 1970: Congress acted to ban strikes by the shopcraft unions for 31 days.

April 8, 1970: Congress passed legislation imposing a contract upon the parties to the shopcraft dispute—a contract which had been rejected by the rank and file.

July 7, 1970: President Nixon invoked the Railway Labor Act to delay a railroad firemen strike for 60 days.

September 15, 1970: Operating unions, in defiance of a district court injunction began a selective strike against three railroads. The workers returned to their jobs after being threatened with contempt charges.

September 18, 1970: The President invoked the Railway Labor Act to delay a strike by the operating unions.

December 10, 1970: In a late evening session which many would like to forget, Congress not only extended the strike ban until March 1, 1971, but also proceeded unilaterally to impose by legislation a retroactive wage increase.

Now, we look up to find another crisis approaching: the strike ban extension voted December 10 will expire in less than 4 weeks.

Although this legislative proposal was before the Congress during the greater portion of the last session, no hearings were even held. I hope that will not be the fate of this urgently needed legislation in this session of Congress.

As President Nixon said in his message to Congress:

> I urge that this time we not wait for the next emergency, but rather join together in acting upon it now.

Mr. President, I ask unanimous consent that an explanatory statement of the bill be printed in the RECORD.

There being no objection, the state-

ment was ordered to be printed in the RECORD, as follows:

EXPLANATORY STATEMENT OF THE "EMERGENCY PUBLIC INTEREST PROTECTION ACT OF 1971"

(A draft bill to protect the public interest whenever a threatened or actual strike or lockout in the transportation industry imperils the national health or safety, and for other purposes)

I. GENERAL

The draft bill would provide additional protection for the public interest for those labor disputes in the transportation industries which imperil the national health or safety. Because current procedures for protesting the national health or safety in the transportation industries have not proved effective, the draft bill provides additional options to the President that carefully balance the needs of the public and the rights of free collective bargaining.

The draft bill also amends the Railway Labor Act to promote greater utilization of private collective bargaining procedures rather than reliance upon governmental intervention.

In addition, the draft bill provides for a Special Industries Commission to study labor relations in those industries which are particularly vulnerable to national emergency disputes and make recommendations concerning such industries.

II. AMENDMENTS TO THE LABOR-MANAGEMENT RELATIONS ACT

The draft bill would not change the existing national emergency dispute provisions of Title II of the Labor-Management Relations Act as they apply to industries other than transportation.

It would make the national emergency provisions of the Labor-Management Relations Act applicable to all transportation industries. It does this by repealing the emergency procedures of the Railway Labor Act and bringing the railroads and airlines under the basic emergency provisions now applicable to other industries with certain changes.

In recognition of the special nature of the transportation industries, the President would be empowered to use, in addition to the basic emergency dispute provisions of the Labor-Management Relations Act, one of three new options for dealing with national emergency disputes in the transportation industries. These optional procedures could be used if a transportation national emergency dispute was still unresolved after the 80-day cooling-off period provided in the Labor-Management Relations Act has expired. Because of the potential impact of these options, the basic 80-day injunction would have to be issued by a three judge court in the case of national emergency disputes in the transportation industries. Transportation is defined to include railroads, airlines, maritime (including longshore), and trucking.

The President would be empowered to choose any *one* of these new procedures—but if the one chosen does not result in the resolution of the dispute, the provisions in current law for a report to the Congress would remain in effect.

III. DESCRIPTION OF OPTIONAL PROCEDURES APPLICABLE TO THE TRANSPORTATION INDUSTRIES

Extension of the cooling-off period

There are occasions when a dispute may be readily resolved by the parties by a mere extension of the cooling-off period. In such a situation the President would be authorized to extend the cooling-off period, with continued bargaining between the parties for a period of up to thirty days.

Partial operation

Even when the shutdown of an entire industry imperils the national health and safety, it may be possible to make an acceptable accommodation between the right to strike or lockout and the national good. Such an accommodation could rest in arranging for operation of only an essential part of the industry or by requiring production or service only to a critical class of customers.

It would be unwise and difficult to attempt the division of an industry into essential and nonessential components in the critical period preceding the issuance of an injunction. But if the parties do not reach agreement in the 80-day cooling-off period, partial operation deserves consideration and the President would be authorized, as one of his options, to appoint a special board and direct them to review the feasibility of partial operations. Any party or any member of the board could present to the board a plan defining the strike or lockout action that would be consistent with the public interest. The board, after appropriate hearings in which the government would be a party to protect the public interest, could adopt or modify the plan. Before approving the plan, the board would also have to find that the partial strike or lockout is sufficiently extensive to encourage resolution of the dispute; in other words, that sufficient economic pressure will remain on both sides to encourage an early resolution.

The board's decision must be made within 30 days and during that period the status quo must be maintained. Partial operation pursuant to the board's decision would be limited to a maximum of 6 months.

Final offer selection

As one of the President's options following the eighty-day cooling-off period, the parties would be required to submit their final proposals for full resolution of the controversy. The parties would be given 3 days in which to submit two final offers. If any party failed to submit a final offer or offers, the last offer made during bargaining would be deemed its final offer.

As a first step following this submission, to the Secretary of Labor, the parties would be required to meet and bargain for five days, with or without mediation by the Secretary.

As a second step, the parties would be given an opportunity to select a panel to act as "Final Offer Selector." If the parties were unable to select the panel, a panel composed of three neutral members would be appointed by the President. The panel would hold hearings and determine which of the final offers constituted the final and binding resolution of the issues. In reaching its determination, the panel could not choose any settlement other than those represented by the final offers. The panel's function would be limited to choosing the more reasonable of the final offers. The bill specifies the criteria to be used by the panel in reaching its decision.

The effect of this procedure would be to encourage the parties to arrive at a settlement in negotiations. Should negotiations fail, it would insure that in the course of a dispute the parties draw closer together rather than pull further apart.

The panel's choice would become the contract between the parties.

This option has the virtue of providing finality, yet it does not contain those aspects of compulsory arbitration which are inconsistent with free collective bargaining.

IV. AMENDMENTS TO THE RAILWAY LABOR ACT

Though the emergency disputes provisions of the Railway Labor Act have been the most conspicuous example of procedures undermining rather than strengthening collective bargaining, there are other provisions of that Act which place an excessive reliance on Governmental intervention in matters which should be left to the parties. These can be summarized under two headings: (a) the procedure for the adjustment of grievances under collective bargaining contracts, and (b) procedures for the negotiation of new agreements. The basic deficiency of the first is that it provides for *Governmental* arbitration as a final step, and of the second, that government procedures have tended to substitute for expeditious private settlement of collective bargaining disputes.

The interpretation and application of agreements

The Railway Labor Act presently places upon those within its coverage an obligation to make every effort to negotiate and maintain collective bargaining agreements and to settle all disputes peaceably. "Minor" disputes are those which include interpretation of provisions in existing collective bargaining agreements. Those in the railroad industry are processed through grievance machinery established by and between the parties, but, failing resolution, are submitted to the National Railroad Adjustment Board. In the case of air carriers, final resolution of minor disputes has been delegated to system or regional adjustment boards, no national board having been established by the National Mediation Board.

The inordinate delays which now attend the use of present railroad grievance machinery under the Act have proven burdensome and unfair to both labor and management. At the beginning of 1968, the Board had a backlog of over 5,300 cases—it was still over 5,000 cases at the end of that year.

Complete overhaul of the existing grievance procedure is needed. Such action would include the abolition of the NRAB, and with regard to air carriers, system and regional Boards of Adjustment. Grievances should not be settled by procedures established by statute but by those most concerned with their equitable and expeditious settlement, the parties themselves.

The Act now encourages the voluntary settlement of grievances but does not implement this clear mandate of sound policy because it establishes a governmental body to make the ultimate decision. Legislation should not itself provide the machinery—rather it should encourage the parties to include in their collective bargaining agreements a full and adequate grievance procedure up to and including final and binding arbitration.

The draft bill proposes the following changes in an effort to eliminate reliance on governmental machinery in the case of "minor disputes." The National Railroad Adjustment Board, system and special boards of adjustment would be phased out over a two-year period. In their stead, the parties would be encouraged in their collective bargaining agreements to provide for grievance machinery terminating in final and binding arbitration, together with provisions for no-strike and no-lockout clauses. Until such time as the collective bargaining agreements contain such provisions, "minor disputes" would be resolved by private arbitration with the arbitrator selected by the parties on the basis of consent or elimination of alternates until one arbitrator remains. No strikes over such minor disputes would be permitted during this period.

Negotiation of new agreements

The Railway Labor Act, as it has been administered and interpreted by the courts over the years, establishes a formalized, complex, and excessively lengthy procedure for the negotiation of new agreements. There are no specified time limits in this process and the parties are not free to resort to self-help until the National Mediation Board determines that an amicable settlement will not

be reached through mediation. As a result, contracts have no effective termination date but instead remain in effect until the procedures for amending them have been complied with and this can often be well beyond the intended expiration date of the contract.

The result has often been that these procedures become a hindrance rather than an aid to voluntary negotiation. New procedures are needed so that governmental mediation will assist the parties in resolving their disputes rather than merely being preliminary to further governmental action.

In order to remove the parties' dependence on governmental intervention in "major disputes," the draft bill would overhaul the present procedures in several respects. The notice-of-contract modification or termination provisions would be changed so as to direct the railroad and airline industries to the form of contract reopening existing in industries subject to the Taft-Hartley Act. Thus, the parties would be obliged to serve written notice of proposed contract changes on each other at least 60 days prior to the contract expiration date. The bill provides special provisions for the transition to the new method of contract reopening. At the expiration of the contract or of 60 days, whichever is later, the parties would be free to resort to self-help.

Finally, the draft bill would amend the Railway Labor Act so that the mediation duties of the National Mediation Board and its staff would be transferred to the Federal Mediation and Conciliation Service in order to have all mediation responsibilities under one roof. The National Mediation Board would retain its function of determining the representatives of bargaining units, but its name would be changed to the Railroad and Airline Representation Board.

V. SPECIAL INDUSTRIES COMMISSION

Experience has shown that the labor crises which affect the national health or safety tend to be concentrated in certain industries. It is essential that we determine why crises occur in one industry and not in others. The draft bill establishes a special commission to study labor relations in those industries which the Secretary of Labor has determined to be particularly vulnerable to the national emergency disputes. The commission would be empowered to study all the factors affecting labor relations in these industries and to make recommendations to the President as to the best way of remedying the weaknesses of collective bargaining in the industries studied, including recommendations for legislation, if appropriate. Such recommendations might include a proposal that additional industries be brought within the coverage of Part B of Title II of the Labor-Management Relations Act.

The Commission would also be authorized to study the operation of the revised emergency procedures.

VI. MISCELLANEOUS PROVISIONS

The draft bill would provide several important remedies for the parties. First, it would assure that collective bargaining agreements or arrangements in air and rail industries would be enforceable in federal courts. It also would make representatives suable in their capacity as such and would define the jurisdictions in which such representatives may be sued.

The Norris-LaGuardia Act made inapplicable to any judicial proceeding brought under or to enforce the provisions of the Act. This would apply to the provisions amending the Railway Labor Act as well as the Emergency Disputes provisions.

The draft bill also repeals the provisions of the Railroad Unemployment Insurance Act that makes strikers eligible for benefits if the strike is not in violation of the Railway Labor Act or of the rules of the labor organization of which he is a member. Thus strikers in the railroad industry will be disqualified from unemployment insurance benefits in accordance with the usual criteria in State unemployment insurance laws applicable to other industries.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD in connection with these remarks.

The PRESIDING OFFICER (Mr. McGOVERN). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 560) to provide more effective means for protecting the public interest in national emergency disputes involving the transportation industry and for other purposes, introduced by Mr. GRIFFIN (for himself and Mr. DOLE), was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 560

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Emergency Public Interest Protection Act of 1971."

CONGRESSIONAL FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds:

(1) That present procedures for dealing with national emergency disputes under the Railway Labor Act tend to encourage resort to governmental intervention in such disputes rather than utilization of the collective bargaining processes to solve labor-management disputes;

(2) That present procedures for dealing with disputes in the transportation industry, in general, have proved insufficient to prevent serious disruptions of transportation services.

(b) The Congress declares it to be the purpose and policy, through the exercise by Congress of its powers to regulate commerce among the several States and with foreign nations and to provide for the general welfare, to assure so far as possible, that no strike or lockout in the transportation industry or a substantial part thereof will imperil the national health or safety—

(1) by providing a single set of procedures for dealing with national emergency disputes in the transportation industries;

(2) by establishing procedures which will encourage the parties to make effective use of various private collective bargaining techniques to resolve disputes;

(3) by establishing procedures which will both protect the public interest and recognize the interests of the parties involved in the dispute;

(4) by providing the President with appropriate alternative means for dealing with national transportation emergency disputes;

(5) by amending the Railway Labor Act to eliminate reliance upon Governmental machinery or intervention for adjusting grievances and for collective bargaining in the railroad and airline industries; and

(6) by establishing a National Special Industries Commission to study and make recommendations concerning those industries which are or may be particularly vulnerable to national emergency disputes.

TITLE I—AMENDMENTS TO THE LABOR-MANAGEMENT RELATIONS ACT RELATING TO EMERGENCY DISPUTES IN THE TRANSPORTATION INDUSTRY

SEC. 101(a) Title II of the Labor-Management Relations Act, as amended, is redesignated as title II Part A.

(b) (1) Section 208 (a) is amended by substituting a colon for the period at the end thereof and by adding the following proviso:

"*Provided that,* when such petition is sought to enjoin a strike or lockout in an industry subject to Part B of this title it shall be heard and determined by a three-judge district court in accordance with section 2284 of title 28, United States Code."

(2) Section 208(c) is amended by substituting a semicolon for the period at the end thereof and adding the following: "except that where the proviso in section 208(a) is applicable, appeal shall be to the United States Supreme Court in accordance with section 1253 of title 28, United States Code."

(c) Section 212 is hereby repealed.

SEC. 102. Title II of the Labor-Management Relations Act, as amended, is hereby further amended by adding a new Part II B at the end of Part II A to read as follows:

"PART B—ALTERNATIVE PROCEDURE FOLLOWING INITIAL 80-DAY COOLING-OFF

"SEC 213. APPLICABILITY OF THIS PART. This Part shall apply only to the following transportation industries: (1) railroads, (2) airlines, (3) maritime, (4) longshore, and (5) trucking.

"SEC. 214. If no settlement is reached before the injunction obtained pursuant to section 208 of this Act is discharged, the President may, within 10 days, invoke any one, but only one, of the procedures set forth in sections 217, 218, and 219 of this Act with regard to a national emergency dispute subject to this part.

"SEC. 215. Notice of which procedure the President has selected must immediately be transmitted to the Congress, unless the Congress has adjourned or is in a recess in which case such notice shall be transmitted as soon as Congress reconvenes. Such procedure shall remain in effect, unless within 10 days after the President invokes such procedure, either House passes a resolution stating that that House rejects the procedure invoked by the President.

"SEC. 216. If either House passes a resolution pursuant to subsection (c) of this section rejecting the procedure invoked by the President, or, if the President does not choose to invoke any of the procedures set forth in sections 217, 218, and 219 of this Act, the President shall submit to the Congress a supplemental report including such recommendations as he may see fit to make.

"SEC. 217. ADDITIONAL COOLING-OFF PERIOD. The President may direct the parties to the controversy to refrain from making any changes, except by agreement, in the terms and conditions of employment for a specified period of not more than 30 days from the date of his direction. During such period the parties shall continue to bargain collectively, and the board of inquiry may continue to mediate the dispute with the assistance of, and in close coordination with, the director of the Federal Mediation and Conciliation Service.

"SEC. 218. PARTIAL OPERATION (a) The President may appoint a special board of three impartial members for the purpose of having the board make the following determinations:

"(1) Whether and under what conditions a partial strike or lockout in lieu of a full strike or lockout in an entire industry or substantial part thereof could take place without imperiling the national health or safety; and

"(2) Whether, under such conditions, the extent of such partial strike or lockout would, in the judgment of the board, appear to be sufficient in economic impact to encourage each of the parties to make continuing efforts to resolve the dispute.

"(b)(1) If the board makes a determination that there are conditions under which a partial strike or lockout can take place in accordance with the criteria specified in subsection (a), it shall issue an order specifying

the extent and conditions of partial operation that must be maintained: *Provided,* That, in no event, shall the order of the board place a greater economic burden on any party than that which a total cessation of operations would impose.

"(2) If the board makes a determination that a partial strike or lockout cannot take place in accordance with such criteria, it shall submit a report to the President.

"(c) The parties shall not interfere by resort to strike or lockout with the partial operation ordered by the board. The board's order shall be effective for a period determined by the board, but not to exceed 180 days.

"(d) The board's order or any modification thereof shall be conclusive unless found arbitrary or capricious by the district court which granted the injunction pursuant to section 208 of this Act.

"(e)(1) The board shall issue its order no later than 30 days from the date of its appointment by the President, unless the parties, including the Government, agree to an extension of time but such extension shall reduce pro tanto the maximum effective period of the board's order.

"(2) On notice to the parties, the board may at any time during the period of partial operation modify its order as it deems necessary to effectuate the purposes oi this section.

"(f) Until the board makes its determination and during any period of partial operation ordered by the board no change, except by agreement, shall be made in the terms and conditions of employment. If the board determines that the implementation of any particular term of the existing terms and conditions of employment is inconsistent with the conditions of partial operation, it may order the suspension or modification of that term but only to the extent necessary to make it consistent with the conditions of partial operation.

"(g) The following rules of procedures shall be applicable to the board's functions under this subsection:

"(1) NOTICE OF HEARING.—Upon appointment by the President the board shall promptly notify and inform all parties, including the Government, of the time, place, and nature of the hearings, and the matters to be covered therein.

"(2) HEARING TO BE PUBLIC.—The board shall hold public hearings, unless it determines private hearings are necessary in the interest of national security, or the parties, including the Government, agree to present their positions in writing. The record made at such hearing shall include all documents, statements, exhibits, and briefs, which may be submitted, together with the stenographic record. The board shall have authority to make whatever reasonable rules are necessary for the conduct of an orderly public hearing. The board may exclude persons other than the parties at any time when in its judgment the expeditious inquiry into the dispute so requires.

"(3) PARTICIPATION BY BOARD IN THE HEARING.—The board, or any member thereof, may, on its own initiative, at such hearing, call witnesses and introduce documentary or other evidence, including a plan for partial operation, and may participate in the examination of witnesses for the purpose of expediting the hearing or eliciting material facts.

"(4) PARTICIPATION BY PARTIES IN HEARING.—The parties, the Government, or their representatives shall be given reasonable opportunity; (A) to be present in person at every stage of the hearing; (B) to be represented adequately; (C) to present orally or otherwise any material evidence relevant to the issues including a plan for partial operation; (D) to ask questions of the opposing party or a witness relating to evidence offered or statements made by the party or witness at the hearing, unless it is clear that the questions have no material bearing on the credibility of that party or witness or on the issues in the case; (E) to present to the board oral or written argument on the issues.

"(5) STENOGRAPHIC RECORDS.—An official stenographic record of the proceedings shall be made. A copy of the record shall be available for inspection by the parties.

"(6) RULES OF EVIDENCE.—The hearing may be conducted informally. The receipt of evidence at the hearing need not be governed by the common law rules of evidence.

"(7) REQUESTS FOR THE PRODUCTION OF EVIDENCE.—The board shall have the power of subpena. It shall request the parties to produce any evidence it deems relevant to the issues. Such evidence should be obtained through the voluntary compliance of the parties, if possible.

"(h) If a settlement is reached at any time during the hearing, the board shall adjourn the hearing and report to the President within 10 days the fact that a settlement has been reached and the terms of such settlement.

"(i)(1) Members of the board shall receive compensation at a rate of up to the per diem compensation at a rate of up to the per diem equivalent of the rate for GS–18 when engaged in the work of the board as prescribed by this Act, including travel time, and shall be allowed travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently and receiving compensation on a per diem, when actually employed, basis.

"(2) For the purposes of carrying out its functions under this Act the Board is authorized to employ experts and consultants or organizations thereof as authorized by section 3109 of title 5, United States Code, and allow them while away from their homes or regular places of business, travel expenses (including per diem in lieu of subsistence) as authorized by section 5703(b) of title 5, United States Code, for persons in the Government service employed intermittently, while so employed.

"SEC. 219. FINAL OFFER SELECTION. (a)(1) The President may direct each party to submit a final offer to the Secretary of Labor within 3 days. Each party may at the same time submit one alternative final offer. The Secretary of Labor shall transmit the offers to the other parties simultaneously.

"(2) If a party or parties refuse to submit a final offer, the last offer made by such party or parties during previous bargaining shall be deemed that party's or parties' final offer.

(3) Any offer submitted by a party pursuant to this section must constitute a complete collective bargaining agreement and resolve all the issues involved in the dispute.

"(b) The parties shall continue to bargain collectively for a period of 5 days after they receive the other parties' offers. The Secretary of Labor may act as mediator during the period of the final offer selection proceedings.

"(c) If no settlement has been reached before the end of the period prescribed in subsection (b) of this section, the parties may within two days select a three-member panel to act as the final offer selector. If the parties are unable to agree on the composition of the panel, the President shall appoint the panel.

"(d) No person who has a pecuniary or other interest in any organization of employees or employers or employers' organizations which are involved in the dispute shall be appointed to such panel.

"(e) The provisions of section 218(h) and 218(i)(1) and (2) of this Act shall apply to the panel.

"(f) The panel shall conduct an informal hearing in accordance with section 218(g) of this Act insofar as practicable, except that

"(1) the Government shall have no right to participate; and

"(2) the 30-day period in which the panel shall complete its hearings and reach its determinattion shall run from the time that the President directed the parties to submit final offers.

"(g) The panel shall at no time engage in an effort to mediate or otherwise settle the dispute in any manner other than that prescribed by this section.

"(h) From the time of appointment by the President until such time as the panel makes its selection, there shall be no communication by the members of the panel with third parties concerning recommendations for settlement of the dispute.

"(i) Beginning with the direction of the President to submit final offers and until the panel makes its selection, there shall be no change, except by agreement of the parties, in the terms and conditions of employment. In no instance shall such period exceed 30 days.

"(j) The panel shall not compromise or alter the final offer that it selects. Selection of a final offer shall be based on the content of the final offer and no consideration shall be given to, nor shall any evidence be received concerning, the collective bargaining in this dispute including offers of settlement not contained in the final offers.

"(k) The panel shall select the most reasonable, in its judgment, of the final offers submitted by the parties. The panel may take into account the following factors:

"(1) past collective bargaining contracts between the parties including the bargaining that led up to such contracts;

"(2) comparison of wages, hours and conditions of employment of the employees involved, with wages, hours and conditions of employment of other employees doing comparable work, giving consideration to factors peculiar to the industry involved;

"(3) comparison of wages, hours and conditions of employment as reflected in industries in general, and in the same or similar industry;

"(4) security and tenure of employment with due regard for the effect of technological changes on manning practices or on the utilization of particular occupations; and

"(5) the public interest, and any other factors normally considered in the determination of wages, hours and conditions of employment.

"(l) The final offer selected by the panel shall be deemed to represent the contract between the parties.

"(m) The determination of the panel shall be conclusive unless found arbitrary and capricious by the district court which granted the injunction pursuant to section 208 of this Act.

"SEC. 220. (a) Any board or panel established under Part B of title II of this Act may act by majority vote.

"(b) A vacancy on any such board or panel shall not impair the right of the remaining members to exercise all of the powers of such board or panel. In case of a vacancy due to death or resignation, the President may appoint a successor to fill such vacancy.

"SEC. 221. Whenever the term 'Government' is used in title II of this Act it shall be deemed to mean the United States Government acting through the Attorney General or his designee."

TITLE II—AMENDMENTS TO THE RAILWAY LABOR ACT

SEC. 201. The National Mediation Board is hereby renamed the Railroad and Airline Representation Board, and the functions of the Railroad and Airline Representation Board shall be those specified in Sec. 202(f) of this Act.

SEC. 202. The Railway Labor Act is further amended as follows:

(a) Section 2 Seventh of Title I is amended to read as follows:

"Seventh. No carrier, its officers or agents, or representatives shall change or seek to change the rates of pay, rules, or working conditions as embodied in agreements or arrangements except in the manner prescribed in such agreements and in Title I, section 6 of this Act, as amended."

(b) Section 3 First (i) of Title I is amended by striking the period following the words "upon the disputes" and inserting thereafter:

": *Provided, however,* That all such disputes shall no longer be referred to the Adjustment Board commencing 60 days after the effective date of this Amendment to the Act.

"All such disputes which are not so referred within such period and all such disputes arising thereafter shall be submitted to arbitration in accordance with the following procedure. Upon failing to reach a satisfactory adjustment at the level of discussion hereinbefore mentioned, the parties shall within 5 days seek to reach mutual agreement on the selection of an arbitrator. If the parties fail to reach agreement within such period, the Federal Mediation and Conciliation Service shall submit to the parties a list of five qualified arbitrators. Each party shall alternately reject a different arbitrator named on the list until one arbitrator remains who shall thereupon arbitrate the dispute. To the extent that the parties are unable to agree to the rules for arbitration, including the distribution of costs, the arbitrator shall make all necessary rules therefor.

"All disputes which have been referred to the Adjustment Board may be removed by the grievant to the arbitration process herein if the dispute is not then being heard by the Adjustment Board.

"The aforementioned method of arbitration shall prevail with respect to such disputes until such time as the collective bargaining agreements between the parties contain no-strike, no-lockout clauses and provisions for grievance machinery terminating in final, binding arbitration.

"The Adjustment Board shall be dissolved after it has processed to completion all of the disputes before it or upon two years from the effective date of this Amendment to the Act, whichever first occurs. If all the disputes before the Adjustment Board have not been processed to completion by the time of the Board's dissolution date, all such disputes shall be removed by the grievant to the arbitration process hereinabove described."

(c) Section 3 Second of Title I is amended by adding the following language at the end of the first paragraph following the words "jurisdiction of the Adjustment Board.":

"The provisions of paragraph (i) of this section, as amended, shall apply in the same manner and to the same extent with respect to system, group or regional boards of adjustment."

(d) Section 3 Second of Title I is amended by adding the following language at the end of section 3 Second following the words "awards of the Adjustment Board.":

"No dispute which has not been referred to a special board of adjustment by the effective date of this Amendment to the Act may be referred to such special board thereafter."

(e) Section 4 Second of Title I is amended by striking the word "mediation" in the third sentence of paragraph Second and inserting therefor the word "representation".

(f) Both paragraphs of Section 4 Fifth of Title I are amended to read as follows:

"Fifth. The functions of the Representation Board shall be generally those relating to the determination of bargaining representatives including duties particularized in Title I, section 2 Eighth and Ninth of this Act, as amended."

(g) Section 4 of Title I is further amended by adding the following paragraphs after paragraph Fifth:

"Sixth. All functions of the National Mediation Board which in the judgment of the President are primarily related to mediation shall be transferred to the Federal Mediation and Conciliation Service.

"Seventh. All cases which are being mediated by the National Mediation Board on the effective date of this Amendment to the Act shall be transferred to the Federal Mediation and Conciliation Service no later than 30 days after the effective date of this amendment to the Act. All cases arising thereafter under this Act, as amended, requiring mediation, shall be subject to the jurisdiction of the Federal Mediation and Conciliation Service.

"Eighth. All unexpended appropriations for the operation of the National Mediation Board that are available at the time of the dissolution of the Board shall be apportioned between the Railroad and Airline Representation Board and the Federal Mediation and Conciliation Service by the President according to the relative needs of each based on the division of functions prescribed herein."

(h) Section 6 of Title I is amended to read as follows:

"Section 6. Carriers and representatives shall give the other at least 60 days written notice of an intended modification or termination in agreements or arrangements affecting rates of pay, rules or working conditions. The party desiring such change or termination shall also notify the Federal Mediation and Conciliation Service of the existence of a dispute within thirty days after such notice to the other party, provided no agreement has been reached by that time. The parties shall continue in full force and effect, without resorting to strike or lockout or other economic coercion, all the terms and conditions of the existing agreement or arrangement for a period of sixty days after such notice is given or until the expiration date of the agreement containing the rates of pay, rules, or working conditions sought to be changed, provided such agreement exists, whichever occurs later.

"With respect to rates of pay, rules or working conditions for which there exists no fixed expiration date, the time for serving the 60-day notice in the first instance, and the first instance only, shall be established by agreement of the parties to the arrangement; if they cannot agree, the party seeking to serve the 60-day notice may invoke the arbitration procedure prescribed in section 3 First (i), as amended, in order to fix the date on which such notice may be served. In making his decision, the arbitrator shall take into account the probable intention of the parties as revealed by custom and practice with respect to past adjustment of rates of pay, rules or working conditions. In no case, however, shall the arbitrator decide that the time for serving the first 60-day notice shall be more than 2 years after the enactment of this amendment to the Act.

"The parties shall bargain collectively with respect to such intended modification or termination which means that the parties shall have the mutual obligation to meet at reasonable times and confer in good faith with respect to rates of pay, rules and working conditions or the negotiation of an agreement and the execution of a written contract incorporating any agreement reached if requested by either party, but such obligation does not compel either party to agree to a proposal or require the making a concession."

(i) Section 201 of Title II is amended by striking the words "except the provisions of section 3 thereof,".

(j) Section 202 of Title II is amended (1) by striking the words ", except section 3 thereof", and (2) by adding the following language after the end of the first sentence therein:

"The functions and duties of the Representation Board, as prescribed in Title I, section 4, shall apply as well to carriers by air and their employees or representatives."

(k) Section 204 of Title II is amended by striking the period following the words "upon the disputes" at the end of the first sentence and inserting thereafter—": *Provided, however,* That all such disputes shall no longer be referred to such Adjustment Boards commencing 60 days after the effective date of this Amendment to the Act but shall be handled in the manner specified in Title I, section 3 First (i), as amended. Such adjustment boards shall be dissolved after they have processed to completion all of the disputes before them or upon two years from the effective date of this Amendment to the Act, whichever first occurs. If all the disputes before such adjustment boards have not been processed to completion by the time of the Boards' dissolution date, all such disputes shall be removed by the grievant to the arbitration process prescribed in Title I, section 3 First (i), as amended."

TITLE III—SPECIAL INDUSTRIES COMMISSION

SEC. 301. The National Special Industries Commission is hereby established. The Commission shall be composed of seven members all of whom shall have a background by reason of education or experience in labor relations.

(a) The Commission members shall be appointed by the President for a term not to exceed 2 years.

(b) The Commission members shall receive compensation at a rate of up to the per diem equivalent of the rate for GS–18 when engaged in the work of the Commission, together with any necessary travel and subsistence expenses.

(c) The Commission shall be authorized to study and investigate industries (determined by the Secretary of Labor to be particularly vulnerable to national emergency disputes) combinations or groups thereof, and problems relating thereto, including but not limited to—

(1) the ways and means by which the collective-bargaining process might be improved, altered, revised, or supplemented so as to avoid or minimize strikes and lockouts which effect an entire industry, or region, or a substantial part thereof;

(2) the effectiveness and usefulness of various forms of mediation, conciliation, arbitration, and other possible procedures and methods for aiding or supplementing the collective-bargaining process;

(3) the administration, operation, and possible need for revision of this Act and its effect on collective bargaining, strikes, or lockouts affecting an entire industry or region, or substantial portion thereof;

(4) such other problems and subjects which relate in any way to collective bargaining, strikes, or lockouts as the Commission deems appropriate.

(d) A vacancy in the membership of the Commission shall not affect the powers of the remaining members to execute the functions of the Commission, and shall be filled in the same manner as the original appointment was made. The President shall designate a chairman and a vice chairman from among its members.

(e) In carrying out its duties, the Commission or any duly authorized subcommittee thereof, is authorized to hold such hearings or investigations, to sit and act at such places and times, to require by subpoena or otherwise the attendance of such witnesses and production of such books, papers, and documents, to administer such oaths, to take such testimony, to procure such printing and binding, to make such expenditures as it deems advisable. The Commission may make such rules respecting its organization and procedures as it deems necessary: *Provided, however,* That no recommendation shall be reported from the Commission unless

a majority of the Commission assent. Subpoenas may be issued over the signature of the chairman of the Commission or by any member designated by him or by the Commission, and may be served by such person or persons as may be designated by such chairman or member. The chairman of the Commission or any member thereof may administer oaths to witnesses. The cost of stenographic services shall be fixed at an equitable rate by the Commission. Members of the Commission, and its employees and consultants, while traveling on official business for the Commission may receive either a $50 per diem allowance or their actual and necessary expenses provided an itemized statement of such expenses is attached to the voucher.

(f) The Commission is empowered to appoint and fix the compensation of such experts, consultants, technicians, and staff employees as it deems necessary and advisable. The Commission is authorized to utilize the services, information, facilities, and personnel of the departments and establishments of the Government.

SEC. 302. The Commission shall, within a period of 2 years from the date of the appointment of its members, report to the President concerning its findings. Such report shall also contain any recommendations for dealing with problems caused by any weaknesses in the collective bargaining process, including any recommendations for legislation which the Commission deems necessary to the solution of such problems. The Commission may also recommend, if it deems it advisable, legislation to bring other industries within the coverage of Part B of title II of the Labor-Management Relations Act, as amended.

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. SUITS BY AND AGAINST REPRESENTATIVES.—(a) Suits for violation of agreements or arrangements between carriers or common carriers by air and their employees or the representatives thereof, as those terms are defined in the Railway Labor Act, or between any such representatives, may be brought in any district court of the United States having jurisdiction of the parties, without respect to the amount in controversy or without regard to the citizenship of the parties.

(b) Any representative of employees, as defined in the Railway Labor Act, and any carrier or common carrier by air, as defined in the Railway Labor Act, shall be bound by the acts of its agents. Any such representative may sue or be sued as an entity and in behalf of the employees whom it represents in the courts of the United States. Any money judgment against such representative in a district court of the United States shall be enforceable only against the organization as an entity and against its assets, and shall not be enforceable against any individual member or his assets.

(c) For the purpose of actions and proceedings by or against representatives in the district courts of the United States, district courts shall be deemed to have jurisdiction of a representative (1) in the district in which such organization maintains its principal office, or (2) in any district in which its duly authorized officers or agents are engaged in representing or acting for employee members.

(d) The service of summons, subpena, or other legal process of any court of the United States upon an officer or agent of a representative, in his capacity of such, shall constitute service upon the representative.

(e) For the purposes of this section in determining whether any person is acting as an "agent" of another person so as to make such other person responsible for his acts, the question of whether the specific acts performed were actually authorized or subsequently ratified shall not be controlling.

SEC. 402. REPEAL.—Sections 5, 7, 8 (both), 9 and 10 of title I, and sections 203 and 205 of title II of the Railway Labor Act, as amended, are hereby repealed.

SEC. 403. INAPPLICABILITY OF THE NORRIS-LAGUARDIA ACT.—The provisions of the Act of March 23, 1932, entitled "An Act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes", shall not be applicable to any judicial proceeding brought under or to enforce the provisions of this Act.

SEC. 404. RIGHTS OF EMPLOYEES.—Nothing in this Act shall be construed to require an individual employee to render labor or service without his consent, nor shall anything in this Act be construed to make the quitting of his labor by an individual employees an illegal act; nor shall any court issue any process to compel the performance by an individual employee of such labor or service, without his consent; nor shall be quitting of labor by an employee or employees in good faith because of abnormally dangerous conditions for work at the place of employment of such employee or employees be deemed a strike under this Act.

SEC. 405. RAILROAD UNEMPLOYMENT INSURANCE.—Section 4(a)(v) of the "Railroad Unemployment Insurance Act of 1938," 52 Stat. 1098, is hereby amended by inserting a semicolon following the words "at which he was last employed" and striking the remaining language in the paragraph.

SEC. 406. APPROPRIATIONS.—There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

SEC. 407. SEPARABILITY.—If any provision of this Act, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

Mr. JAVITS. Mr. President, I do not wish to intrude on the time of the Senator from Michigan. When his time expires I wish to be recognized in my own right.

I believe this is a very critically important initiative of the President. I am very grateful that the Senator from Michigan has seen fit to reintroduce the bill. I have been unable to introduce it myself, though I am the ranking member of this committee, because I believe that we need to go beyond transportation. This bill is confined to transportation.

I believe also that the range of remedies which is made available needs to be made broader. Because the Senator from Michigan has been so cooperative in reintroducing this bill, I am free to introduce a bill of a broader kind that I believe is essential. That will not be the administration bill. The bill of the Senator from Michigan is the administration bill.

I shall introduce my proposal tomorrow and will address myself to it on tomorrow.

Mr. President, I join with the Senator from Michigan in hailing the recognition by the President of the critical importance of enacting legislation to insure that we do not find ourselves bereft of any remedy when we are faced, as we are now, with a railroad strike, thus leaving Congress frustrated and the people concerned as to whether we are really forehanded in meeting emergencies which could cause the country to grind to a halt.

The President has done what is fully justified and required by the national interest. So has the Senator from Michigan.

I can only hope that we will be able to fashion in the Labor and Public Welfare Committee a measure which will meet with the support of the Senate and the House and the President so that we may have permanent law on the books.

If there is any difference between my position and that of the administration on the fundamentals, it is that I believe we have to reach not only transportation but also the utilities and other aspects of our Nation's life in which the same results could occur as would occur from further railroad strikes.

This is a splendid initiative by the President. I can only hope that what I do and what our committee does will improve the recommendation which the President has so properly called to our attention as being urgent in the interest of the country.

Mr. GRIFFIN. Mr. President, I thank the distinguished Senator from New York for his remarks. The Senator from New York provides outstanding leadership on the Labor and Public Welfare Committee where I was privileged to serve for some time.

Although the administration's proposal may be subject to improvements, like other legislation, it is entitled at least to very careful consideration by Congress. It should be noted again, as I have said before, that unfortunately, neither the committee with jurisdiction in the other body nor the Committee on Labor and Public Welfare—and this is no criticism to the distinguished Senator from New York—ever held hearings on this important legislation in the past.

I have seen some indication that the situation may be a little different, and that there will be hearings in this session.

S. 564—INTRODUCTION OF A BILL TO PROMOTE THE EXPLORATION AND DEVELOPMENT OF GEOTHERMAL RESOURCES

Mr. PACKWOOD. Mr. President, today I am joined by my colleagues, Senators BENNETT, GRAVEL, STEVENS, and FANNIN, in introducing a significant piece of legislation to further the research, exploration and development of our geothermal resources. The development of this power potential will have a measurable economic impact upon the Western States.

The demand for energy in the United States continues to grow at an ever increasing rate. The demand for electrical power alone increased from 95 billion kilowatt hours 30 years ago to 1,212 billion kilowatt hours in 1967, and probably will reach 4,700 billion kilowatt hours in the year 2000. This expanding demand requires that all possible practical sources of energy be developed.

To date, the principal use of geothermal energy has been in electric power generation. World geothermal power capacity in 1968 was about 700 megawatts compared with about 850,000 megawatts from all generation modes. Geothermal power, where developed, is competitive with power generated from

conventional thermal sources and is currently cheaper than nuclear power. However, in the final analysis nuclear power from large reactors at favorable sites probably will be cheaper. In addition, the total potential for power generated from nuclear plants unquestionably is far larger than that for geothermal power.

Nuclear power may never be cheaper than geothermal power in regions where large supplies of reactor cooling water are lacking or in sparsely populated areas where large power markets do not exist. Nuclear power from small plants is far more expensive than from huge plants. In addition, transmission of power from centrally located large plants to widely distributed points of consumption is possible but adds greatly to consumer costs due to high power transmission costs.

In contrast, geothermal energy, where available, is very amenable to economic production of power on a small scale and is readily adaptable to changes in loads. Small geothermal powerplants—10 to 50 megawatts—produce power at a lower cost than similar size nuclear or fossil fuel plants. Accordingly, geothermal energy provides an opportunity for cheap sources of power on the local scene.

Perhaps even more significant than economic factors favoring development of geothermal energy, the essentially non-pollution nature of geothermal energy makes it a nearly unique source of energy the nation cannot afford not to use, substituting this energy for the more highly polluting conventional sources of energy where feasible.

Here I might just quote Under Secretary of the Interior Department, Mr. Fred J. Russell, when he stated in a news release on January 15, 1971:

> While power generation from underground steam and hot water will be a small percentage of total power generation in the immediate future, geothermal resources can provide the energy for local generating needs in many Western states more efficiently than any other power source. In addition, geothermal steam will provide a relatively pollution free power source, and has yet the undeveloped potential for many different associated minerals and associated water resources to be recovered as by-products of the power generation process.

Actually, the Geological Survey has identified 1.3 million acres of land, primarily in the West, as potentially attractive for geothermal development. Potential geothermal steam reserves in those lands represent about 30,000 megawatts of electric power capacity.

The enactment and signing of the Geothermal Steam Act of 1970, which was so diligently pursued by my distinguished colleague, Senator BIBLE, and others on the Interior Committee, has removed a major hindrance to the development of geothermal energy in the United States. Federal lands that have a potential for geothermal energy can now be developed properly. The next requirement to be accomplished is to expand our knowledge about the occurrence of promising geothermal areas and improve methods of how to explore for and develop these resources. Some of the research needed to supply this knowledge will be undertaken by private industry, but industry needs the support on the overall technical aspects. For any one company, the costs compared to the monetary benefits anticipated are too high to invest in all the related areas of research and development. If geothermal energy is to be tapped, joint public and private research must show the way.

My bill is designed to accomplish just this goal, and takes up where the 1970 Geothermal Act leaves off. The bill proposes a 5-year program which would basically consist of the present program expanded sufficiently to meet the urgent needs of today's energy and environmental crisis. The goals are: First, to assess the geothermal energy resources of the public domain; second, to establish a reliable body of knowledge of the principles that determine the occurrence and characteristics of geothermal reservoirs; third, to develop reliable guides to exploration for such reservoirs; fourth, to help develop the technology of power generation; and fifth, to help develop the technology of byproduct recovery, largely fresh water and mineral products.

My bill would establish an immediate revolving fund of $20 million and an amount not to exceed $5 million in each succeeding year. The total amount in the fund could never exceed the original $20 million. Federal loans could be made to cover up to 75 percent of the cost involved in the exploration of ground steam or hot steams. The legislation would allow the loans to be made for exploration on both private and public lands.

Mr. President, I ask unanimous consent to have the text of my bill printed in the RECORD together with a copy of an article from the Oil Digest, January 1971, entitled "Geothermal Energy Looms as Economic Factor."

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

The bill (S. 564) to promote the exploration and development of geothermal resources through cooperation between the Federal Government and private enterprise, introduced by Mr. PACKWOOD (for himself and other Senators), was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

S. 564

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress finds and declares that geothermal resources are vital natural resources which should be explored and developed to their fullest potential to supplement the Nation's energy supplies and conserve nonrenewable resources and environmental quality.

SEC. 2. DEFINITIONS.—As used in this Act—

(a) "geothermal resources" means (i) all products of geothermal processes, embracing indigenous steam, hot water and hot brines; (ii) steam and other gases, hot water and hot brines resulting from water, gas, or other fluids artificially introduced into geothermal formations; (iii) heat or other associated energy found in geothermal formations; and (iv) any byproduct derived from them;

(b) "byproduct" means any mineral or minerals (exclusive of oil, hydrocarbon gas, and helium) which are found in solution or in association with geothermal steam and which have a value of less than 75 per centum of the value of the geothermal steam or are not, because of quantity, quality, or technical difficulties in extraction and production, of sufficient value to warrant extraction and production by themselves;

(c) "person" means an individual, partnership, corporation, or other legal entity;

(d) "Secretary" means the Secretary of the Interior.

TITLE I—GEOTHERMAL RESOURCES RESEARCH PROGRAM

SEC. 101. (a) For the purpose of evaluating and developing the potential of geothermal resources as a source of power, the Secretary is directed to establish a Federal Geothermal Resources Research Program of the Seventies.

(b) The Geothermal Resources Research Program will be a five year program designed to:

(1) establish a reliable body of knowledge of the principles that govern occurrences and characteristics of geothermal resources;

(2) develop reliable guides for identification of and exploration for specific reservoirs of geothermal resources;

(3) conduct regional surveys, using geologic, geophysical, geochemical, and drilling techniques, that will lead to identification of potential reservoirs of geothermal resources in the United States and its territories, possessions, and the District of Columbia and Puerto Rico with emphasis on assessment of geothermal resources of all federally-owned lands.

(4) develop the basic knowledge of geothermal resource systems necessary for consideration of byproduct recovery, including that of fresh water, gases, and minerals.

SEC. 102. There is authorized to be appropriated for the purposes of this title the sum of $10 million to be spent over the five-year life of the program.

TITLE II—GEOTHERMAL RESOURCE DEVELOPMENT LOAN PROGRAM

SEC. 201. (a) The Secretary is authorized to enter into contracts with persons who are engaged in the business of developing power from geothermal resources to:

(1) conduct exploration on private lands or on federally-owned lands to which rights have been obtained in order to determine the character and economic potential of specific reservoirs of geothermal resources;

(2) develop the technology of power generation from geothermal resources, including construction and operation of demonstration or pilot plants;

(3) develop the technology of by-product recovery, including that of mineral products such as calcium chloride, lithium, and borates; gaseous products such as carbon dioxide and ammonia; and fresh water;

(4) develop a disposal system for waste products from geothermal resources such as brines and condensates, in a manner compatible with environmental preservation.

(b) The Secretary shall file a written report on the progress of this program with the President, the Congress, and the Environmental Protection Agency, at the end of each fiscal year.

SEC. 202. (a) Contracts issued under section 201 shall provide for Federal loans of up to 75% of the cost of the project, to be repaid in the event the Secretary determines that the results of the project have a commercial value.

(b) If the Secretary determines that the results of the project have a commercial value he shall establish a reasonable schedule for repayment of an amount not to exceed (1) the full amount of the loan plus 6% interest compounded annually or (2) 75% of the commercial value of the results of the project, whichever is smaller.

(c) The contract may include such terms and conditions as the Secretary deems neces-

sary to protect the interests of the United States and the environment.

SEC. 203. The Secretary is directed to establish a revolving loan fund from which loans will be made and into which loan repayments will be deposited.

SEC. 204. There is authorized to be appropriated in the first fiscal year after enactment of this Act $20 million and in each subsequent year an amount not exceeding $5 million provided that in no event the revolving fund exceed $20 million.

The article, presented by Mr. PACKWOOD, is as follows:

GEOTHERMAL ENERGY LOOMS AS ECONOMIC FACTOR

Geothermal energy, perhaps accompanied by the commercially profitable extraction of minerals from geothermal brine, may—in the not too distant future—become a significant factor in the economy of California and other western states where geothermal reserves appear to abound.

Already, in The Geysers area some 85 miles north of San Francisco, steam wells are generating some 82,000 kilowatts of electricity which is being purchased under contract by Pacific Gas and Electric Co.

By 1975, electricity generated from these geothermal reserves is scheduled to be increased to over 600,000 kilowatts, and it is planned to add 100,000 kilowatts annually thereafter for an indefinite period, as new wells are drilled and additional turbine generators installed.

Power for the electricity already contracted for by PG&E is being supplied from wells taken down by what is now a joint venture operation formed by Magma Power Co., Los Angeles; Thermal Power Co., San Francisco; and Union Oil Co. of California's geothermal division headed by Dr. Carel Ott. Union Oil is operator.

Other acreage in the area has been leased by a number of oil and geothermal companies.

The Geysers area, because its wells produce dry steam and the geothermal waters are low in salinity, appears to be ideal for electrical generation, which is the reason so much attention has been centered there.

Now, however, Dr. Robert Rex, professor of geology of the University of California at Riverside, who, with a team of UC–Riverside colleagues, has been conducting a survey of the geothermal potential of the lower section of California's Imperial Valley, contends that he has located seven geothermal fields with a 1,800 square mile area "bordered on the south by Mexico and on the north by a line parallel to the Mexican border three miles north of Westmoreland, and on the east and west by basement outcrops."

The UC–R professor has repeatedly asserted these steam fields were discovered by geological and geophysical surveys and the drilling of 100 shallow (100–500 feet) temperature-measuring holes as well as from data turned up in dry hole oil wells taken down earlier in the general area. He says these fields have the potential to produce 20,000 to 30,000 megawatts of electrical energy and 5 million to 7 million acre feet annually of distilled water.

Late in October, he told a State Geothermal Resources Board meeting in Sacramento that, while a special type of hypersaline brine containing approximately 25 percent dissolved solids occurs at the north end of the Imperial Valley in the old salt sink area now occupied by the Salton Sea, "there is no evidence that this highly corrosive salt saturated brine exists outside the confines of the old salt sink."

The normal low salinity, low corrosivity brine found in Mexico's Baja California is also found over almost the entire U.S. section of the Imperial Valley, he stated.

However, some leading California professional geologists, several of whom have conducted operations in the Imperial Valley north of the Mexican border, are inclined to view these pronouncements with considerable skepticism.

Discussing Dr. Rex's report on the study made by his team, they note that much of the data was taken from old geological and magnetometer work and tests (about which the UC–R professor has been somewhat vague) to detect water gravity and salinity.

Geothermal operations in the California portion of the Imperial Valley date back to the 1920s, when a few steam wells were drilled and abandoned. Modern exploration and development efforts (which are estimated to have cost between $7.5 million and $10 million thus far) were launched there more than a decade ago.

To date, however, these have been centered in the area around Niland, near the Salton Sea, where some 11 wells have been taken down. They found wet steam, highly saturated with mineral brine containing large quantities of sodium chloride and small quantities of potash and other compounds.

The geology of the Imperial Valley contains numerous anomalies which are a source of heat sufficient to generate geothermal steam, but all exploration conducted in the Salton Sea area has indicated that the extremely high mineral content renders the steam produced unsuitable for generation of electric power under any methods perfected to date.

Dr. Rex, as conceded by professional geologists contacted by the Oil Daily, may be correct in assuming that the salinity of the geothermal water in the area his team has surveyed is far lower than that around the Salton Sea.

They caution, however, that this is a fact as yet unproved. "The only real test of the commercial potential of geothermal reserves is the drilling of test wells," commented a prominent California geologist whose judgements are widely respected.

"No real determination can be made until wells have been drilled and the brine content of the produced steam has been carefully analyzed," he said.

What is known is that below the Mexican border, in the Cerro Prieto geothermal field 25 miles south of Mexicali, the steam produced from 17 wells completely lacks the degree of mineral contaminants which have thus far precluded development of geothermal power in the California portion of the valley.

Dr. Rex expects, in fiscal 1971, to drill a well on one of the geothermal fields he says he has located on the California side of the border. Which field will be drill-tested, he has not revealed, but of the seven fields identified, the UC–R professor has indicated that five are the most probable areas for geothermal development. These five are located near North Brawley, Buttes, Heber, Glamis and Dunes.

West Coast oil companies, energy companies, public utility firms and agriculturists will be eagerly awaiting the results, but only after each field has been tested by completed wells will Dr. Rex's contentions be verified or disproved.

S. 571—INTRODUCTION OF A BILL RELATING TO DANGEROUS RESIDUES IN IMPORTED MEAT PRODUCTS

Mr. PEARSON. Mr. President, I am introducing legislation which will amend the Wholesome Meat Act of 1967 relating to the importation of meat and meat products into the United States. This legislation will prohibit the importation of meat for human consumption unless the Secretary of Agriculture determines that the country of origin has in effect safeguards or procedures sufficient to protect the health, safety, and welfare of the consumers of such meat in the United States.

My bill closes a loophole in the Wholesome Meat Act of 1967 by requiring, for the first time, that exporting nations maintain controls on the use of "economic poisons," such as pesticides and herbicides, substantially equivalent to those controls which are in effect in the United States.

I have concluded that American consumers cannot be guaranteed wholesome food when a significant proportion of their meat supply is produced in countries which have failed to implement and enforce reasonable regulations controlling the use of dangerous chemicals and drugs.

CONCERN FOR THE CONSUMER AND THE PRODUCER

Mr. President, Americans have become concerned about residues of pesticides, herbicides, drugs, and heavy metals in the food supply. Recent discoveries of unacceptably high levels of mercury—a deadly poison—in tuna and swordfish products have underscored the critical importance of food-monitoring programs conducted by various agencies of the Federal Government.

Because meat and other edible animal products are particularly vulnerable to contamination through retention of "economic poisons" as residues, I have begun a review of Federal efforts to protect the consuming public from residues in these products.

This review is prompted by two considerations: First, the American people have every right to rely upon Federal law and regulations which control the application of chemicals during production and processing, promulgate residue tolerances which may not lawfully be exceeded, and establish sampling procedures designed to promote full compliance and consistently healthful products for the marketplace.

This reliance must not be in vain, for nothing less than the health of the consuming public is at issue.

Second, as the Senator of a major beef-producing State, I have an obligation to work for reasonable Federal regulations which may be imposed upon beef producers and processors. Pesticides and herbicides, for instance, should not be restricted or banned without compelling justification and proof of liability. The prosperity of the beef industry, and agriculture generally, depends in part upon the continued availability of weed and pest killers, as well as feed supplements and drugs which promote resistance to disease, weight gain, and thus maximum profits.

THE DOMESTIC PRODUCER

Over the past 2 years, concern for the environment and human health has led to significant restrictions on the availability of important agricultural chemicals. The U.S. Department of Agriculture suspended DDT registration for uses near shade trees, around houses, on tobacco, and in aquatic areas such as marshes and lakes in November, 1969.

From March to May of 1970, the USDA took the following action against herbicides and pesticides:

TDE registration was suspended for use on tobacco;

Aldrin and dieldrin registrations were suspended for uses in aquatic areas;

Lindane, benzene, hexachloride—BHC—registrations were suspended for uses on beans, citrus fruits, corn, and peas;

Registrations for mercury products used in the treatment of seeds were suspended;

Registration for the herbicide 2,4,5-T was suspended for uses around houses, ponds, lakes, and ditch banks; and

Registration for 2,4,5-T was suspended for all uses on food crops for human consumption.

Beginning in January 1971 the new Environmental Protection Agency assumed responsibility for the registration of agricultural chemicals. Almost immediately, the EPA canceled DDT registration for all remaining uses.

It should be noted that EPA does not have authority to prohibit the use of pesticides. Interstate shipment of pesticides, however, can be prevented by suspension of registration. When a pesticide's registration is suspended, there must be an immediate termination of interstate shipment of the chemical. When registration is canceled, the pesticide may not be shipped, interstate after a 30-day period. During this interim period, a private or public hearing may be held to appeal the cancellation.

These facts should demonstrate convincingly that domestic agricultural producers are confronted with altered, perhaps less efficient, techniques of production. The extent to which agricultural chemicals endanger the environment and human health has yet to be fully determined. The magnitude of this problem, for consumers and farmers, has yet to be fully documented.

Chairman POAGE of the House Agriculture Committee has announced an intention to hold early hearings on the uses and potential dangers of agricultural chemicals, as well as the hardships and adjustments which may be suffered by farmers and ranchers forced to terminate the application of various chemicals during production. Congress has an obligation to insure that action taken against agricultural chemicals is neither arbitrary nor unreasonable. This obligation is wholly compatible with the concomitant congressional responsibility to protect environmental and consumer interests. Agribusiness in Kansas—our State's largest industry—welcomes the Poage hearings as an appropriate initiative, an opportunity to review the stake which agriculture has in the continued availability of chemicals for efficient production.

The Food and Drug Administration has the responsibility to determine safe tolerance-levels for chemical residues in food products. These tolerances apply to all food consumed by the American people, regardless of source. Both FDA and the Consumer and Marketing Service of USDA have the responsibility to establish sampling programs throughout the United States. These sampling programs are designed to reveal violations of FDA-established residue tolerance levels, and to remove products which show such violations from the marketplace.

Mr. President, I do not question the effectiveness of the FDA "market basket sample" program which monitors the diet of a typical 19-year-old American for chemical residues in excess of established tolerances. Nor do I challenge the USDA domestic red meat and poultry sampling program. Table I lists the samples of domestically produced meat and poultry taken by USDA over the past 2 years, as well as the residue analysis for which each sample was taken. The Slaughter Inspection Division of C. & M.S. reports a 95-percent degree of confidence that less than 3 percent of our domestic meat and poultry products violate specific residue limits imposed by FDA to protect human health.

However, Mr. President, I do have reservations about the efficacy of the C. & M.S. pesticide, drug, and metal monitoring programs conducted on imported meat and meat products. I have concluded, after somewhat detailed investigation, that American consumers do not enjoy the comprehensive protection from dangerous residues in imported meat that they receive in respect to the domestic product.

RESIDUE CONTROLS ON IMPORTED MEAT PRODUCTS

Let there be no misunderstanding: Imported meat is supposed to be subjected, under the law, to the same rigorous standards of purity imposed on the domestic product. Both the Wholesome Meat Act of 1967 and the Food, Drug, and Cosmetic Act recite equivalent standards of wholesomeness for imported and domestic meat.

Foreign review officers have been dispatched by USDA to inspect and certify overseas slaughterhouses as "equivalent" to U.S. facilities in terms of cleanliness, and so forth. More than 1,100 foreign plants have been certified for export by the 14-member Foreign Review Officer Corps. Should USDA suspect that a foreign source has permitted excessive residues of drugs or chemicals to pass without corrective action, the foreign review officers are instructed to inform local officials that higher standards are imperative for U.S.-bound produce.

In extreme cases, the USDA requires pretesting and certification of residue tolerance compliance before produce is released for export. Argentina is now required to pretest all meat destined for our market, and Brazil is being placed in the some status. Nicaragua at one time was forced to suspend all exports until it eliminated the source of residue contamination.

The USDA has primary responsibility to sample landed meat imports for residues of economic poisons. C. & M.S. takes approximately 1,200 samples of imported meat each year for chemical analysis. Thus, approximately 4-million pounds of meat are imported before three packages are set aside for residue analysis.

My investigation has revealed that, as of January 1, 1971, the C. & M.S. was devoting its entire sampling program to pesticide and herbicide residue analysis. Although testing programs for drug and metal residues were being conducted on domestically produced meat, no similar drug or metal sampling program was being conducted on the imported product.

Mr. President, tables II and III reveal the results of USDA tests for pesticide residues in imported meat products during calendar years 1968 and 1969. These tables reveal that 14 percent of all samples taken in 1968 were in violation of FDA-established pesticide residue tolerances. South American republics, apparently, use substantial quantities of pesticides and herbicides which may be retained as residues in the fatty tissue of the animals. These tables also reveal that less than 3 percent of the samples taken in 1969 were in violation of established residue tolerances. Although 1968 statistics reveal that nearly 30 percent of the meat imported from Uruguay contained residues dangerous to human health—only 21 samples of Uruguayan imports were taken during 1969.

Persons familiar with the meat import program will immediately note that some nations ship meat to the United States without a single sample being taken for residue analysis during the calendar year.

Mr. President, I have concluded that a sampling program limited to 1,200 samples annually, a sampling program which does not even test for drug and mercury residues, is wholly inadequate to protect the consumers of more than 1.7 billion pounds of foreign meat each year. While I am confident that officials at C. & M.S. are using budgeted funds efficiently, I am equally confident that Congress should enact legislation which will give the executive agencies additional authority to protect consumers from potentially dangerous residues in imported meat products.

THE LEGISLATIVE REMEDY

Under the Wholesale Meat Act of 1967, the foreign review officers are required to determine whether exporting plants maintain equivalent standards of meat inspection—both ante- and post-mortem inspection. The officers have declared that more than 1,100 plants in more than 40 foreign nations have standards of meat inspection equivalent to our own.

But more than sanitary conditions at the slaughterhouse is required for consumer protection. More than visual searches for diseased carcasses is required to protect the consuming public from dangerous residues of economic poisons.

Mr. President, more than a fragmentary sampling program is required to insure that 1.7 billion pounds of imported meat—enough to provide the annual needs of more than 8 million Americans—is wholly free of dangerous residues of economic poisons.

Mr. President, I submit there is only one way to provide the consumer with fully equivalent protection against dangerous residues. The American consumer has a right to be assured that foreign supplier nations maintain fully equivalent controls over the registration and usage of dangerous chemicals during production and processing.

Should controls on the registration of aldrin and dieldrin be deemed necessary to protect human health from dangerous residues in the United States, then clear-

ly the application of those same chemicals in another country creates a health hazard to those Americans who consume meat products from that country.

Therefore I am introducing this legislation, which will amend the Wholesome Meat Act of 1967 to require the Secretary to determine that exporting Nations have implemented residue controls sufficient to protect the health of the consuming public. These controls and limitations, of course, should reflect a similarity to the controls and limitations deemed necessary to protect human health here in the United States.

My proposal requires the foreign review officer to make the affirmative determination, before certifying a nation for export, that that Nation has implemented residue tolerance levels and chemical usage restrictions at least equivalent to our own.

Mr. President, the United States has opened its market to promote international trade and U.S. foreign policy. Production for the American market should be considered a privilege by overseas merchants—not a right.

This legislation eliminates whatever competitive advantage a foreign supplier might gain by less stringent health and environmental legislation in his own country. Thus, the bill eliminates an unfair trade practice which could, if permitted to continue, subject domestic cattlemen and processors to unfair competition from abroad. And that competition comes from a product which has the added disadvantage of being potentially dangerous to human health.

Mr. President, because of the critical importance of protecting our consumer from dangerous economic poisons, and because of the imperative to place foreign and domestic producers on the same competitive plane, I urge the immediate consideration of this bill by the appropriate committees, and the timely enactment of its provisions by the Congress.

Mr. President, I ask unanimous consent that the tables referred to and the bill be printed at this point in the RECORD.

The PRESIDING OFFICER (Mr. COOK). The bill will be received and appropriately referred; and, without objection, the tables and bill will be printed in the RECORD.

The bill (S. 571) to amend the Federal Meat Inspection Act relating to the importation of meat and meat products into the United States, introduced by Mr. PEARSON, was received, read twice by its title, referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

S. 571

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 20 of the Federal Meat Inspection Act (21 U.S.C. 620) is amended by (1) redesignating subsections (d) and (e) as subsections (e) and (f), respectively; (2) striking out "(e)(2)" in paragraph (3) of subsection (f), as redesignated by this Act; and (3) inserting after subsection (c) a new subsection (d) as follows:

"(d) Nothwithstanding any other provision of law, whenever any Federal law or regulation prohibits or limits the use of any economic poison (as defined in section 2(a) of the Federal Insecticide, Fungicide, and Rodenticide Act) because the unrestricted use of such economic poison would likely pose a threat to the public health, safety, or welfare of the people of the United States, the importation of any carcass, part of a carcass, or meat or meat food product of any animal capable of use as human food shall be prohibited unless the Secretary determines that the country from which the article is imported has in effect safeguards or procedures sufficient to protect the health, safety, and welfare of the consumers of such articles in the United States."

The material submitted by Mr. PEARSON is as follows:

TABLE I.—USDA SAMPLING PROGRAM FOR DOMESTIC PRODUCTION

Objective*phase chemical group	1969		1970	
	Animal	Poultry	Animal	Poultry
Chlorinated hydrocarbon Insecticides	3,500	3,000	3,500	3,000
Antibiotics[1]	3,900	1,300	600	600
Diethylstilbestrol	600	0	300	0
Arsenicals	300	600	300	600
Organophosphorus Insecticides	300	0	0	0
Carbamate insecticides	300	0	0	0
2,4-D herbicide	300	0	0	0
Sulfonamides	0	0	0	600
Melangestrol acetate	0	0	300	0

[1] Antibiotics:
1969—Penicillin, streptomycin, tetracycline group.
1970—Penicillin streptomycin, chlortetracycline, oxytetracycline, neomycin, erythromycin.

TABLE II.—IMPORT RESIDUES FOR CALENDAR YEAR 1968

Country	Sample number	Violations	Percent
Argentina	594	148	24.9
Australia	1	0	0
Brazil	113	8	7.0
Costa Rica	25	2	8.0
Dominican Republic	19	1	5.2
Guatemala	33	0	0
Honduras	22	2	9.0
Mexico	40	2	5.0
New Zealand	12	0	0
Nicaragua	311	6	1.9
Panama	7	1	14.2
Paraguay	65	0	0
Uruguay	27	8	29.6
Total	1,269	178	14.0

TABLE III.—IMPORT RESIDUES FOR CALENDAR YEAR 1969

Country	Sample number	Violations	Percent
Argentina	449	[1] 22	4.89
Australia	106	2	1.88
Belgium	2	0	
Brazil	50	0	
Canada	44	0	
Costa Rica	16	0	
Czechoslovakia	1	0	
Denmark	64	0	
Dominican Republic	5	0	
England and Wales	3	0	
France	8	1	12.5
Germany	3	0	
Guatemala	7	0	
Honduras	10	0	
Ireland	6	0	
Mexico	2	0	
Netherlands	27	0	
Nicaragua	253	1	.39
New Zealand	82	3	3.65
Panama	5	0	
Paraguay	35	0	
Switzerland	2	0	
Uruguay	21	1	4.76
Yugoslavia	12	0	
Total	1,213	30	2.47

[1] 4 of the 22 are organophosphorous compounds, 3 Ethion, 1 Diazinon.

S. 573—INTRODUCTION OF A BILL TO AMEND THE CLEAN AIR ACT AND THE FEDERAL WATER POLLUTION CONTROL ACT

Mr. MUSKIE. Mr. President, I offer for introduction today a bill that would require the development and enforcement of standards to control the use of environmentally dangerous substances in manufactured products and a premarket evaluation of new substances to facilitate compliance.

The bill would amend national policy by adding to the Federal Water Pollution Control Act and the Clean Air Act a congressional finding of three major points:

First. Many manufactured products may contain substances which adversely affect the quality of our air and waters.

Second. The control of these adverse effects may not be feasible at the points where the products are used, such as agricultural lands and the kitchens and appliances of American homes.

Third. Consequently, the Congress believes it necessary to protect and enhance water and air quality by regulating the use of such substances in products at the point of manufacture and to seek information about environmental consequence before such substances come into widespread use.

Mr. President, I offer this bill because I am convinced, from our experience with phosphates and NTA in detergents, with lead, with mercury, with chlorinated hydrocarbon pesticides, with other hazardous substances that we must have a system to deal with these problems before they reach the crisis stage.

We no longer can depend upon either special legislation for each dangerous product or upon voluntary cooperation among the manufacturers to deal with these problems. These approaches have produced only uncertain and haphazard environmental policy decisions.

I am particularly concerned with the inadequacies of voluntary agreements. They are not based upon firm guidelines or formal public decisions. There is no evidence that leads me to believe such informal agreements will afford adequate protection in the future.

Mr. President, I ask unanimous consent that the text of the bill and a summary of its provisions be included at the close of my remarks.

The PRESIDING OFFICER (Mr. COOK). The bill will be received and appropriately referred; and, without objection, the bill and summary will be printed in the RECORD.

The bill (S. 573) to amend the Clean Air Act and the Federal Water Pollution Control Act to provide for standards for the manufacture of certain products to protect the quality of the Nation's air and navigable waters; to the Committee on Public Works, introduced by Mr. MUSKIE (for himself and other Senators), was received, read twice by its title, referred to the Committee on Public Works and ordered to be printed in the RECORD, as follows:

S. 573

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That

SECTION 1. The Clean Air Act, as amended (42 U.S.C. 1857 et seq.), is amended by inserting after section 118 a new section as follows:

"STANDARDS FOR CERTAIN MANUFACTURED PRODUCTS

"SEC. 119. (a) The Congress hereby finds and declares—

"(1) that many manufactured products may contain substances which adversely affect the quality of our nation's air;

"(2) that the control of the adverse effects of these substances is not feasible at the point of use of the products; and

"(3) that it is therefore the purpose of this section to protect and enhance air quality and protect public health through the regulation of the use of such substances in products at the point of manufacture.

"(b) Not later than 180 days after the effective date of this section, and at appropriate times thereafter, the Administrator shall designate substances or combinations of substances which are being used in manufactured products and which as a result of such use adversely affect the public health or contribute or may contribute to the violation of any air quality standards established or approved pursuant to this Act

"(c) Prior to the introduction into commerce of any manufactured product containing any new substance or any previously available substance in a substantially new use, the Administrator shall require—

"(1) the manufacturer of any such manufactured product to notify him as to the commercial identifying name and manufacturer of such substance, the range of concentration of such substance in such manufactured product, and the purpose-in-use of such substance in such manufactured product;

"(2) the manufacturer of any such substance to notify him as to the chemical composition of such substance;

"(3) the manufacturer of any such manufactured product or the manufacturer of any such substance—

"(A) to conduct tests to determine potential public health effects of the use of such substance in such manufactured product (including, but not limited to, carcinogenic, teratogenic, or mutagenic effects), in conformity with test procedures and protocols established by the Administrator;

"(B) to provide any information under the control of such manufacturer concerning the short and long term environmental effects of the use of such substance in such manufactured products and to develop by test or analysis such information on potential environmental effects; and

"(C) to furnish the description of any analytical technique that can be used to detect and meaure such substance or its by-products in such manufactured product, in the human body, or in the environment.

"The results of tests and other information gathered under paragraph (3) shall not be considered confidential.

"(d) Whenever the Administrator finds on the basis of surveys, studies, or reports that (1) the use in substantial quantities of any manufactured product which contains any substance or substances designated under subsection (b) results or is likely to result in direct or indirect discharges into the air of the United States so as to adversely affect the public health or to cause or substantially contribute to violation of any air quality standard established or approved pursuant to this Act, and (2) treatment to remove the harmful effects of such manufactured product at the point of such discharge is not feasible, he shall prescribe, in accordance with the provisions of title 5 of the United States Code relating to administrative procedure, standards for the use in such manufactured product of such substances either singly or by classes. Included with such standards shall be (A) specific methods by which products shall be tested by the Administrator to determine if they conform to such standards, and (B) requirements with respect to necessary record keeping, reporting, and other actions necessary for the purpose of this section. Upon a showing satisfactory to the Administrator that information reported or otherwise obtained by the Administrator or his representative pursuant to such requirements contains or relates to a trade secret or other matter referred to in section 1905 of title 1-8 of the United States Code, the Administrator shall consider such information confidential for the purpose of such section 1905, except that such information may be disclosed to other officers or employees concerned with carrying out this Act or when relevant in any proceeding under this Act.

"(e) It shall be unlawful after the effective date of such standards for any person to import for use in the United States or manufacture for use in the United States or for export any product, unless such product conforms with standards prescribed with respect to such product pursuant to subsection (d) of this section.

"(f) (1) Any product which does not conform with standards prescribed pursuant to subsection (d) of this section shall be liable to be proceedcd against on libel of information and condemned in any district court of the United States within the jurisdiction of which such product is found.

"(2) Such product shall be liable to seizure by process pursuant to the libel, and the procedure in cases under this subsection shall conform, as nearly as may be, to the procedure in admiralty; except that on demand of either party any issue of fact joined in such case shall be tried by jury. When libel for condemnation proceedings under this subsection, involving the same claimant and the same issues, are pending in two or more jurisdictions, such pending proceedings, upon application of the United States or the claimant seasonably made to the court of one such jurisdiction, shall be consolidated for trial by order of such court, and tried in (A) any district selected by the applicant where one of such proceedings is pending; or (B) a district agreed upon by stipulation between the parties. If no order for consolidation is so made within a reasonable time, the United States or the claimant may apply to the court of one such jurisdiction, and such court (after giving the other party, the claimant, or the United States attorney for such district, reasonable notice and opportunity to be heard) shall by order, unless good cause to the contrary is shown, specify a district of reasonable proximity to the claimant's principal place of business, in which all such pending proceedings shall be consolidated for trial and tried. Such order of consolidation shall not apply so as to require the removal of any case the date for trial of which has been fixed. The court granting such order shall give prompt notification thereof to the other courts having jurisdiction of the cases covered thereby.

"(3) Any product condemned under this subsection shall, after entry of the decree, be disposed of by destruction or sale as the court may, in accordance with the provisions of this subesction, direct, and the proceeds thereof, if sold, less the legal costs and charges, shall be paid into the Treasury of the United States; but such product shall not be sold under such decree for a use which would result in violation of any air quality standard contrary to the purpose of this section; except that after entry of the decree and upon the payment of the costs of such proceedings and the execution of a good and sufficient bond conditioned that such product shall not be used contrary to the provisions of this section, the court may by order direct that such product be delivered to the owner thereof to be destroyed or brought into compliance with the provisions of this section under the supervision of an officer or employee duly designated by the Administrator and the expenses of such supervision shall be paid by the person obtaining release of the product under bond.

"(4) When a decree of condemnation is entered against the product, court costs and fees, and storage and other proper expenses, shall be awarded against the person, if any, intervening as claimant of the product.

"(5) In the case of removal for trial of any case as provided by paragraph (2) of this subsection—

"(A) the clerk of the court from which removal is made shall promptly transmit to the court in which the case is to be tried all records in the case necessary in order that such court may exercise jurisdiction;

"(B) the court to which such case is removed shall have the powers and be subject to the duties, for purposes of such case, which the court from which removal was made would have had, or to which such court would have been subject, if such case had not been removed.

"(g) (1) The United States district courts shall have jurisdiction, for cause shown and subject to the provisions of rule 65 (a) and (b) of the Federal Rules of Civil Procedure, to restrain violations of this section.

"(2) In any proceeding for criminal contempt for violation of an injunction or restraining order issued under this subsection, which violation also constitutes a violation of this section, trial shall be by the court or, upon demand of the accused, by a jury. Such trial shall be conducted in accordance with the practice and procedure applicable in the case of proceedings subject to the provisions of rule 42(b) of the Federal Rules of Criminal Procedure.

"(h) All libel or injunction proceedings for the enforcement, or to restrain violations, of this section shall be by and in the name of the United States. Subpoenas for witnesses who are required to attend a court of the United States in any district may run into any other district in any such proceeding.

"(i) The Secretary of the Treasury and the Administrator shall jointly prescribe regulations for the efficient enforcement of the provisions of subsection (k) of this section, except as otherwise provided therein. Such regulations shall be promulgated in such manner and take effect at such time, after due notice, as the Secretary shall determine.

"(j) (1) The Administrator is authorized to conduct examinations, inspections, and investigations for the purposes of this section through officers and employees of the Environmental Protection Agency or through any officer or employee of any State, or political subdivision thereof, duly commissioned by the Administrator.

"(2) For purposes of enforcement of this section, officers or employees duly designated by the Administrator, upon presenting appropriate credentials and a written notice to the owner, operator, or agent in charge, are authorized (A) to enter, at reasonable times, any factory, warehouse, or establishment in which a product is manufactured, processed, packed, or held, or to enter any vehicle being used to transport or hold a manufactured product; (B) to inspect, at reasonable times and within reasonable limits and in a reasonable manner, such factory warehouse, establishment, or vehicle, and all pertinent equipment, finished and unfinished materials; and (C) to obtain samples of such materials. A separate notice shall be given for each such inspection, but a notice shall not be required for each entry made during the period covered by the inspection. Each such inspection shall be commenced and completed with reasonable promptness.

"(3) If the officer or employee obtains any sample, prior to leaving the premises, he shall give to the owner, operator, or agent in charge a receipt describing the samples ob-

tained. If an analysis is made of such sample, a copy of the results of such analysis shall be furnished promptly to the owner, operator or agent in charge.

"(k)(1) The Secretary of the Treasury shall deliver to the Administrator, upon his request, samples of products which are being imported, or offered for import, for use in the United States, giving notice thereof to the owner or consignee, who may appear before the Administrator and have the right to introduce testimony. If it appears from the examination of such samples or otherwise that such product does not conform to standards prescribed pursuant to subsection (d) of this section, such product shall be refused admission, except as provided in paragraph (2) of this subsection. The Secretary of the Treasury shall cause the destruction of any such product being imported and refused admission unless such product is exported, under regulations prescribed by the Secretary of the Treasury, within ninety days of the date of notice of such refusal or within such additional time as may be permitted pursuant to such regulations.

"(2) Pending decision as to the admission of a product being imported or offered for import, the Secretary of the Treasury may authorize delivery of such product to the owner or consignee upon the execution by him of a good and sufficient bond providing for the payment of such liquidated damages in the event of default as may be required pursuant to regulations of the Secretary of the Treasury."

SEC. 2. The Federal Water Pollution Control Act, as amended (33 U.S.C. 466 et seq.), is amended by redesignating section 27 as section 28 and inserting before such section a new section as follows:

"STANDARDS FOR CERTAIN MANUFACTURED PRODUCTS

"SEC. 27. (a) The Congress hereby finds and declares—

"(1) that many manufactured products may contain substances which adversely affect the quality of our nation's navigable waters;

"(2) that the control of the adverse effects of these substances is not feasible at the point of use of the products; and

"(3) that it is therefore the purpose of this section to protect and enhance water quality and protect the public health through the regulation of the use of such substances in products at the point of manufacture.

"(b) Not later than 180 days after the effective date of this section, and at appropriate times thereafter, the Administrator shall designate substances or combination of substances which are being used in manufactured products and which as a result of such use adversely affect the public health or contribute or may contribute to the violation of any water quality standard established or approved pursuant to this Act.

"(c) Prior to the introduction into commerce of any manufactured product containing any new substance or any previously available substance in a substantially new use, the Administrator shall require—

"(1) the manufacturer of any such manufactured product to notify him as to the commercial identifying name and manufacturer of such substance, the range of concentration of such substance in such manufactured product, and the purpose-in-use of such substance in such manufactured product;

"(2) the manufacturer of any such substance to notify him as to the chemical composition of such substance;

"(3) the manufacturer of any such manufactured product or the manufacturer of any such substance—

"(A) to conduct tests to determine potential public health effects of the use of such substance in such manufactured product (including but not limited to, carcinogenic, teratogenic, or mutagenic effects), in conformity with test procedures and protocols established by the Administrator;

"(B) to provide any information under the control of such manufacturer concerning the short and long term environmental effects of the use of such substance in such manufactured products and to develop by test or analysis such information on potential environmental effects; and

"(c) to furnish the description of any analytical technique that can be used to detect and measure such substance or its by-products in such manufactured product, in the human body, or in the environment.

The results of tests and other information gathered under paragraph (3) shall not be considered confidential.

"(d) Whenever the Administrator finds on the basis of surveys, studies, or reports that (1) the use in substantial quantities of any manufactured product which contains any substance or substances designated under subsection (b) results or is likely to result in direct or indirect discharges into the navigable waters of the United States so as to adversely affect the public health or to cause or substantially contribute to violation of any water quality standard established or approved pursuant to this Act, and (2) treatment to remove the harmful effects of such manufactured product at the point of such discharge is not feasible, he shall prescribe, in accordance with the provisions of title 5 of the United States Code relating to administrative procedure, standards for the use in such manufactured product of such substances either singly or by classes. Included with such standards shall be (A) specific methods by which products shall be tested by the Administrator to determine if they conform to such standards, and (B) requirements with respect to necessary record keeping, reporting, and other actions necessary for the purpose of this section. Upon a showing satisfactory to the Administrator that information reported or otherwise obtained by the Administrator or his representative pursuant to such requirements contains or relates to a trade secret or other matter referred to in section 1905 of title 18 of the United States Code, the Administrator shall consider such information confidential for the purpose of such section 1905, except that such information may be disclosed to other officers or employees concerned with carrying out this Act or when relevant in any proceeding under this Act.

"(e) It shall be unlawful after the effective date of such standards for any person to import for use in the United States or manufacture for use in the United States or for export any product, unless such product conforms with standards prescribed with respect to such product pursuant to subsection (d) of this section.

"(f)(1) Any product which does not conform with standards prescribed pursuant to subsection (d) of this section shall be liable to be proceeded against on libel of information and condemned in any district court in the United States within the jurisdiction of which such product is found.

"(2) Such product shall be liable to seizure by process pursuant to the libel, and the procedure in cases under this subsection shall conform, as nearly as may be, to the procedure in admiralty; except that on demand of either party any issue of fact joined in such case shall be tried by jury. When libel for condemnation proceedings under this subsection, involving the same claimant and the same issues, are pending in two or more jurisdictions, such pending proceedings, upon application of the United States or the claimant seasonably made to the court of one such jurisdiction, shall be consolidated for trial by order of such court, and tried in (A) any district selected by the applicant where one of such proceedings is pending; or (B) a district agreed upon by stipulation between the parties. If no order for consolidation is so made within a reasonable time, the United States or the claimant may apply to the court of one such jurisdiction, and such court (after giving the other party, the claimant, or the United States attorney for such district, reasonable notice and opportunity to be heard) shall by order, unless good cause to the contrary is shown, specify a district of reasonable proximity to the claimant's principal place of business, in which all such pending proceedings shall be consolidated for trial and tried. Such order of consolidation shall not apply so as to require the removal of any case the date for trial of which has been fixed. The court granting such order shall give prompt notification thereof to the other courts having jurisdiction of the cases covered hereby.

"(3) Any product condemned under this subsection shall, after entry of the decree, be disposed of by destruction or sale as the court may, in accordance with the provisions of this subsection, direct and the proceeds thereof, if sold, less the legal costs and charges, shall be paid into the Treasury of the United States; but such product shall not be sold under such decree or a use which would result in the violation of any water quality standards contrary to the purpose of this section; except that after entry of the decree and upon the payment of the costs of such proceedings and the execution of a good and sufficient bond conditioned that such product shall not be used contrary to the provisions of this section, the court may by order direct that such product be delivered to the owner thereof to be destroyed or brought into compliance with the provisions of this section under the supervision of an officer or employee duly designated by the Administrator and the expenses of such supervision shall be paid by the person obtaining release of the product under bond.

"(4) When a decree of condemnation is entered against the product, court costs and fees, and storage and other proper expenses, shall be awarded against the person, if any, intervening as claimant of the product.

"(5) In the case of removal for trial of any case as provided by paragraph (2) of this subsection—

"(A) the clerk of the court from which removal is made shall promptly transmit to the court in which the case is to be tried all records in the case necessary in order that such court may exercise jurisdiction;

"(B) the court to which such case is removed shall have the powers and be subject to the duties, for purposes of such case, which the court from which removal was made would have had, or to which such court would have been subject, if such case had not been removed.

"(g)(1) The United States district courts shall have jurisdiction, for cause shown and subject to the provisions of rule 65 (a) and (b) of the Federal Rules of Civil Procedure, to restrain violations of this section.

"(2) In any proceeding for criminal contempt for violation of an injunction or restraining order issued under this subsection, which violation also constitutes a violation of this section, trial shall be by the court or, upon demand of the accused, by a jury. Such trial shall be conducted in accordance with the practice and procedure applicable in the case of proceedings subject to the provisions of rule 42(b) of the Federal Rules of Criminal Procedure.

"(h) All libel or injunction proceedings for the enforcement, or to restrain violations, of this section shall be by and in the name of the United States. Subpoenas for witnesses who are required to attend a court of the United States in any district may run into any other district in any such proceeding.

"(i) The Secretary of the Treasury and the Administrator shall jointly prescribe regulations for the efficient enforcement of the

provisions of subsection (k) of this section, except as otherwise provided therein. Such regulations shall be promulgated in such manner and take effect at such time, after due notice, as the Secretary shall determine.

"(j) (1) The Administrator is authorized to conduct examinations, inspections, and investigations for the purposes of this section through officers and employees of the Environmental Protection Agency or through any officer or employee of any State, or political subdivision thereof, duly commissioned by the Administrator.

"(2) For purposes of enforcement of this section, officers or employees duly designated by the Administrator, upon presenting appropriate credentials and a written notice to the owner, operator, or agent in charge, are authorized (A) to enter, at reasonable times, any factory, warehouse, or establishment in which a product is manufactured, processed, packed, or held, or to enter any vehicle being used to transport or hold a manufactured product; (B) to inspect, at reasonable times and within reasonable limits and in a reasonable manner, such factory, warehouse, establishment, or vehicle, and all pertinent equipment, finished and unfinished materials; and (C) to obtain samples of such materials. A separate notice shall be given for each such inspection, but a notice shall not be required for each entry made during the period covered by the inspection. Each such inspection shall be commenced and completed with reasonable promptness.

"(3) If the officer or employee obtains any sample, prior to leaving the premises, he shall give to the owner, operator, or agent in charge a receipt describing the samples obtained. If an analysis is made of such sample, a copy of the results of such analysis shall be furnished promptly to the owner, operator or agent in charge.

"(k) (1) The Secretary of the Treasury shall deliver to the Administrator, upon his request, samples of products which are being imported, or offered for import, for use in the United States, giving notice thereof to the owner or consignee, who may appear before the Administrator and have the right to introduce testimony. If it appears from the examination of such samples or otherwise that such product does not conform to standards prescribed pursuant to subsection (d) of this section, such product shall be refused admission, except as provided in paragraph (2) of this subsection. The Secretary of the Treasury shall cause the destruction of any such product being imported and refused admission unless such product is exported, under regulations prescribed by the Secretary of the Treasury, within ninety days of the date of notice of such refusal or within such additional time as may be permitted pursuant to such regulations.

"(2) Pending decision as to the admission of a product being imported or offered for import, the Secretary of the Treasury may authorize delivery of such product to the owner or consignee upon the execution by him of a good and sufficient bond providing for the payment of such liquidated damages in the event of default as may be required pursuant to regulations of the Secretary of the Treasury."

The summary presented by Mr. MUSKIE is as follows:

SUMMARY OF PROVISIONS

The bill establishes parallel provisions in the Clean Air Act and Federal Water Pollution Control Act to set standards for the manufacture of certain products, in order to control the environmental impact of substances which cannot be adequately regulated at the point of use.

Subsection (a) of each new section is the findings of Congress and the purposes of the legislation.

Subsection (b) of each new section provides that within 180 days after enactment, the Administrator of the Environmental Protection Agency will designate substances which may be present in manufactured products and which may cause a violation of any air or water quality standards.

Subsection (c) of each new section requires that before any new substance (or substance in a new use) is introduced into commerce the Administrator will require the manufacturer to submit information on the composition and potential public health and environment effects of the substance. He will also require testing by the manufacturer to establish such effects.

Subsection (d) of each new section authorizes the Administrator to prescribe standards for the use in manufactured products of any designated substance whose use in substantial quantities may cause discharges which adversely affect health or violate air or water quality standards. Standards may include testing procedures and record-keeping and reporting requirements.

Subsection (e) of each new section prohibits the importation or manufacture of any product not in compliance with standards under these sections.

Subsection (f) of each new section provides for the condemnation, seizure, and disposition of any product which does not conform to the standards under these sections. Subsections (g) and (h) are procedural authorizations.

Subsections (i) and (k) of each new section authorize the Administrator and the Secretary of the Treasury to jointly enforce the standards under these sections against imported products.

Subsection (j) of each new section authorizes the Administrator to conduct examinations and inspections and to enter any premises and obtain samples.

S. 576—INTRODUCTION OF A BILL TO ENCOURAGE PHYSICIANS TO PRACTICE MEDICINE IN PHYSICIAN SHORTAGE AREAS

Mr. TOWER. Mr. President, I am today introducing legislation to narrow the gap in the medical manpower needs of the country. This legislation provides tax incentives for physicians to take up practice in medical manpower shortage areas.

It is a simple fact that the country faces a doctor shortage. According to the U.S. Public Health Service, it is estimated that manpower needs this year exceed the supply by some 48,000 doctors. Even if we do narrow the gap over the next 10 years, the Public Health Service says we can still estimate that America's doctor shortage will number in excess of 25,000. I believe we should assume that such a reduction in the next 10 years is overly optimistic and extremely generous.

The gap between supply and demand is obviously greater in certain geographical areas. The Public Health Service has noted:

The problem of health manpower shortages is not only one of gross numbers but also relates to the disparity in the geographic distribution of health manpower within States and metropolitan areas.

My bill, through the incentive principle, would encourage physicians to take up practice in areas of the country where physicians are in the shortest supply. Generally speaking, passage of this legislation will benefit rural and inner city areas all across the country. To narrow the medical manpower gap in the most critically physician short areas is something that should be of priority interest. I am, therefore, hopeful that this bill will have broad support.

Briefly, my bill proposes that the first $20,000 of a physician's adjusted gross income from medical sources be tax exempt for the first taxable year of practice in an established physician shortage area. This tax incentive would continue for 5 years on a downward sliding scale. The bill requires that a doctor practice in the physician-shortage area for at least 2 years. Designation of physician-shortage areas would be made by the Secretary of Health, Education, and Welfare with the advice of appropriate State agencies.

The need for this legislation is apparent. Physician-shortage areas are generally areas of low per capita income. Many metropolitan core areas together with many rural areas of our Nation face doctor shortages far in excess of the rest of the country. It is even more apparent that in such regions of low economic growth delivery of basic health care services is a matter of great urgency. Compounding this fact with an enormous medical manpower shortage makes the situation critical.

I strongly believe that the proposal I am offering today employs the best method of solving this particular problem. The tax incentive concept creates financial incentive for physicans to practice in an area where they can do the most good. Yet it does not dictate where a physician shall establish his practice.

My proposal would use existing governmental mechanisms. It will not require the establishment of yet another bureaucracy to carry out yet another program.

I do not propose this legislation as a panacea for our medical manpower problem. Other ideas and programs can and should be considered alongside my suggestion. But, other programs both in the public and private sector can work in liaison with this proposal to improve health care for the American people.

I do not yet know the specifics which the President will recommend in his upcoming health message. I am extremely hopeful, however, that a proposal similar to the one I now introduce will be closely examined by the administration. Everyone today agrees that the American people can be provided with better health care. I believe my bill will assist in improving health care and that it merits broad support.

Mr. President, so that my colleagues can examine my proposal in detail, I ask unanimous consent that the complete text of this bill be printed in the RECORD at this point.

The PRESIDING OFFICER (Mr. COOK). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 576) to provide tax incentives to encourage physicians to practice medicine in physician shortage areas, introduced by Mr. TOWER was received, read twice by its title, referred to the

Committee on Finance and ordered to be printed in the RECORD, as follows:

S. 576

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That (a) part III of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to items specifically excluded from gross income) is amended by—

(1) redesignating section 124 as section 125; and

(2) inserting after section 123 the following new section:

"SEC. 124. PHYSICIANS ESTABLISHING PRACTICE IN PHYSICIAN SHORTAGE AREAS.

"(a) IN GENERAL.—In the case of a physician who engages in a medical practice in a physician shortage area, gross income does not include, at the election of the taxpayer, adjusted gross medical income from such medical practice in such area to the extent of—

"(A) $20,000 during the first taxable year of such practice;

"(B) $15,000 during the second taxable year of such practice;

"(C) $10,000 during the third taxable year of such practice;

"(D) $7,500 during the fourth taxable year of such practice; and

"(E) $5,000 during the fifth taxable year of such practice.

"(b) Limitations.—

"(1) Two-year practice requirement.—The provisions of subsection (a) shall apply to a physician with respect to a medical practice in a physician shortage area only if he continuously engages in such practice for at least 2 years, commencing with the day on which he first engages in such practice. The preceding sentence shall not apply—

"(A) to a physician who dies during such 2-year period, or

"(B) with respect to any period of disability during such 2-year period.

"(2) Provisions to apply only once.—The provisions of subsection (a) shall apply to engaging in a practice of medicine in a physician shortage area only once for any physician.

"(c) Election.—

"(1) In general.—An election to have the provisions of subsection (a) apply shall be made at such time and in such manner as the Secretary or his delegate prescribes by regulations. Such election may not be revoked except with the consent of the Secretary or his delegate and subject to such terms and conditions as the Secretary or his delegate prescribes.

"(2) Designation of first taxable year.—At the time of making an election under paragraph (1), a physician shall designate his first taxable year of a medical practice in a physician shortage area, for purposes of applying the provisions of subsection (a), as—

"(A) the taxable year in which he first engages in a medical practice in such area, or

"(B) the succeeding taxable year.

"(d) Definitions.—For purposes of this section—

"(1) the term 'adjusted gross medical income' means gross income from the practice of medicine less any deductions arising out of such practice; and

"(2) the term 'physician shortage area' means any area within a State certified to the Secretary by the Secretary of Health, Education, and Welfare as an area in which there are an insufficient number of physicians practicing medicine to meet the need for medical care of the population of such area.

"(e) Certifications by Secretary of Health, Education, and Welfare.—

"(1) In general.—The Secretary of Health, Education, and Welfare shall on or before November 1 of each year (beginning with 1971) certify the physician shortage areas (if any) in each State for the following calendar year.

"(2) Certifications pursuant to State agency recommendations.—In making certifications of physician shortage areas for purposes of this section, the Secretary of Health, Education, and Welfare shall accept the determination as to the number and location of physician shortage areas in a State recommended to him by—

"(A) the State planning agency for such State (as designated pursuant to section 314 (a) (2) (A) of the Public Health Service Act), or

"(B) if in such State there is no such agency, or if such agency fails to make a recommended determination within a reasonable time prescribed by him, by such other agency of such State as he finds to be qualified to make such a recommended determination and as the Governor of such State shall have designated to make such a recommended determination;

but only if the agency, in making such recommended determination, has sought the advice and assistance of the State medical societies for such State; and

"(C) the Secretary of Health, Education, and Welfare is satisfied with the adequacy of the criteria employed by the agency as the basis upon which such recommended determination was made.

"(3) Other certifications.—If, in the case of any State, the Secretary of Health, Education, and Welfare does not receive (within such reasonable time as he shall prescribe) a recommended determination with respect to such State which meets the requirements of paragraph (1), he shall (after seeking the advice and assistance of the State medical societies for such State) certify the number and location of the physician shortage areas (if any) of such State on the basis of the most current and appropriate data available to him.

"(4) Effective period of certifications.—A certification by the Secretary of Health, Education, and Welfare under paragraph (1) of physician shortage areas in a State shall remain in effect for the calendar year for which it is made. With respect to a physician who engages in a medical practice in an area so certified during his taxable year beginning in such calendar year and who makes an election under subsection (c) to have the provisions of subsection (a) apply, such certification (A) shall remain in effect for succeeding calendar years, and (B) shall be treated as having been in effect for prior calendar years for purposes of determining the number of taxable years of his medical practice in such area.

"(e) Regulations.—The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the purposes of this section."

(b) The table of sections for part III of subchapter B of chapter 1 of such Code is amended by striking out the item relating to section 124 and inserting in lieu thereof the following:

"Sec. 124. Physicians establishing practice in physician shortage areas.
"Sec. 125. Cross reference to other Acts."

(c) The amendments made by this Act shall apply to taxable years beginning after December 31, 1971.

SENATE JOINT RESOLUTION 26—INTRODUCTION OF A JOINT RESOLUTION TO DESIGNATE NATIONAL GRANDPARENTS DAY

Mr. TOWER. Mr. President, in the 92d Congress I introduced a joint resolution calling for the designation of a National Grandparents Day. Unfortunately, the Senate did not act upon the measure before the close of the session. Therefore, I wish to again bring to the attention of my colleagues this matter which I continue to feel is deserving of the official consideration of the Congress.

In this time of rapid change—when diversity has become a way of life, it is important to consider that which we hold in common. Let us call it the human condition. We have all loved and hated, realized dreams and been disillusioned, achieved and faltered. Eventually, we have come to realize that only the aging process has been able to properly bring these life forces into perspective so that understanding and true wisdom are possible.

But even as aging brings maturity, with it also comes a lessening of activity—and it is here that we must not let ourselves be deceived. Physical decline is not indicative of an outdated mind. Many a strong spirit or keen sense of judgment has been overlooked by the young, whose attentions are too often drawn only to the demonstrative in their midst.

Grandparents harbor a lifetime in their minds—a rich, valuable set of experiences and observations. They are wardens of a wisdom that comes from years of dealing with life's inconsistencies while simultaneously trying to bring and contribute something of themselves to life. This contribution is, in part, sharing their knowledge and experiences with those closest to them, and I am sure that the majority of us have benefited from this inheritance. Those of us who are fortunate enough to have known our grandparents will recall these exchanges as both enjoyable and positive character-building influences.

For many years we have paused to honor and pay tribute to the mothers and fathers in this country, but we have not formally recognized our grandparents, who contribute so much to our strength and heritage. Therefore, I feel that it is fitting that we as a nation set aside a time to focus national and personal attention on those loved ones whom we otherwise honor and respect in our everyday lives, and I urge my colleagues to join me in requesting the President to designate the second Sunday in October as National Grandparents Day.

Mr. President, I ask unanimous consent that my joint resolution be printed at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. COOK). The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the RECORD.

The joint resolution (S.J. Res. 26) to authorize and request the President to issue annually a proclamation designating the second Sunday of October of each year as "National Grandparents Day," introduced by Mr. TOWER, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S.J. RES. 26

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue annually a proclamation designating the second Sun-

day of October of each year as "National Grandparents Day", and calling upon the people of the United States and interested groups and organizations to observe such day with appropriate ceremonies and activities.

ADDITIONAL COSPONSORS OF BILLS

S. 23

At the request of the Senator from Pennsylvania (Mr. SCHWEIKER), the Senator from Massachusetts (Mr. BROOKE), the Senator from Hawaii (Mr. FONG), the Senator from Nebraska (Mr. HRUSKA), the Senator from Hawaii (Mr. INOUYE), the Senator from Minnesota (Mr. MONDALE), the Senator from Illinois (Mr. PERCY), the Senator from Pennsylvania (Mr. SCOTT), the Senator from Illinois (Mr. STEVENSON), and the Senator from California (Mr. TUNNEY), were added as cosponsors of S. 23, the "Ethnic Heritage Studies Centers Act of 1971."

S. 143

Mr. BYRD of West Virginia. Mr. President, at the request of my colleague from Wyoming (Mr. MCGEE), who is absent from this body on official business for the Appropriations Committee, I ask unanimous consent that the name of the Senator from Nevada (Mr. CANNON) be added as a cosponsor of the bill to amend section 315b of title 43, United States Code, to provide the cost factors which shall be taken into consideration in determining the grazing fees which will be imposed for use of public lands (S. 143).

S. 426

At request of the Senator from West Virginia (Mr. RANDOLPH), the Senator from Indiana (Mr. HARTKE) was added as a cosponsor of S. 426, to amend the Public Health Service Act to provide for the protection of the public's health from unnecessary medical and dental exposure to ionizing radiation.

ADDITIONAL COSPONSORS OF JOINT RESOLUTIONS

S.J. RES. 4

At the request of the Senator from New York (Mr. JAVITS), the Senator from Illinois (Mr. Stevenson) was added as a cosponsor of Senate Joint Resolution 4, to authorize and request the President to proclaim the period April 19, 1971, through April 23, 1971, as "School Bus Safety Week".

S.J. RES. 8

At the request of the Senator from Indiana (Mr. BAYH), the Senator from Michigan (Mr. HART), the Senator from Wyoming (Mr. MCGEE), the Senator from Rhode Island (Mr. PASTORE), the Senator from California (Mr. CRANSTON), the Senator from Minnesota (Mr. MONDALE), the Senator from Tennessee (Mr. BAKER), the Senator from Delaware (Mr. BOGGS), the Senator from Wyoming (Mr. HANSEN), and the Senator from Illinois (Mr. PERCY) were added as cosponsors of Senate Joint Resolution 8, proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

SENATE RESOLUTION 42—SUBMISSION OF A RESOLUTION RELATING TO DISCLOSURE OF FINANCIAL INTERESTS

Mr. TAFT. Mr. President, when charges of financial irregularity are lodged against key Senate staff members, there is properly an outpouring of public anger and concern. This concern in my judgment is not only directed at the individuals involved, but more broadly affects confidence in the Senate as an institution. Moreover, it spotlights the need for a public disclosure of income, assets, and liabilities on the part of Members of the Senate and key Senate employees. The present rule XLIV which provides for nonpublic disclosure is like showing a picture to a blind man in the dark.

Consequently, I am, today submitting, for appropriate reference, a resolution to require full public disclosure of such income, assets and liabilities. I ask unanimous consent that the text of this resolution be printed in the RECORD following my remarks.

The PRESIDING OFFICER (Mr. SCHWEIKER). The resolution will be received and appropriately referred; and, without objection, the resolution will be printed in the RECORD.

The resolution (S. Res. 42), which reads as follows, was referred to the Committee on Rules and Administration:

S. RES. 42

Resolved, that rule XLIV of the Standing Rules of the Senate be amended to read as follows:

"RULE XLIV

"DISCLOSURE OF FINANCIAL INTERESTS

"1. Each Senator or person who has declared or otherwise made known his intention to seek nomination or election, or who has filed papers or petitions for nomination or election, or on whose behalf a declaration or nominating paper or petition has been made or filed, or who has otherwise, directly or indirectly, manifested his intention to seek nomination or election, pursuant to State Law, to the office of United States Senator, and each officer or employee of the Senate who is compensated at a rate in excess of $15,000 a year, shall file with the Secretary of the Senate, before the 15th day of May in each year, commencing in 1972, the following reports of his personal financial interests:

"(a) a statement of all income received during the preceding year listing the source of all income and the amount of income received from each such source;

"(b) a statement of all assets and liabilities as of December 31 of the preceding year;

"(c) the identity of each trust or other fiduciary relation in which he held a beneficial interest having a value of $10,000 or more, and the identity, if known, of each interest of the trust or other fiduciary relation in real or personal property in which the Senator, officer, or employee held a beneficial interest having a value of $10,000 or more, at any time during the preceding year. If he cannot obtain the identity of the fiduciary interests, the Senator, officer, or employee shall request the fiduciary to report that information to the Comptroller General in the same manner that reports are filed under this rule;

"(d) the source and value of all gifts in the aggregate amount or value of $50 or more from any single source received by him during the preceding year, excepting only Christmas and birthday gifts received from family members.

"2. All papers filed under section 1 of this rule shall be kept by the Secretary of the Senate for not less than three years and shall be made available promptly for public inspection and copying.

"3. This rule shall take effect on January 1, 1972. With respect to Senators and officers and employees of the Senate as to whom section 1 of this rule is applicable, no reports must be filed for any period before such officer or employee was hired with the Senate, or during a period of office or employment with the Senate of less than ninety days in a year."

SENATE RESOLUTION 43—SUBMISSION OF A RESOLUTION RELATING TO COMMITTEE ASSIGNMENT OF SENATOR GAMBRELL

Mr. BYRD of West Virginia (for Mr. MANSFIELD) submitted a resolution (S. Res. 43) relating to the assignment of the Senator from Georgia (Mr. GAMBRELL) to the Select Committee on Small Business, which was considered and agreed to.

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

CONSTRUCTION OF AN OIL PIPELINE SYSTEM IN THE STATE OF ALASKA—AMENDMENT

AMENDMENT NO. 3

Mr. GRAVEL submitted an amendment, intended to be proposed by him, to the bill (S. 546) relating to the construction of an oil pipeline system in the State of Alaska, which was referred to the Committee on Interior and Insular Affairs and ordered to be printed.

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

ORDER FOR RECESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in recess until 12 o'clock meridian tomorrow.

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

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HART). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

HUNGER ILLEGAL IN AMERICA AFTER JUNE 30, 1972

Mr. MCGOVERN. Mr. President, since the late Senator Robert F. Kennedy knelt to touch a child sick from hunger in a dirt yard in Mississippi 3 years ago, the tragic and unnecessary problem of hunger and malnutrition in the world's

richest Nation has troubled the American people.

A great deal has been said about the problem since that time. Citizens' committees have investigated, television networks have probed, and the Senate, itself, established a special committee to document the existence of hunger and malnutrition afflicting millions of our fellow citizens.

Much progress, it should be noted, has been made. We have raised the number of poor Americans participating in food programs from 6 to 12 million of America's 25 million poor. We have increased the amount of money for food programs by more than $1½ billion.

The Congress has passed and the President signed a new school lunch act that guarantees a free and reduced price lunch to every needy schoolchild, and a Food Stamp Act that, while containing a number of serious faults, does extend food benefits to more hungry Americans.

I have listed these steps forward because I do not want to appear to be saying that nothing has been accomplished. But the question we must all ask is whether partial gains are enough when millions of Americans continue to go hungry.

In May of 1969, the President of the United States sent a special message to Congress stating:

> The moment is at hand to put an end to hunger in America itself for all time.

That was nearly 2 years ago but the time apparently is not yet at hand. For we continue to approach hunger as a problem to be solved in bits and pieces.

I think the time has come to squarely face up to the President's commitment to end hunger and to set a definite deadline by which it will be banished from the Nation. If America can set a deadline to put a man on the moon and to build a multibillion-dollar Interstate Highway System, then there is no reason why America cannot set a deadline to end hunger.

I propose, today, and intend to submit specific legislation in the near future, that the deadline to end hunger in this Nation be Thanksgiving of this year for needy schoolchildren and the end of June 1972 for every needy family.

These deadlines are long overdue. Following the White House Conference on Nutrition in December 1969, the White House pledged that every needy schoolchild, approximately 6.6 million by administration estimates, would receive a hot lunch by last Thanksgiving. Last Thanksgiving came and went but only 5 million poor children were receiving lunches.

The President has also pledged to expand the food stamp program nationwide and ultimately fund it at a level of $2.5 billion—the amount authorized in the food stamp bill passed by the Senate in September 1969.

Unfortunately, the President's budget request for the next fiscal year for food stamps is only $2 billion, half a billion dollars less than is needed and an amount that will not permit any further expansion of the food stamp program next year. If the Congress is serious about ending hunger in needy families, it must appropriate at least $2.5 billion for food stamps next year.

I intend to fight for that amount and I hope my colleagues in the Senate will see fit to support that fight.

What must we do to end hunger among the 12 million poor Americans who are still outside of the family feeding programs? I propose the following:

First, we must legislate a mandatory nationwide food stamp program by June 30, 1972. This would mean bringing approximately one-third of the Nation's 3,000 counties, now operating the old surplus food program, into the food stamp program. The President has said this is what he wants to do; the Congress should now make it the law of the land.

After June 30, 1972, hunger in America's poor families should be made as illegal as any other crime against our society.

Second, we must legislate badly needed improvements in the recently passed Food Stamp Act. If we do not legislate these improvements, we will continue to have so-called paper programs, which exist only to employ paper-pushing bureaucrats but not to really feed the poor.

The first of these improvements must come in the punitive work requirement contained in the new Food Stamp Act. I cannot accept, and I do not think a majority of the Congress or the American people approve, a work requirement that denies innocent children food because some adult member of the family has been deemed by local officials to have refused to work.

That kind of work provision is a throwback to the age of Elizabethan poor laws when the hungry were punished for their poverty. Cutting an innocent child off from food assistance today bears an unhappy resemblance to a time when a child could lose a hand for stealing a loaf of bread.

Surely, in America today, we do not believe that the sins of a father—or an older brother or sister or uncle or second cousin—should be visited upon innocent children—children who we now know can suffer irreparable mental and physical damage if they are not properly nourished.

The second improvement must come in the amount of food families are being provided. Despite admissions by the Department of Agriculture, itself, that the present food stamp level, the economy diet of $106 a month is not nutritionally adequate for most families, that level is retained in the new Food Stamp Act. We must raise the food stamp allotment to the Department's low-cost diet of $134 a month.

Third, we must cut through the redtape that is strangling this program in its own good intentions. We have provided a way to cut through the redtape for the welfare poor in the new act but we have done nothing for the working poor families of America. These are the families that are lining up by the thousands all across the country trying to get interviewed and waiting months before they actually receive any assistance. The working poor in America are just as deserving as the welfare poor and they should be given equal opportunity at a decent diet.

The President has claimed his welfare reform plan has a major effort to help the working poor. Getting rid of food stamp redtape would help working poor families in equal measure.

These are the improvements we need and I will shortly be introducing legislation to accomplish them.

I also intend to fight for a continuation of the Office of Economic Opportunity's emergency food and medical services program which has been eliminated from the budget next year. This program, more than any other, makes sure that the poorest of the poor are reached.

If we do all these things, then we must finally face up to the fact that ending hunger for all time cannot be done on the cheap. In fact, it cannot be done for less than $3 to $4 billion. I realize that this is a large sum of money but I can think of no single investment in the health and well-being of America's poor that will provide a greater return.

Over the past 5 years, we have invested enormous resources in trying to improve the education offered America's needy schoolchildren. These resources, however, have somehow failed to achieve the results for which we had hoped. I believe one of the major reasons they have failed is that we have failed to recognize the most fundamental fact about a child's ability to perform. The fact is that a hungry child simply cannot learn—and millions of American schoolchildren are still going hungry at lunchtime.

If we are going to resolve this problem, then we must take the following steps:

We must recognize that the real problem in reaching America's needy schoolchildren is a problem of equipment and facilities. The greater proportion of needy children still not receiving school lunches are children in 18,000 inner city schools—older schools that lack school lunch facilities.

In passing the School Lunch Act of 1970, Congress clearly intended that this bottleneck be broken. It authorized $38 million for facilities for fiscal year 1971, $33 million for fiscal year 1972, and on down to $10 million a year. This was done with the intention of spending the greatest amount of money immediately and meeting this problem head on. Only then would we have the ability to bring lunches to the millions of inner-city children.

That is the real point at issue here. Unfortunately, the administration is only asking for $20 million in appropriations for facilities in fiscal year 1972. This inadequate request can only have the effect of keeping the lid on spending for child feeding programs. Congress cannot allow a bootstrap appropriation like this to continue to stand in the way of feeding millions of hungry children. I intend to make every effort to see that Congress appropriates the full amount of authorized funds for school lunch facilities for the next fiscal year.

This necessarily will call for a proportionate increase in the appropriation requested for free and reduced price

lunches. Once we have brought facilities to these 18,000 inner-city schools, we will then have the capability of feeding not just the 6.6 million children that the President has pledged to feed but the additional 2.3 million children in these inner-city schools eligible under the new law. At that time, we will need to increase our spending for free and reduced price lunches from the administration's 1972 budget figure of $237 million to nearly $400 million. This policy of full and coordinated spending is the only answer to hunger in the classroom.

Mr. President, I take considerable pride in the contribution that the Senate Select Committee on Nutrition and Human Needs, a truly bipartisan committee, has made toward solving the problem of hunger and malnutrition in America. I think it is fair to say that without the work of this committee, its hearings, reports, and recommendations, we would not be even halfway home on ending hunger in the country.

The members of the select committee recently voted to extend its work for 1 more year—a year in which we could finish the job we started. I hope and expect that the Senate will approve that extension.

Further, I want to serve notice here and now that I intend to pursue the fight against hunger as actively in the coming year as I have in the past 2 years. Later this month, the select committee will hold hearings to review the results of the White House Conference on Nutrition. In the coming months, we will investigate the continuing deficiencies of the food stamp program, the surplus foods program and the school lunch program. We also intend to document the need for an expanded school breakfast program. We shall seek a national nutrition policy for the Nation which includes the elimination of hunger and malnutrition from our land.

Hunger is not and should not be a political issue. The only issue that matters is whether families and children are being fed. Only by continuing to maintain the pressure for improvements will they be fed. I am going to do everything in my power to keep the pressure on.

THE HANDLING OF WAR INFORMATION

Mr. BYRD of West Virginia. Mr. President, the Members of Congress and the American people are entitled to know what is going on in South Vietnam and Laos. It seems to me that there has been inexcusable bungling in the handling of information which normally should be given to concerned Members of the Congress and in the dissemination of news to the public.

I am well aware, of course, that military operations must be conducted in such a manner as to prevent information which might be of value to an enemy from falling into enemy hands. But in this instance it seems likely that the enemy may know more about what we are doing than our own people know. There have been far too many conflicting statements. The Pentagon appears to be working from one set of blueprints while the State Department seems to be working from an entirely different set. The inevitable result is to nurture confusion and disbelief.

I can sympathize thoroughly with the frustrations that news reporters must feel. The complaints of some that news agencies in practically every other country have had more information than our own journalists have had seem at this point to be justified. It is being said that the most authoritative sources of information on the current situation in South Vietnam, Laos, and Cambodia are Izvestia, the Russian newspaper, a French news agency, and a Japanese news service. This is incredible. Surely, such a situation could be rectified without endangering our national security. Full information should be released to the public as soon as possible without, of course, compromising considerations of security.

The speculation and the rumors that have been stirred up by the embargo on information can in themselves impair national purpose. We need facts a great deal more than we need rumors and conjectures. Some reports have it that American troops have been massed on the border of Laos in Northwestern South Vietnam ready for an assault across the border. It has been said that authority may have to be given for additional ground action by U.S. troops. Other reports say that some American advisers are leading the South Vietnamese troops which have crossed the border into Laos. There are varying reports about the nature and the extent of the use of American air power. These differing stories create an entirely unnecessary credibility gap between those who are directing the American operations and those who should advise and consent to and support such operations.

Some reports which I take to be reliable, Mr. President, indicate to me that the participation of U.S. forces in ground activity in South Vietnam has been substantially decreasing, and that there are now few actions involving units of any size. These reports say that the South Vietnamese are now bearing the brunt of all ground fighting, and that they are performing in very creditable way. Vietnamization of the war is succeeding, and we are moving forward as originally planned with respect to our withdrawal, according to these reports.

The secrecy surrounding the new operations tends to discredit and to take away from what seems to me to be the successful carrying out of the President's Vietnamization program in South Vietnam.

COMMUNIST ATTEMPTS TO BLACKMAIL CZECHS AND SLOVAKS LIVING IN AMERICA

Mr. HRUSKA. Mr. President, the puppet Czechoslovakian Government has never recovered from its acute embarrassment suffered in the popular uprising of its people in 1968.

The Communist rulers continue to harass and blackmail the 50,000 expatriates of 1968 who continue from exile to fight the oppression gripping their beloved homeland.

For the Communists, no scheme is too petty, no trick too insidious for attempts at reprisal.

Two months ago, their latest scheme came to public attention. Almost juvenile in concept, it nevertheless represents a threat and source of torment to Czechs and Slovaks who left relatives and property behind when they departed.

The despicable trick came to light when Czechs and Slovaks in the United States, Canada, and other nations of the free world began to receive letters stating they were being tried in absentia for the "criminal act of leaving the Republic." The letters went on to say that if there was to be any hope of avoiding sentences of imprisonment and confiscation of their property, they would have to pay substantial defense fees in advance. If this is not done, then the government-appointed barristers in such cases would be entitled to accept payment by your close relatives.

It seems unlikely that many persons would be taken in by this clumsy attempt at blackmail. Yet it does not tax the imagination to recognize the mental anguish it causes among those who fear for their loved ones.

The scheme was first called to my attention by Mrs. Anna Faltus, secretary for the Czechoslovak National Council of America with offices in Washington, D.C. The council is a nonprofit organization founded in 1918 to promote cooperation of all peoples for the preservation of democratic freedom. That council is to be commended for the active interest which it has taken on this subject.

Mrs. Faltus wrote:

DEAR SENATOR HRUSKA: I am taking the liberty of bringing to your attention the fact that the Communist Government of Czechoslovakia started to blackmail the Czech and Slovak exiles who fled the country after the Soviet-led invasion of Czechoslovakia.

I am enclosing for your information copies of some articles and letters pertaining to the subject. Please note, that one letter is addressed to a member of our local Chapter.

According to an article that appeared in the New York Times—copy of which is enclosed—the Australian Government protested this unprecedented action of the Czechoslovak Government while our State Department informed some of the exiles who asked for help that it cannot do anything.

This action of the Czechoslovak Government is not only harassing people who were granted asylum in this country and who have a right to be protected, but would also mean—if it succeeded—providing the communist government with funds for financing actions against our country; it would also mean a drain on our economy which we can hardly afford.

Respectfully yours,

ANNA FALTUS, *Secretary.*

Here are two samples of the letters to which she refers:

You are advised that criminal proceedings have been instituted against you for the criminal act of leaving the Republic, according to paragraph 109, section 2 of the Criminal Code. Since these proceedngs are conducted in your absence, the Czechoslovak law on criminal procedure requires that you . . . have a defense lawyer. I was appointed as your defense lawyer, and you are obliged to defray the cost, which is estimated in the first instance of the proceedings at 1,350

crowns/approximately $190.00/, which includes the lawyer's fee and court expenses.

I am therefore requesting that you pay the sum mentioned within one month as a down payment for the defense. It should be credited in dollars according to the official exchange rate to the account of the Regional Lawyers Union at the Artisans Bank, Prague.

Finally, I should like to bring to your attention that the results as of now of the criminal proceedings seem to indicate that you will be sentenced and that your punishment cannot be suspended. The prison term for the criminal act mentioned above ranges from 6 months to 5 years and, in addition, your property will be confiscated.

You could possibly receive a suspended sentence, but only if you return to Czechoslovakia immediately or apply to the Regional Passport Office for extension of your permit to stay abroad. In the latter case it may be possible to request a stay of the criminal proceedings pending a decision with regard to your application for passport extension.

You are advised that following the decision of the inquest officer dated October 12, 1970, prosecution has been initiated against you for the criminal act of abandoning the Republic according to article 109/2 of the Criminal Code, because established facts do sufficiently justify the conclusion that you have been, since October 18, 1968, staying abroad illegitimately with the intention to take up permanent residence there.

The law makes defense in this case obligatory; as you have not yet chosen a counsel, I was appointed to be your defense lawyer. Consequently, I am addressing to you the above information.

At the same time I wish to advise you that according to the quoted article of the Criminal Code you may be tried in absentia and sentenced to prison for a term of 6 months to 5 years or to corrective measures, or possibly to forfeiture of your property.

It is in your interest to communicate to me, whether there are any facts that I could, as your counsel, point up for your defense in this process. In particular, let me know, whether you applied for an extension of your stay abroad or whether proceedings relating thereto are on the way.

Finally, you are advised that the costs of the proceedings and those of legal defense are your responsibility. As far as the defense costs are concerned, it is my duty to invite you to send within 15 days an adequate deposit, i.e. 700-Czechoslovakian crowns. According to our foreign-currency regulations, of course, the deposit has to be forwarded in the currency of the country of your immediate residence, i.e. in Canadian dollars, at the official exchange rate to the order of the City Guild of Barristers/Městké sdruzení advokátu/Prague at the Artisans Bank Zivonstenká banka/, Prague 1, Prikopy. If the deposit is not forwarded within the stated deadline, the organization of barristers is entitled to accept payments by your close relatives in Czechoslovakia.

Expecting your answer, I remain,

Yours truly,

(illegible signature).

Mr. President, I ask unanimous consent to have printed in the RECORD at this point a number of news releases and translations of documents of the kind relating to the incidents to which I have referred.

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

[From the New York Times, Dec. 16, 1970]

PRAGUE DUNS REFUGEES ABROAD FOR LEGAL FEES ON DEFECTIONS

(By Tad Szulc)

WASHINGTON, Dec. 15.—Many Czechoslovak refugees in the United States, Canada and Western Europe, who fled their country after the Soviet-led invasion in 1968, are being advised from Prague that they face criminal proceedings for "illegal" presence abroad.

Letters from "legal advisory centers" in Prague also inform them that they must make a "down payment" in foreign currency within five days to assure their "legal defense," or the fees will be collected from the refugees' "nearest relatives" in Czechoslovakia.

The payments range from about $70 to $100, and are to be credited to the Prague regional lawyer's union at an official Czechoslovak bank.

There are estimated to be 8,000 Czechoslovak refugees in the United States, 12,000 in Canada and 50,000 in other Western countries.

United States officials said that even if a relatively small number of the refugees agreed to the "down payments" and later the full trial costs, the money would represent a source of badly needed foreign exchange for the Czechoslovak Government.

State Department officials said they had been consulted by several persons who have received letters from Czechoslovakia. The officials said they could offer no assistance or advice since the matter was between a foreign Government and its nationals abroad.

Czechoslovak citizens here and elsewhere began receiving in October the notifications of action pending against them. On Nov. 13, the Prague evening newspaper Vecerni Praha reported that courts were dealing with "hundreds of cases" of illegal departures and illegal stays abroad.

The letters to the refugees inform them that under the provisions of Section 109 of the Czechoslovak penal code, "You can be tried in absentia and may be sentenced to prison for terms of six months to five years, to corrective measures and to confiscation of property."

Those aiding other Czechoslovak citizens to leave the country without permission are subject to prison terms of from 3 to 10 years. A virtual ban on foreign travel was imposed early in 1969.

In most cases, the property of refugees, including apartments and vehicles, has already been confiscated through administrative procedures.

A letter from the "legal advisory centers," signed by individual lawyers, tells a refugee that "since you have not chosen a defense counsel, I have been nominated to represent you."

A letter asks a refugee "to let me know if any circumstances exist which, as your lawyer, I could use for your defense in these proceedings. Especially, let me know whether you submitted an appeal asking for permission to prolong your stay abroad, or whether such an appeal is under consideration by the authorities."

The letters do not say what the final cost of "legal defense" will be, but it is understood that it may go up to $140. The exact number of refugees involved was not known.

Spokesmen for refugee groups here and in Canada said that in many cases the citizens abroad may be willing to pay for "legal defense" to avoid financial or other reprisals against relatives at home, in Canada, refugee groups have advised refugees not to reply to the letters, but to ask Canadian Government authorities to intercede with the Prague Government.

[From the New York Times, Dec. 13, 1970]

PRAGUE LAWYERS SEEK FEES FROM EMIGRANTS TO AUSTRALIA

SYDNEY, AUSTRALIA, Dec. 12.—Efforts by lawyers in Czechoslovakia to collect fees from Czechoslovak emigrants to Australia have aroused the anger of the Government here.

Several Czechoslovak residents of Adelaide said that they had received letter from Prague demanding payment of $150 to court-appointed lawyers assigned to defend them against charges of having left the country illegally after the vakia in 1968. The letters were turned over to the Australian police, who brought them to the attention of the Ministry of Foreign Affairs.

Foreign Minister William McMahon said that his department had "expressed displeasure" to the Consul General of Czechoslovakia in Sydney, Jaromir Johannes.

About 1,400 Czechoslovaks came to Australia in 1969, according to Government figures.

[From the Washington Post, Dec. 16, 1970]

AUSTRALIA PROTESTS CZECH "BLACKMAIL"

CANBERRA, AUSTRALIA, Dec. 15.—Australia has expressed concern to Czechoslovakia over what it regards as blackmail letters sent to former Czechs now living here, a foreign office spokesman said today.

He said the letters inform recipients they will be prosecuted for leaving Czechoslovakia illegally and ask for sums of around $150 for defense costs.

EXPATRIATE LEADER APPEALS TO OTTAWA OVER BLACKMAIL

The leader of 1,200 Czechoslovakian expatriates in Vancouver has filed charges with Ottawa that many of them are being blackmailed by the Communist regime of their homeland.

Prague recently advised Czech refugees in the United States, Canada and Western Europe, who fled their country after the Soviet-led invasion in 1968, that they face criminal proceedings for "illegal presence" abroad.

Many expatriates have received letters telling them that they must make a "down payment" for legal defence or the "fees" will be collected from their nearest relatives in Czechoslovakia.

University of B.C. professor, Dr. V. J. Krajina, says many of these letters have been received by refugees settled in Vancouver.

* * * * *

"To my mind (this) belongs to the same category of blackmail that was applied at the kidnappings all over the world and more recently in Quebec," said Krajina. "But in this case it is applied directly by an agency which is under the control of the Communist state."

In his letter to Sharp, Krajina says the Communist regime of Czechoslovakia has two aims in invoking "mass extortion".

He says the first is to alleviate the economic problems of Czechoslovakia by extorting money from refugees.

The second aim is to create hatred between relatives—Czechs presently living in Czechoslovakia and those who fled.

"Both these Machiavellian aims are humanly most objectionable," says Krajina.

PRAGUE STARTS BLACKMAILING 70,000 EXILES: TRIALS FOR UNAUTHORIZED DEPARTURE TO BE PAID IN FOREIGN CURRENCIES BY REFUGEES OR RELATIVES—SOLICITORS' LETTERS DESPATCHED ALL OVER THE WORLD—KCB ADVISERS BEHIND FOREIGN CURRENCY DRIVE

(London/FCI) British authorities are in possession of an interesting official document originating from Prague. It testifies to an unprecedented blackmail which may affect 70,000 voluntary exiles from Czechoslovakia, the majority of whom are now settled in Commonwealth countries, some 2–3,000 in Britain itself. It is a letter from the "Legal Advisory Centre" ("Advokatni poradna") established by the Prague regime and is addressed to post-August 1968 exiles. It demands an immediate down-payment of 700 Kcs. (£40 at the official exchange rate, but worth treble to the State Bank in foreign currency) with the threat that if the money "is not deposited within 15 days the Legal organization has the right to demand it from near relatives in CS(S)R", i.e. in most cases

aged parents. This letter has reached exiles in a number of countries and may soon affect most of the post-invasion exiles of whom there are about 70,000, although Prague officially admits to only 51,000 by omitting those who have not yet made a declaration that they have no intention of returning.

The Letter: "I wish to inform you that based on the decision of an investigator made on . . . a criminal proceeding has been initiated against you based on para. 102/2 of the criminal law, because according to the aforementioned decision there is a reasonably founded conclusion that you have been illegally abroad since . . . with the intention of taking up permanent residence there.

According to the law Defence Counsel in this case is obligatory. Since you have not chosen a Defence Counsel, I have been nominated to represent you, for which reason I am sending you the above information. (FCI Note: This is usually the first time the addressee has heard about the proceedings. He has, therefore had no opportunity of naming a Defence Counsel, even if he had wished to do so).

"At the same time I wish to inform you" the letter goes on, "that according to the provisions of the criminal law cited, you can be tried in absentia and may be sentenced to prison for a term of 6 months to 5 years, to corrective measures and to confiscation of property. (FCI note: In most cases property, flats, cash deposited, etc., have already been confiscated by a special decree before any proceedings being instituted in individual cases).

"It is in your own interest to let me know if any circumstances exist which, as your lawyer, I could use for your defence in these proceedings. Especially, let me know whether you submitted an appeal asking for permission to prolong your stay abroad, or whether such an appeal is under consideration by the authorities." (FCI: Many exiles left legally but failed to return).

"Finally, I wish to inform you that the cost of the proceedings and of the defence have to be met by you. As far as the cost of the defence is concerned, it is my duty to ask you to pay, within 15 days, an appropriate down-payment, i.e. 700 Kcs. According to our currency regulations this down-payment must be paid in the currency of the state where you are now domiciled to the value of the official exchange rate. (FCI note: which is purely fictitious) and credited to the account of the Regional Lawyers Union at . . . with the Artisans Bank (Zivnostenska Banka). Should you fail to transfer the required sum within the period stipulated, the Legal Advisory Centre is entitled to obtain payment from your nearest relatives in CS(S)R.

I await your reply and remain with greetings

(Stamp) Legal Advisory Centre at . . .

Signed.

In many cases, in order to save old parents or other relatives the exile pays up. He does not realise that the final bill may be many times higher than the original demand for "down-payment". If later he refuses to pay the balance for concluding the proceedings—the result of which is a foregone conclusion—the money will be extorted from those he wished to save by making the first payment. Since similar measures were not applied (especially in their financial aspects) against the majority of the post-February 1948 putsch victims, observers believe that this scheme for obtaining foreign currency has been devised by the KGB and Soviet legal advisors who have of late directed political "justice" in occupied Czechoslovakia.

To avoid further victimisation of a particular "offender" and of his relatives, it has been decided not to publish the name or the address of the "Legal Advisory Centre" and the nominated Defence Counsel concerned in this letter. (221a/Do/SDC/To)

CS(S)R: World-Wide Campaign (London/FCI). According to Swiss and German press reports the number of exiles resident in Switzerland, who have received notification of criminal proceedings instituted against them, is considerable. Downpayments vary. In some cases it is 1000 Kcs. (almost £60 or $144). Exile publications in Canada have advised readers not to reply to the letters, but to contact Canadian authorities and ask for protection against blackmail. A Czechoslovak exiles delegation appealed to Mr. Trudeau to intercede with Soviet authorities to liberalise the occupation regime in Czechoslovakia (221b/FA/NH)

[From the Washington (D.C.) Daily News, Dec. 21, 1970]

PRAGUE STOOPS TO BLACKMAIL

This is the time of year that newspapers used to write stories about "the meanest man"—a thief who stole a crippled newsboy's Christmas savings or snatched a blind girl's seeing eye dog.

Well, our nomination for the honor in 1970 is a smirking genius in Communist Party headquarters in Prague. He is the brain behind blackmail letters now being received by Czechoslovak refugees from the 1968 Russian invasion of their homeland.

Under the manic logic of a communist society, one must be satisfied in a workers' paradise. So if you flee, even to avoid a Russian bayonet or a stretch in a prison camp, this leads to "illegal presence" abroad, a serious crime.

Czech refugees in the United States, Canada, Western Europe and Australia have received letters from alleged "lawyers" in Prague demanding up to $150—in hard currency, of course—as fees for their "legal defense."

If the money isn't sent, the hapless refugees are warned, it will be collected from their "nearest relatives." This is open blackmail, always a dirty crime. Usually, tho, it's the act of a criminal with a diseased mind. Making it government policy is more reprehensible.

There are perhaps 8,000 Czechoslovak refugees in this country, 12,000 in Canada and 50,000 in other non-Communist states. So the Prague extortion racket could raise a lot of foreign currency. This is badly needed by an economy staggered by the Soviet invasion, communist bungling and the Czech worker's unwillingness to exert himself for his oppressors, foreign and native.

Australia, which is a small nation but not one lacking in backbone, has expressed concern to Czechoslovakia over these blackmail letters.

By contrast, our State Department has told refugees that it can give no help or advice since the letters are between a foreign government and its nationals abroad.

This cautious, narrowly legalistic reply shows that some diplomats haven't learned anything from the scandalous case of the Lithuanian seaman, Simas Kuderka, a few weeks ago. In its answer we hear echoes of the advice to the Coast Guard—not to "encourage" the defector—which led to Kuderka's return to his Communist pursuers.

Consistency is, of course, a virtue, but not when the State Department tries to live up to President Kennedy's description of it as a "bowl of jelly."

The issue is really quite clear: when we give people refuge in this country, we can find ways to protect them against the exactions of foreign tyrants.

OF CZECH AND SLOVAK DEMOCRATIC INSTITUTIONS

For Your Information: The below mentioned organizations of Canadians of Czech and Slovak origin in Toronto area would like to bring to your attention the following matter:

Many refugees from Czechoslovakia, who came to our shores after the invasion of their country, are now facing in-absentia trials in Czechoslovakia, in which they are accused of "crimes", like living in Canada without Czechoslovak Government official permission. These trials, in the opinion of many, would be just a farce, if they were not accompanied by threats to the new immigrants and their relatives in Czechoslovakia.

Czechoslovak refugees in Canada are receiving letters from state-appointed "legal counsels" in Czechoslovakia and are being asked to pay a down-payment for what is called "defence in court". These letters invariably include a sentence that down-payment will be "accepted from close relatives in Czechoslovakia", which will be interpreted as "to demand payments" by anybody, who had lived under a Soviet type of dictatorship. It is therefore understandable that people in Canada receiving such letters from authorities in Czechoslovakia consider themselves to be victims of blackmail.

We are warning our fellow-countrymen, through our ethnic press, against this Communist scheme, and we are urging them to leave letters from state-appointed Czechoslovak lawyers unanswered. However, we fear that if anyone in Canada will submit to pressure from authorities in Czechoslovakia, he will do so not because he recognizes any legal obligation, but only because he wishes to spare his closest relative from persecution.

We feel that the whole situation might be remedied more efficiently, if the Government of Canada could find a way of expressing it's dissatisfaction with these procedures.

Two aspects of this affair would, in our opinion, justify Canadian Government action:

1. New immigrants in Canada are being bothered and their settlement rendered more difficult by moral as well as economic pressure;

2. If the scheme were allowed to go on unchecked, several million dollars might be drained out of the Canadian economy.

We sincerely hope that you will understand the cause of our concern. We would like to assure you that any support, you might be able to give to our standpoint, will be of great significance to us. It may also restrain further moves by the Czechoslovak Government, as well as similar activity by other governments behind the Iron Curtain.

Club of newcomers of Czech and Slovak origin in Canada—represented by Steve Petr, Secretary, 5 Brookfield St., Toronto 145, Ont.

Czechoslovak Baptist Chuch—represented by Rev. J. Novak, 153 Medland St., Toronto 165, Ont.

Czechoslovak Refugees Canadian Fund and Information Service—represented by Karel Buzek, Vice-Chairman, 1 Adelaide St. East, Toronto 210, Ont.

Permanent Conference of Slovak Democratic Exiles in Canada—represented by Rudolf Frastacky, President, 338 Cortleigh Blvd., Toronto 305, Ont.

Royal Canadian Legion, Branch 601 (Czechoslovak)—represented by Petr Eben, President, 605 Rushton Rd., Toronto 173, Ont.

St. Paul's Evangelical Lutheran Church—represented by Rev. Daniel Jurkovic, 54 Clinton St., Toronto 140, Ont.

St. Wenceslaus Roman Catholic Church—represented by Rev. Jaroslav Janda, 496 Gladstone Ave., Toronto 173, Ont.

Soccer Club "Sparta"—represented by V. Bělohlávek, President, 118 Christie St., Toronto 174, Ont.

Sokol Gymnastic Association of Toronto—represented by Karel Jerábek, President, 3 Fiesta Lane, Toronto 560, Ont.

Union of Czechoslovak Protestants in Can-

ada—represented by V. Mensik, President, 196 Oakmount Rd., Toronto 165, Ont.

Union of Czechoslovak Sportsmen Abroad, Toronto Branch—represented by O. Pokorny, President, Apt. 309, 1285 Lakeshore Rd. East, Port Credit, Ont.

Welfare Association of former Czechoslovak Political Prisoners/Canada—represented by Mojmir Chromec, Secretary, Apt. 1203, 103 West Lodge Ave., Toronto 146, Ont.

In full agreement with the above statement is also M. Kominek, Publisher of independent Czechoslovak weekly "Nase Hlasy", 77 Florence St., Toronto 145, Ont.

Mr. HRUSKA. Mr. President, the Czechoslovak National Council sent the following wire to Secretary of State William Rogers and Attorney General John Mitchell:

Public opinion in the United States, Canada, Australia and other free countries has been seriously disturbed by recent evidence of a new form of harassment of refugees from Czechoslovakia by agencies of the Prague government. Many refugees have received communications from Czechoslovak authorities informing them about pending trials initiated against them for having illegally left Czechoslovakia or for not returning from abroad. The Czechoslovak authorities urged refugees to transmit sizeable sums of money to cover the fees of officially assigned defence lawyers.

The letters contain a veiled threat that in case of nonpayment the refugees' relatives in Czechoslovakia might be called upon to defray the defense expenses. This despicable form of blackmail is a logical consequence of the communist unwillingness to respect the fundamental human right of every individual permitting him to leave at will his own country and to settle in any country of his own choice.

Basically this is the same evil which is found in the cruel denial of permission to Jews to emigrate from the Soviet Union to Israel.

The Czechoslovak National Council of America is deeply shocked by the apparent inability of the American government to convince the communist governments of the imperative need to implement more accurately the spirit of the Universal Declaration of Human Rights. The Czechoslovak National Council urges the Departments of Justice/State to find new and better ways of representing this need to the communist governments of East Central Europe.

JAMES V. KRAKORA,
President.
FRANCIS SCHWARZENBERG,
Vice President.
VLASTISLAV CHALUPA,
Secretary.

The following response was received from Mr. David Abshire, Assistant Secretary for Congressional Relations at the State Department:

DEAR SENATOR HRUSKA: I have your letter of December 31 concerning the comments of Mrs. Anna Faltus on letters being sent by "Lawyers Councils" in Czechoslovakia to Czechoslovak nationals residing outside Czechoslovakia. Mrs. Faltus recently wrote the Department of State about this matter and attached materials similar to those enclosed in her letter to you. A copy of our reply to Mrs. Faltus on that occasion is enclosed for your information.

The Department has seen and carefully examined copies of several of the letters, signed by court-appointed attorneys on behalf of local "Lawyers Councils" in Czechoslovakia, which have been received by Czechoslavak nationals residing outside Czechoslovakia. The letters request payment of legal fees for defense of the addressees in prosecutions instituted against them *in absentia*, under Czechoslovak law, for leaving, or being absent from, Czechoslovakia without Governmental permission. The letters indicate that penalties under such Czechoslovak law may range from six months to five years deprivation of liberty and, in some instances, confiscation of property. Some letters request fees for services already rendered and describe the sentence imposed, while other letters request advance payment for services to be rendered. The fees requested have ranged from 470 to 1,000 crowns (the official rate is 7.18 crowns to the dollar). Two of the letters which have come to the Department's attention have stated that nonpayment of the fees will result in an assessment for the fee against the addressee's relatives remaining in Czechoslovakia.

While the United States Government, as a practical matter, cannot enjoin the enforcement of domestic laws in Czechoslovakia, it does have a strong interest in protecting all persons residing in the United States from communications from abroad which they regard as offensive and threatening. The Department has made known to the Czechoslovak Embassy its concern in this regard. I understand that Mr. John Leahy of my office has been in touch with your office on this particular point.

In response to inquiries by recipients of the Czechoslovak letters, the Department is drawing attention to Postal Service Regulation Section 154.11, under which any resident of the United States may prevent delivery of any mail to him from overseas simply by writing his local Postmaster, citing the regulation, and identifying specifically the names and addresses of the senders of mail that he does not wish to receive. For a period of two years thereafter all such mail will be treated as undeliverable by the United States postal authorities. Notably, this procedure may be invoked with respect to any correspondence or material sent from overseas, including Czechoslovak "census questionnaires," such as were reported in the press most recently, or other unsolicited communications. Recourse to the procedure under this Postal Service Regulation is, of course, entirely at the discretion of the individual.

I hope the foregoing information will be helpful to you in replying to Mrs. Faltus.

Sincerely yours,

DAVID M. ABSHIRE,
Assistant Secretary for Congressional Relations.

In the meantime, I recently received another letter from Mrs. Faltus, calling my attention to still another similar scheme, an attempt to collect money for child support. The text of this letter:

MY DEAR SENATOR HRUSKA: I am again taking the liberty of informing you of another action of the communist authorities of Czechoslovakia against the Czech and Slovak exiles who fled Czechoslovakia after the Soviet invasion of the country in August 1968.

Enclosed is a copy of a letter which we received from Austria which brought to our attention another scheme of the Czechoslovak authorities to harass Czech and Slovak exiles in western countries. This time it concerns "child support" for children whom the father left in Czechoslovakia with his relatives while he is staying abroad "illegally". A special department for collecting child support money from abroad has been established by the District Court in Brno. It is headed by Dr. Uhde. This department is exacting child support money by way of courts in the particular country where the exile resides and is employed.

It has come to our attention that in some instances the Austrian authorities, for example, have already allowed such money to be collected and forwarded to the authorities in Czechoslovakia. While morally this claim to child support cannot be disputed, it would only be correct to demand reciprocity. There are instances where the children are abroad while the father stayed in Czechoslovakia. In cases where reciprocity was demanded, the Czechoslovak authorities stalled and delayed execution of the case to such an extent that the persons who were supposed to receive the money, lost hope of ever getting it. And, of course, no funds have been provided by the Czechoslovak authorities for this purpose. In other words, there are so many complications and so much red tape, that persons living abroad in the end give up their right to collect the money.

Our head office in Chicago is in the process of finding out whether there exists any agreement in this regard between the U.S. and the Czechoslovak governments. There is no reason why the Czechoslovak Government should be able to enrich its coffers with hard currency while not fulfilling its own obligations towards people living in the West.

Very respectfully yours,

ANNA FALTUS, *Secretary.*

Those of us who are intimately concerned with this problem appreciate the concern of the State Department and its efforts to stop these insidious encroachments by the Czechoslovakian Government.

As in the case of our prisoners of war in Southeast Asia, however, governmental action is limited because it is impossible to have meaningful dealings with governments which operate without a base of honorable and humantarian principles.

We must, therefore, seek other means of bringing these blackmail attempts to public attention. I will have more to say about other approaches in the near future.

Meantime, Mr. President, I urge the Members of this body to support any measures which may be taken to induce the Communist Czechoslovakian Government to cease its despicable practices.

ADDITIONAL STATEMENTS OF SENATORS

ABANDONMENT OF RAIL LINES IN MONTANA

Mr. METCALF. Mr. President, the following resolution has been forwarded to me from the Montana State House of Representatives. It addresses itself to a problem of great interest to us all, the problem of adequate rail service.

The State of Montana, Mr. President, is of truly massive size, nearly 600 miles long by 400 miles wide. This area is inhabited by about 700,000 people. In a State such as Montana adequate rail service is absolutely essential to economic development and to the convenience and well-being of the people who live there.

As this resolution so eloquently argues, the Interstate Commerce Commission must give due consideration to the hardships that will be suffered by all Montanans if rail lines are abandoned. Montana needs a truly effective system of transportation. Abandonment of rail lines such as those between Norris and Sappington will seriously impair that effectiveness.

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

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

MONTANA RESOLUTION

A resolution of the House of Representatives of the State of Montana urging the Interstate Commerce Commission to consider the hardship upon the people and the State of Montana when ruling upon the abandonment of rail lines in Montana, and to hold hearings on such matters in the area affected

Whereas, under the Interstate Commerce Act, the Interstate Commerce Commission has jurisdiction over the abandonment of railroad lines in Montana; and

Whereas, at the present time, the Interstate Commerce Commission considers only the burden upon interstate commerce, the public need, and usage when determining whether a rail line may be abandoned, without giving due consideration to the impact of such abandonment with the attendant hardship upon the people and the state of Montana; and

Whereas, most railroad branch lines parallel primary and secondary roads which are unsuitable for heavy traffic and the cost of building primary roads suitable for heavy traffic is costly to the state of Montana; and

Whereas, heavy traffic on existing primary and secondary roads creates costly maintenance and a hazard to the normal flow of traffic; and

Whereas, winter conditions in the state of Montana often make existing highways hazardous and at times impossible. Now, therefore, be it

Resolved by the House of Representatives of the State of Montana: That the House of Representatives of the state of Montana recognizes that the public interest and convenience of the people of the state of Montana requires adequate railroad service to all points now served by railroads in Montana, and be it further

Resolved, that the House of Representatives of the state of Montana urges the Interstate Commerce Commission to give due consideration to the hardship upon the people and the state of Montana when ruling upon the abandonment of rail lines in Montana, and further urges the Interstate Commerce Commission to hold the hearings upon rail line abandonments and continue such hearings in the area to be affected, and be it further

Resolved, that the chief clerk of the House of Representatives be instructed to send copies of this resolution to the Interstate Commerce Commission; John Volpe, Secretary of Transportation; The Honorable Warren G. Magnuson, Chairman of the Senate Interstate and Foreign Affairs Committee; The Honorable Harley O. Staggers, Chairman of the House Interstate and Foreign Commerce Committee; The Honorable Mike Mansfield and Lee Metcalf, senators from the state of Montana; and The Honorable John Melcher and Richard Shoup, congressmen from the state of Montana.

THE KITTERY-PORTSMOUTH NAVAL SHIPYARD

Mrs. SMITH. Mr. President, the citizens of the area of Kittery, Maine, and Portsmouth, N.H., where the Kittery-Portsmouth Naval Shipyard is located, have a right to know without any further and undue delay whether that shipyard is going to remain open or be closed in 1974 as ordered by former Secretary of Defense McNamara and former President Lyndon B. Johnson.

I wrote President Nixon about this grave matter a month ago on December 28, 1970. With a month having passed without any reply or response from him, although his assistant for congressional relations wrote me that the matter would be brought to the President's early attention, I again wrote the President this past Friday.

Three weeks after my letter of December 28, 1970, the Portland, Maine, Evening Express echoed the sentiments of my letter with an editorial stating "what is most needed is a clarification of Presidential policy so that the Kittery and Boston yards will know where they stand."

I ask unanimous consent that my letters of December 28, 1970, and January 28, 1971, to the President, and the Portland Evening Express editorial of January 20, 1971, and the February 1, 1971, reply of Kenneth E. BeLieu be placed in the RECORD at this point.

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

U.S. SENATE,
Washington, D.C., December 28, 1970.

The PRESIDENT,
The White House,
Washington, D.C.

MY DEAR MR. PRESIDENT: It has been my custom to make an annual year-end visit to major defense establishments in Maine to learn of developments at such establishments in the past year and of the problems facing such establishments. I do this in an attempt to be helpful.

This past Saturday I went to two Air Force bases, a Naval Air Station, and the Kittery-Portsmouth Naval Shipyard and had very informative conferences.

The Commandant of the Kittery-Portsmouth Naval Shipyard told me that his greatest problem there was the uncertainty that hung over the future of that shipyard. With such uncertainty it is very difficult for him to make plans and administer the yard.

As you know, very shortly after the November 1964 election, then Defense Secretary McNamara publicly announced that the Johnson Administration had decided and ordered that the shipyard be closed in 1974. All efforts since that time to get a rescission of that McNamara-Johnson closure order have been to no avail.

Earlier this year an ambiguous statement was made by White House staff personnel to the news media that you had stated that there need be no worry about the future of the shipyard. This has been interpreted by many as tantamount to an official announcement that the closure order has been rescinded.

I have made inquiries to both the Department of the Navy and the Department of Defense for corroboration of this oral report. Representatives of both departments have answered that they have nothing to confirm the report and that there has been absolutely no indication or word from the White House, oral or written, to them indicating that the closure order would be rescinded. They profess to be mystified by the White House report to the news media.

I went into this matter with the Commandant of the shipyard and he told me that he had made similar inquiry and that his superiors in the Navy Department told him that they had not received any notice or information to indicate a rescission of the closure order. Despite this, the Commandant of the shipyard feels that he has had no choice but to proceed in future planning on the basis that the unconfirmed oral report of the White House to the news media is the true situation and that you have decided that the shipyard will not be closed.

For several years now, there have been recurring rumors that the Kittery-Portsmouth Naval Shipyard will ultimately be taken over by the Electric Boat subsidiary of General Dynamics. There is some speculation that the ambiguity of the White House statement of "no need for worry about the future of the shipyard" was actually not tantamount to a rescission of the closure order but was possibly an indication that there need be no worry because Electric Boat would purchase and operate the shipyard.

I fervently hope that you have decided to rescind the shipyard closure order. And I hope that if you have so decided that you will remove the existing ambiguity, confusion and speculation by so formally and officially announcing without delay.

I believe it to be in the best interests of the workers and citizens of the affected area. I believe that in basic fairness to everyone concerned—including the shipyard commandant—that the ambiguity and uncertainty be removed as soon as possible.

I make this request to you not only as a Senator from Maine concerned for the best interests of my constituents—but I make the request as well as the top ranking member of your own political party on the Armed Services Committee in what I consider to be the best interests of our nation and our national defense.

Sincerely yours,

MARGARET CHASE SMITH,
U.S. Senator.

JANUARY 28, 1971.

The PRESIDENT.
The White House,
Washington, D.C.

MY DEAR MR. PRESIDENT: A month ago, back last year on December 28, 1970, I wrote you about the confusion and speculation regarding the future of the Kittery-Portsmouth Naval Shipyard resulting from White House reports that you had decided to rescind the closure order. I pointed out that I had made several inquiries to the Department of the Navy and the Department of Defense on the White House reports and that all responses had been that there was nothing to confirm those reports and that nothing had been received from you or your staff directing rescission of the closure order.

I expressed my deep concern about the matter and requested that, in fairness to everyone concerned, you remove the existing ambiguity, confusion and speculation with a formal and official announcement without further delay.

A week later I received an acknowledgement from Mr. Timmons who stated that my "thoughts on this subject will be brought to the President's early attention."

Having heard nothing further, a month later, I repeat my request to you and I appeal to your basic sense of fairness.

Sincerely yours,

MARGARET CHASE SMITH,
U.S. Senator.

KITTERY MENACED AGAIN

After President Richard Nixon is said to have promised Rep. Louis Wyman last summer that the Kittery Naval Shipyard would not be closed out, it must have appeared to people in the affected area that that would be the last word on the subject.

Ever since former Defense Secretary Robert McNamara said several years ago that Kittery would be liquidated, the subject of its disposal has been a heated political issue in New England and at Washington. Now a new and puzzling element has entered the picture so far as Kittery goes, with the report in the Boston Herald Traveler recently that the Defense Department will shortly order the closing of either the Boston or Philadelphia navy shipyards, while it re-affirms the shutdown of Kittery. Some major naval units, said the Herald, may even be moved from Newport, Rhode Island, to bases in the South.

On orders from the White House, the Pentagon is still looking for economies in its operations, and there is expected to be announcements in March of "massive reductions" in civilian and military manpower levels, with more ships laid up.

This does not sound like a sensible policy, in view of the frantic efforts being made by Russia to surpass us in naval power, and if American shipbuilding and repair facilities are going to be cut to the bone, we will be in a sad predicament in the event of a future conventional war. It is hard to believe that these apparent decisions, hitting so hard at New England, are partly political in nature even though the region is now strongly Democratic for the most part. New England members of Congress are already protesting, but what is most needed is a clarification of presidential policy so that the Kittery and Boston yards will know where they stand.

THE WHITE HOUSE,
Washington, D.C., February 1, 1970.

Hon. MARGARET CHASE SMITH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SMITH: Your January 28 letter to the President with further reference to the Kittery-Portsmouth Shipyard has just been received.

Please be assured that yours of December 28th has not been overlooked. Upon checking, I find that the status of this installation has been, and is currently, under active review at the highest levels. I am informed that you may expect a substantive reply in the very near future.

With highest regards,

Sincerely,

KENNETH E. BELIEU,
Deputy Assistant to the President.

THE HUMAN RIGHTS DECLARATION AND THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, as members of the United Nations, we have accepted an obligation to protect human rights, to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women. Yet, international jurists of great repute have observed that the Declaration of Human Rights is not binding on the members of the United Nations. They note that it is but adopted as a resolution; that such resolutions have as a general rule no binding character; that they are of a political and moral but not legal nature; that the General Assembly is not the parliament of man; and that the Declaration of Human Rights is not a universal constitution. But this should in no way detract from the force and impact of the declaration.

The Declaration of Human Rights, has presented a challenge to all nations, and has had a profound effect upon the implementation of human rights around the world.

Arthur Holcombe wrote in 1948 concerning the possibilities of the declaration:

> It could raise a standard of good conduct which might serve as an ideal until such time as legislative powers should be granted to the United Nations.

The declaration has been used as a standard of achievement in administration of nongoverning and trust territories. The declaration has been used as a basis for requesting the Government of South Africa to suspend the enforcement of the Group Practices Act and to reconsider its policies of apartheid. A Convention of the Status of Refugees was convened in Switzerland in 1951; it came into force in 1954 granting equality, justice and humane treatment to refugees. This was in large part inspired by the declaration. The International Labor Conference adopted a Convention on the Abolition of Forced Labor in June of 1957, ratified as of 1961 by 40 nations. This was in large part inspired by the declaration.

The Declaration of Human Rights began not as a legal document, but as a moral and political one. Yet from it have flowed conventions, treaties, national constitutions, and laws of national states.

Mr. President, the declaration explicitly recognizes "the inherent dignity and the equal and inalienable rights of all members of the human family." It sets the standards for the Human Rights Conventions, which flow from it.

Mr. President, the Senate action on these conventions—in particular the Genocide Convention—is long overdue. Let us act on the Genocide Convention now.

THE RISING CONSUMER MOVEMENT

Mr. CASE. Mr. President, in a recent address to the Poor Richard Club of Philadelphia, Mr. Robert W. Sarnoff, chairman and president of RCA Corp., urged business to be responsive to—rather than nervous about—the rising consumer movement.

I found Mr. Sarnoff's address enlightened and highly readable and commend it to my colleagues' attention. Mr. President, I ask that the text of the address be printed in the RECORD.

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

THE AGE OF THE ARTICULATE CONSUMER

(Address by Robert W. Sarnoff)

I feel very honored to receive your Gold Medal for 1971, especially so, since it is the second time for the Sarnoff family. My father was proud to accept it thirty-one years ago. I can assure you that the years have not diminished its value.

This occasion offers the opportunity to acknowledge the formidable gifts of your patron saint. We are all in debt to Benjamin Franklin for his countless contributions—as scientist, political philosopher, and diplomat, with a gift of wit and brevity that excites the envy of every advertising professional.

The aphorisms of Poor Richard still offer sound advice, although the times might call for some modification. Today, for instance, a dollar saved is a penny earned. In any case, Franklin's common-sense attitude is just as relevant to the 1970's as it was to the 1770's. He would be a superb consultant in dealing with the problems of the present market environment.

Its problems are intensified by the uncertain state of the national economy, which tripped over the threshold on its way into this new decade. As a result, our customers are more inclined to save their money than spend it. One of our priorities is to help restore their confidence, and to offer them a strong incentive to buy. Certainly no real recovery can be achieved without the restoration of vigor to the marketplace.

The current economic weakness is a short-range problem. However, its resolution will still leave new and challenging conditions, affecting our long-range outlook and our way of doing business. On one side, pressures are being generated by the greater variety, increasing complexity, rising cost, and shorter market life of the things business makes and sells. On the other, a more sophisticated public is increasingly outspoken in its skepticism of advertising claims.

These challenges might be considered as payments due the piper for the technological and economic spree of the past decade. The 1960's released a torrent of new goods and services. With them came a rising level of technical sophistication in everything from computers and color TV sets to self-cleaning ovens and remotely-controlled toys. Change stimulated further change, prodded by rising competition and consumer enthusiasm. These, in turn accelerated the marketing cycle.

Welcome as they may be to the consumer, these changes have complicated the life of the advertising man and have placed a higher premium on creativity. You know how difficult it is to describe almost any new or modified product or service without oversimplifying or exaggerating its virtues—particularly in a 30- or 60-second broadcast message. There will be greater creative demands in the future, for technology will certainly hasten the trend toward more sophisticated innovations. In fact, intensified competition will compound the difficulty of claiming unique advantages.

Such conditions would offer challenge enough in a receptive environment. They are even more formidable in this era of low credibility. The social and economic climate is polluted by a general malaise of inflation, war, taxes, racial conflict, youthful dissent, crime, and personal frustration. Nowhere is the attitude more evident than in the marketplace. While the causes are many, let us concede that business and advertising have contributed a share.

Perhaps we have been too preoccupied with the growth of mass markets, the proliferation of goods, and the problems of cost and competition. Perhaps we have lost sight of the fact that the market, too, has its ecology—the vital interdependence of producer and consumer in a free economy.

Today, we face an increasingly vocal and intransigent attitude on the part of customers who seek to restore a balance. Let us not confuse this ground swell of popular concern with the perennial clamor of those few malcontents who always seek the Holy Grail at a discount, with optional extras. Current consumer unrest is rooted in both real and imagined offenses in the form of overstated claims, poor service, inflated charges, and neglected customer needs.

Its potential danger lies in the development of a political crusade that could lead to over-reaction, with results as unfortunate for the public as for business. To avoid such an overkill, it is imperative that we respond swiftly and effectively to the legitimate needs and desires of the buying public. Whatever the product or service, we must insure that advertising claim matches business performance. There can be no exception.

The new market environment provides a crucial test of our ability to maintain effective communication between business and the public. A first essential is the closest cooperation between the advertising profession and business management. Your client must tell you precisely what he wants to achieve and what, in his view, makes his product or service preferable to others. You must be specific about what you need to know of his business, his product, and his expectations—in order to do the job.

I recognize that the degree of your involvement is usually determined by the attitude of the client. Enlightened executive and marketing managers will welcome your participation on the same basis of mu-

tual trust that characterizes the business relationship with legal or accounting specialists.

Unfortunately, some businessmen are reluctant to share confidential information with an outside agency, or even with a staff advertising executive. Others are self-appointed experts in advertising, ready to reject what you recommend, and to tell you exactly what to say. In either case, you have a job of education to do.

The important point is that at a time when the flow of new products and the increased impact of the media has placed the highest value on expertise, your profession must be a partner in marketing rather than simply a transmission line for the sales message. You have the obligation to insist upon such an active role. There is no other way to fulfill your share of our joint responsibility to meet the advertising requirements of honesty, good taste, and effective communication with the public.

It is not enough to communicate just at the top. The executive exchange at lunch or on the golf course is only marginally useful if there is insufficient rapport among those who maintain the day-to-day working contacts between agency and client. This is the crucial area where only the closest mutual understanding will permit candor when a mistake is about to be made.

How often, for example, does overenthusiasm on either side help to push advertising beyond the limits of accuracy or good taste? When it happens, the fault may lie with an excessively eager product manager, or perhaps an overly imaginative copywriter.

It is the responsibility of those at the top to curb such excesses, and to do so without discouraging enthusiasm and creativity. The task can be made considerably easier and more foolproof if the sense of common interest and shared responsibility extends to all levels of both agency and client organizations. Whether formally acknowledged or not, I believe that part of any successful working relationship between business and advertising requires each to ride herd on the other.

Obvious, but worth repeating, is the fact that communications often fail between people approaching the same objective from different directions. I am convinced that a communications gap underlies many of the actual or alleged violations charged to advertisers and agencies by the Federal Trade Commission.

Better communication among ourselves should help us to communicate even more effectively with the buying public. This may not be particularly easy in the new climate, but the rewards can be greater than in the past.

I urge that we stop looking nervously over our shoulders at consumerism as a movement. We should look instead at the consumer as an individual who insists upon being dealt with in an honest and straightforward manner. It is not a faceless horde out there to whom we are talking. You and I are consumers too, and our own experience should teach us much about human desires, expectations, and reactions.

Life styles may differ, but a $5 lemon is just as sour as a $5,000 lemon, and double-talk is no more welcome in a Main Line home than in a Harlem flat or on a Kansas farm. Young or old, dove or hawk, square or hippie, one tie that binds us all is irritation at being had.

The sentiment is familiar, but it arises now in a new setting. *This is the age of the articulate consumer.* The buyer is demanding a more active voice in determining the nature and quality of things available to him. Business will have to spend less time talking and more time listening—and responding to what it hears.

In this new climate, consumer interests and needs rank with the manufacturing and financial aspects of business as matters of top-priority concern for management. Every company that has not already done so, will find it essential to establish an effective mechanism for two-way communication with those who buy and use its products.

At least one prominent national advertiser has already introduced a campaign which solicits and airs a wide variety of individual views about its present and future products. Other companies have intensified their marketing research programs and established consumer affairs organizations to receive and act upon suggestions and complaints. RCA has done so at the top corporate level and in key operating divisions. Both the company and its customers are already gaining benefits from this more direct channel of communication.

What of the old seller's market—that turn in the economic cycle which permitted the producer to call the tune in a time of high demand and tight supply? Except in isolated cases, we may never see it again. The concept is incompatible with the new consumer-oriented market philosophy now developing. I welcome the change, for it will lead to better products and services, and to improved market planning. Above all, it can bring about a higher level of trust between the public and the business community, and eventually restore their relationship as allies rather than antagonists.

The transition into this new era will not be smooth and painless. We are not dealing with a monolithic structure. There is great diversity among business enterprises, products and services, advertising concepts, and public attitudes. Frictions will continue to arise. Offenses, real or fancied, will continue to occur in spite of the best intentions and the most vigorous efforts. There will remain the peril of overzealous crusaders that draw their justification from earlier charges of omission or neglect. Yet we can reasonably expect a general improvement to the degree that we succeed in adapting our policies and practices to the new market environment.

Successful adaptation means more than simply avoiding the obvious and specific errors that lead to misstatement and unjustified claims. We must consider all our activities and their consequences in the broadest perspective, if we are to enjoy the public trust.

It is clear that advertising should not be used as an instrument to influence the editorial content of the print or broadcast media. It is one thing to convey an editorial viewpoint in an institutional advertisement. It is another to attempt to force that viewpoint, by the weight of advertising dollars, into a news column or a newscast.

It is also essential to appreciate the total impact of advertising when it is used to promote not only products and services, but also people and ideas. No facet of the industry has grown more rapidly in recent years than its application to political campaigns.

Subjective questions are now being raised that relate directly to negative public attitudes toward all advertising. For example, what is the dividing line between selling and seduction? At what point does advertising go beyond persuasion based upon the merits of what is being sold? When does it, in fact, begin to exploit human vulnerability to social pressures, or, to such emotions as envy, greed and prejudice?

The answers will come only from those who continue to probe their consciences. It is not enough simply to blame the medium for any offense in the message. The basic responsibility rests jointly with those who originate and those who articulate the message.

I believe that ultimate success in winning public confidence will depend primarily upon the intensive cultivation of two attributes—flexibility and self-discipline.

The advertising profession has already gone far towards achieving flexibility. It has restructured itself to an impressive degree in order to meet the diverse requirements of business for comprehensive and specialized services in support of marketing. It has expanded its resources and refined its techniques for determining consumer attitudes. It has enhanced and diversified its creative talents.

Business, too, has shown encouraging readiness to adapt to the new conditions. One index is the growing interest and activity concerned with customer satisfaction. Business has moved farther in this direction, in fact, than is generally recognized. The lack of recognition is, in itself, perhaps a heartening sign. It indicates that there is far more to the trend than a play for headlines.

No one would contend, however, that we have gone far enough. The times require increasing flexibility in the content and direction of all of our marketing and advertising programs. They must be designed to cope successfully with the constant change that affects every facet of our relationship with the buying public.

We must continue to work together, too, in programs of self-regulation which will demonstrate that government-imposed advertising standards and controls are as unnecessary as they are undesirable. I believe that some of those who propose increased government intervention are sincerely motivated, but unaware that official control, once it is introduced, is exceedingly difficult to contain within reasonable limits. Sensitive areas of expression become the ultimate victims of such expansion.

However, self-regulation cannot be used simply as an escape. It implies self-discipline—a readiness to set our own high standards and to impose sanctions upon those who violate them.

Various means have been suggested to this end. To date, however, no simple or complex solution appears adequate. But the goal is clear: acceptance throughout the advertising and business communities of the highest standards of integrity and good faith, and a means of enforcing those standards where they are not voluntarily observed.

Because of its extraordinary visibility and pervasiveness, advertising is especially vulnerable to attack in an era of general public discontent. Remember, however, that adversity has its sweet uses. Let it be so in this case.

Advertising has been one of the foundations of this nation's growth and prosperity. It is still a principal catalyst of a free economy, but it can function effectively only so long as it has the trust of the public.

We must work together to regenerate that trust by widening our channels of communication with the public and adapting our programs and practices to the new market environment. I am confident that we can rise to that challenge, and that advertising will play an even more vital and responsible role than ever before.

ANOTHER MERIT AWARD FOR FORT DETRICK

Mrs. SMITH. Mr. President, it was my privilege to defend the biological warfare center at Fort Detrick, Md., here on the Senate floor in a speech not long ago. In that speech I unmasked the false statements that had been made against this Army activity.

I am delighted to tell the Members of the Senate today that Fort Detrick has been honored with the 1970 Award of Merit from the National Safety Council.

But this is nothing new for Fort Detrick. It is the 11th award in the past 21 years for safety achievement. Fort Detrick has received either the safety award

of honor or award of merit in 1950, 1953, 1959, 1960, 1963, 1964, 1965, 1967, 1969, and 1970.

What a thunderous answer to those who have spread falsehoods against Fort Detrick and tried to blacken its image with the public.

EUROPE AND THE UNITED STATES: AGING RAISES MAJOR ISSUES

Mr. CHURCH. Mr. President, the Senate Special Committee on Aging has made sustained and exhaustive efforts to inform the Congress and the public about the complexities of many far-ranging issues related to aging.

On the matter of retirement income, for example, the committee recently published a report, "Economics of Aging: Toward a Full Share in Abundance." In its recommendations and conclusions, the committee called for broad-based, far-ranging actions involving not one, but many, Federal programs. It is not enough to raise social security benefits, essential as that reform is. Additional steps, relating to such matters as private pension coverage and employment opportunities, must also be taken.

Important as economic security is, it in itself would not solve many problems facing older Americans. Serious inadequacies exist in social services needed by the elderly; the question of arbitrary retirement at fixed age levels needs far-reaching evaluations; in fact there is a clear-cut need for greater national attention to the role of the retiree in our society today. Too often, he tends to feel that he has been cast aside; he has little or no feeling that he is entering a new stage of his development which can be satisfying and rewarding.

My point, Mr. President, is that our Nation and others must make far-reaching social and economic changes to what has been called a "retirement revolution." Never before in history have we faced such a challenge. We must resolve issues which have arisen in our lifetimes as rapidly rising numbers of people spend more years living in retirement. We are, only now, beginning to understand what is involved. Either we, as a nation, will take actions which will make each one of us proud of the treatment given to older Americans, or we will become increasingly ashamed and guilty about our failure to do so.

At this point I would like unanimous consent to have reprinted two articles which recently appeared in the New York Times.

One, dated January 27, gives an excellent report on the problems of the aged in European nations. This account makes it clear that the issues I raised earlier in this statement are not limited to the United States, by any means. The retirement revolution is causing many leaders in Government and in the social sciences to ponder long and hard about the adequacy of present efforts to deal with the needs of the elderly.

Another article, published on January 30, describes the economic problems which blight the lives of many elderly persons living in an American community. It provides a picture of people who, even though they may somehow make ends meet, live in anxiety, and often in despair.

One final comment: The New York Times, in my opinion, deserves commendation for the many fine reports it has provided on issues related to aging. It is heartening for those in the field of aging to note that, with increasing frequency, newspaper editors are coming to realize that far more intensive coverage should be given to older Americans. Only a few years ago, many editors seemed to regard news about the old folks as uninteresting or even depressing. But, in the New York Times and other publications, reporters are breaking away from old clichés and giving us news of vital importance to the elderly and to those who look ahead to their own retirement. Much of that news is bad, but we can hope that the positive side of aging will be expressed with greater frequency as improvements and adjustments are made.

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

EUROPE MEETS PROBLEMS OF AGED WITH VARIED PROGRAMS

(By Bernard Weinraub)

Berlin, January 16.—Mrs. Charlotte Rynar sits on her bed, twisting the strap on her handbag, "I am 76, I have managed," she says tremulously. "But I get worried now, I get lonely. I think of death. What will happen? What will happen to me?"

Elsewhere in West Berlin Marta Cohan, who is 74, gazes at the doll perched on the bed of her one-room apartment at the Heinrich-Plett Haus, a home for the aged. She laughs softly and says with a shrug: Life is good, life is grand. "I haven't died yet, have I?"

In every major city of Europe the aged are making economic and emotional demands upon relatives, social workers and officials. Medical advances, prosperity and in some countries, the avoidance of war have resulted in population that are living longer and retiring earlier.

INTEGRATION IS THE AIM

With varying success, each country is tackling the problems of old age with a blend of social programs, pension benefits and housing plans. One conclusion emerges from visits to a number of cities and reports from correspondents of The New York Times: that the overriding aim of numerous countries dealing with old people is to "integrate" them into apartment houses and to avoid homes for the aged, which most of the elderly dread.

Loneliness and boredom—the central problems of old age—have been met in Britain, Sweden, West Germany and other European countries with burgeoning programs involving "home helpers," who offer food and social care to old people in their apartments, as well as the growth of government-sponsored day centers that transport the aged in cars, buses and ambulances to recreation halls and clubs.

NEEDS ARE BARELY MET

Yet across Europe, officials conceded that the problem of old age had been widely brushed aside until recent years and that social programs were barely meeting the needs of this emerging population.

"We are only just beginning," said one British official. In West Berlin, Dr. Klaus Bodin, the Minister for Social Affairs, observed: "We realize now that our cities are becoming crowded with the overaged. They need more social care, more hospitals. It is an enormous problem—how do you get these people integrated into society and let them live a life of dignity?"

The conditions in which the aged live and the economic and social policies to deal with their problems vary sharply in the European countries. A man earning $60 a week, a typical European wage, can expect a $13.50-a-week basic wage-related pension in Britain, $21.60 a week in the Netherlands and $45.60 in Austria.

These pensions meet the basic needs of most pensioners but provide little extra for such amenities as movies or a visit to a pub or cafe. Any comparison with the United States, however, must be balanced by the fact that in such European countries as Britain and Sweden all medical costs are free. Doctors' bills pose few hardships for the elderly.

In the United States, where the average Social Security payment to retired single person is $116 a month a Senate committee reported Monday that one elderly American out of four lives on a poverty-level income.

SOME SOCIAL PROGRAMS

Among social programs, Sweden offers new apartments to the aged in buildings with young and middle-aged couples and provides "home helpers" for cooking and daily cleaning.

Italy has begun experiments that include vacations for residents of old-age homes and a program in Florence in which 1,280 people over 70 share in the services of a pool of doctors, social workers and college students.

In the south of France, Government-sponsored "retirement" apartments have opened. The Paris Government offers a 75 per cent contribution to low-cost rents and half-fare train tickets.

The impact of two wars has left a disproportionate number of old women in some countries. In Britain, for example, there are 44 men for every 100 women aged 80 to 84.

There are eight million people over 65 in West Germany, and a common sight is an elderly man without an arm or leg.

William Childs, acting director of welfare in the London borough of Westminster, said:

"Right now we're feeling the results of World War I—the women who lost fiances or young husbands and never remarried, so they're left alone now without children, with few relatives or friends. Their contemporaries are dying now, and they're especially bereft."

LONELINESS AND DESPAIR

The essential problems of old age—loneliness, despair, a sense of worthlessness, frailty—are universal.

"Life is a matter of frustration for old people," said David Fleet, a director of social services in the sprawling East End borough of Tower Hamlets.

"The simplest, most common, things become difficult—tying a pair of shoes, dressing yourself, buttoning a shirt," he said as he walked into a crowded room where elderly men and women were signing up for $6-a-week summer holidays at three coastal hotels supported by the borough.

"They can't bend down, their fingers aren't nimble, they knock things over, they can't walk too well," he added. "They get annoyed with themselves, and it's expressed in terms of frustration and quick temper."

A nurse, Mrs. Charlotte Schutzer, stood in a spotless dining room in a West Berlin home for the aged while 100 men and women silently ate a Friday lunch of halibut.

"No matter what we do to help, there is a loneliness in every situation," she said. "There is a feeling among them that the loneliness will never end until. . . ." She shook her head.

The problem of old age had been largely ignored in Europe until recent years because life expectancy was considerably lower and the aged themselves were an inconspicuous part of society, living with their children or in old-age homes.

Because of postwar apartment shortages, as well as tradition, old people in Europe have lived with their children far more than in the United States. In the Soviet Union, Poland and Austria, for example, the aged still play important roles in raising grandchildren and running the house since younger parents usually work.

"Grandmother is still the universal housekeeper and baby sitter here, especially in a society where there are often multiple wage earners," a correspondent in Warsaw reported.

The easing of housing shortages and the availability of small apartments for young families have tended to isolate the aged from their children. At the same time, young families in Italy, Britain, West Germany and Sweden have moved into cities, leaving the elderly alone. Only lately—and somewhat hastily—have some countries realized the size of the problem.

In the United States, a major problem confronting the approximately 20 million people 65 or older is rising costs, particularly medical costs, while on fixed income.

One effort to solve it is being made in the Social Security legislation that Congress is expected to pass early in the present session. It contains a cost-of-living clause as well as a general 10 per cent increase in benefits.

The number of Americans 65 or older has nearly doubled in the last 20 years. About 70 percent live in their own homes or with relatives, about 25 percent live alone or with a nonrelative and 5 percent live in institutions.

Medicare, Social Security, veterans' pensions, old-age assistance and aid to the disabled and the blind are the major programs that benefit the elderly. But both critics and supporters of these programs agree that Congressionally approved increases in these programs rarely keep up with inflation.

Discussing the situation in Italy, Senator Ludovico Montini, a brother of Pope Paul VI and president of the state agency caring for the aged, said, "There is really no proper system to care for the aged in our country."

The number of Italians 60 years and older was 3.2 million, or 9.6 percent of the population, in 1901; now it is 8.5 million, or 16 percent of the population in a nation whose welfare activities, developed over centuries, blends Government pensions, church hospitals and municipal homes.

Life expectancy in France, where Government action has been slow, was 46 at the turn of the century; now it is 72. The population of men and women over 60 in Britain is 12.5 million, compared with 7.9 million in 1951.

"You hear the same story now," said Mrs. Phyllis Sanford, director of the King George VI Memorial Club for the Aged in South London. Children move out of their towns and villages into the cities, where they eventually get married and move into apartments and don't have room for Mom and Dad. The old people are bitter. They become not physically but mentally housebound."

She showed a vistor the recreation room of the municipally supported day club, where women volunteers led the aged in singing "Roll Out the Barrel." An afternoon's activities included lunch, raffles, bingo and tea.

"You can't categorize these people as a special class," she said. "We have doctors, widows, policemen, accountants, homosexuals, the lot. They're totally different—but the only important thing about them now is their age."

Nearby, Maud Capon, a frail 81-year-old widow, began eating her lunch of meat pie, potatoes and custard.

"What you need most when you get a bit older is contact with others," she said. "It's so easy to lose that contact."

"I lived in an old house in Peckham for 44 years, but I had to move because a development was coming in," she continued. "I live with my son and daughter-in-law now but I haven't been right since I've moved. I sit and cry. I know I had to move but I cry. The special bus picks me up once a week to come here, and it's the one day a week I feel happy."

One of Sweden's most popular revue artists and writers, Hasse Alfredsson, has made a line famous in a monologue about an old man: "Now I'm going to tell you how I like the old people's home: I don't."

Across Italy, France and West Germany such homes are grim and crowded. In Italy, where there are 2,500 old people's homes taking care of 112,000, numerous homes are near cemeteries. Marisa Malfatti, an Italian journalist who surveyed them, called them "death lobbies."

Simone de Beauvoir, in her recent book on old age in France, "La Vieillesse" cited two terrifying statistics: Eight percent of those entering homes for the aged die in the first week and 46 percent die within the first six months.

Ake Fors, a social-welfare expert who was interviewed in his office at the Ministry of Social Affairs in Stockholm, said:

"Every effort is made now to keep the aged in their homes and out of institutions. Each community is responsible for the housing, rent, personal care and needs of its aged members."

As in numerous other social policies, Sweden is in the vanguard among European countries in measures to help the aged—962,000 persons over the pension age of 67, or 12 percent of the population.

The basic old-age pension amounts to about $1,300 a year for a single person. The Government pays at least part of a pensioners' rent and has hired 43,000 "home helpers," the purpose being to keep old people in their homes as long as possible. The local authorities have also begun setting up special services.

Economically, we have very few complaints," 70-year-old Tora Claesson said in a suburban Stockholm clubhouse of the National Organization of Pensioners, a politically powerful group. "What we do complain about is something that society cannot give to us."

"We envy the younger people," she explained, smiling. "To be so young at this time, with things changing so rapidly, must be so very exciting."

Many Aging Face an Economic Nightmare

(By Robert Lindsey)

Miami Beach.—Not far from Miami Beach's opulent strip of ocean-front hotels, where a room for the night costs upward of $50, the 69-year-old widow of a Bronx tailor was recently caught trying to steal a 25-cent can of soup in a supermarket.

Shoplifting food occasionally, she explained later, is one method she uses to make ends meet on her fixed income of $114 a month.

The woman lives in a community called South Beach, where, for many hundreds of older men and women, visions of a warm and graceful old age in the Florida sun have turned into a continuous economic nightmare.

AN INCOME CRISIS

This nightmare is growing worse each month, as Government statistics just released showed. Consumer prices rose by 0.5 per cent in the nation last month to 138.5 per cent of the 1957–59 average, and 5.5 per cent above a year ago. Nowhere is the impact of such inflation more severe than on the aged people, such as those here, who are living on fixed retirement incomes.

The Senate Special Committee on Aging said earlier this month that the retirement income problem in the nation "has become a retirement income crisis." The report, based on a two-year study, painted a bleak picture of millions of older Americans living in poverty and poor health. It predicted a worsening future unless immediate action on a broad scale was taken.

Poverty among Americans over 65, the Senate report said, increased by 200,000 between 1968 and 1969, while it decreased by 1.2 million for all other age groups.

As Mrs. Rose Langmann, another resident of South Beach, walked toward a supermarket with her husband, she expressed the frustrations of many here.

"Every time you go to the store," she said, "the prices are still higher. But your income doesn't get any higher. You buy less. Then, the President comes on the television and says everything is all right. The next day you go shopping and the prices are higher again."

THE 9,000 RESIDENTS

About 9,000 persons live in South Beach, a tightly-packed, 40-square-block community of apartments, duplexes and small hotels on a tip of land between Biscayne Bay and the Atlantic Ocean.

Miami Beach is only three miles to the north, but, except for the narrow strip of sand they share, South Beach could hardly be more different.

More than half of South Beach's residents are 68 or older; at least two-thirds are Jewish; almost half were born in Europe, emigrated to America early in this century and retired to a predominantly Jewish community here after a lifetime of work in the big cities of the Northeast or Middle West.

Each day, usually about 1 p.m., hundreds of the older men and women leave their small, sometimes shabby dwellings and, with lawn chairs and umbrellas, head for a nearby stretch of public beach.

On the beach and a strip of lawn beside it, they play cards, talk in groups, read Yiddish-language newspapers, hold Yiddish talent shows, or simply bake under the sun.

"What you have here are some of the last immigrants you'll find in this country," said Bernard Baron, a Miami Beach social worker who assists the senior citizens from a small office at the edge of the beach.

"It's their ghetto," he continued, "and despite the financial problems a lot of them are having, it's one ghetto nobody wants to leave."

Mrs. Fannie Sanrowitz, a widow who emigrated to New York from Austria in 1910, sat in the kitchen of her small home, part of which has been converted into three small rental units. On a wall hung a picture of Mayor Lindsay of New York and another smiling man, both wore tuxedoes. "That's my grandson, he's a lawyer," she said proudly. Then Mrs. Sanrowitz, who is 79, discussed other matters.

HARDER AND HARDER

"I bought this place in 1954," she said, "with the rentals to help support me. I've made a go of it all of these years. It hasn't been easy. But I have. Now it's getting harder and harder.

"My taxes just went up over 30 per cent—$175 at one time. People complain when you charge more rent, and this year because of the recession, I guess, I got vacancies.

"The electrician costs more, the plumber, the painter . . . I can't take in enough. I get $74 a month Social Security but that's not enough. I scrimp and my children help me. But I can only sponge on them so much. I ought to be able to afford a trip to New York once in a while, but I can't."

Mr. Baron said that many South Beach residents had enough income from investments, pensions or periodic checks from their children to absorb the rising cost of living without serious hardships, but he said that many do not.

Two years ago, a survey indicated that half of South Beach's residents who lived alone had monthly incomes of less than $176, while among all of the households, half had incomes of $231 or less.

About 500 South Beach residents currently receive state welfare aid. They can receive a maximum of $114 monthly. But the amount

is decreased proportionately by each dollar of Social Security benefits or other income they have.

"The effects of the inflation started to get serious about three years ago, especially rents," Mr. Baron said "Three years ago, a one-bedroom apartment rented for $70 or $75. Now it's $115 if you can find one that cheap."

"Lately, more people seem to be having a tough time making ends meet, and we're starting to get some new [needy] cases. I think there are a lot of doctors up North referring patients to Miami Beach as a cure, a panacea, and some of them can't afford it."

SAVE OUR SENIORS

Some of the more affluent residents of Miami Beach became aroused about the problems of poverty among the senior citizens late in 1968, after a local newspaper and a television station reported that some South Beach residents were regularly rummaging in garbage cans for food.

A group of Jewish residents in the burgeoning high-rise condominium apartments north of South Beach established a group called "Save Our Seniors," which currently helps about 200 persons, dispersing Federal food-stamps packages and kosher food, clothing, and, in some cases, money. Mr. Melvyne Sommers, director of Save Our Seniors, said:

"We know there are a lot more people who can use our help, but many of them are too proud to admit it."

SENATOR CASE ADDRESSES MEMBERS OF SCHOOL BOARD

Mr. SCHWEIKER. Mr. President, my distinguished colleague from New Jersey, Senator CASE recently spoke to an education group in his State regarding the responsibilities of local school board members as they try to meet the financial needs of their respective school districts while the Congress considers the proposal for revenue sharing. In his remarks Senator CASE points to the continual effort to provide more adequate levels of support for the education of our children and the requirement that revenue sharing programs when implemented must enlarge this effort. I ask unanimous consent that the remarks of Senator CASE before a group of school board members be printed in the RECORD.

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

SENATOR CLIFFORD CASE SAYS REVENUE SHARING OFFERS A TEMPTING PROSPECT OF ELIMINATING LAYERS OF GOVERNMENT BUREAUCRACY BUT IT MUST BE EXAMINED CLOSELY AND CRITICALLY

As school board members, you have long given strong support to the efforts of those of us in Congress who have been trying to provide more adequate levels of support for the education of our children.

Together, we have had success in a number of areas ranging from basic aid to education and aid to disadvantaged students to specialized programs such as providing for improved libraries and federal assistance to school districts with significant numbers of refugee children, a program of special significance to portions of New Jersey.

In 1965 when I first proposed fellowships to enable elementary and secondary teachers to keep up with new knowledge in their field, school board members helped to get that proposal enacted into law within the same year.

And board members have recognized that education for most today does not stop at the secondary level. You have supported programs to improve our colleges and universities and to put them within the reach of worthy students.

My amendment to provide the first federal aid to community colleges was adopted as part of the Higher Education Act of 1963 with the support of board members. Since that time, New Jersey has received more than $12 million for construction alone.

Last year, Senator Mondale and I were able to expand the concept of federal school desegregation assistance so that it applied to northern school districts which are desegregating voluntarily as well as to southern school districts which are under administrative or court orders to eliminate discrimination.

As a result, New Jersey is expected to receive at least $25 million, maybe more, during the next two years to help overcome racial segregation problems in our schools.

The concept of assisting both southern and northern schools is firmly embedded in a $1.5 billion, two-year school desegregation assistance program which seems certain to be approved by Congress this year.

But the outlook for other education programs is less certain. There is a new element in the picture—revenue sharing.

The level of funding of almost all of them will depend upon how various issues relating to revenue sharing are resolved.

In one view, existing programs should be curtailed immediately in anticipation of federal budget deficits which may be incurred to provide funds to state and local governments. I disagree with this view and I believe it has little support in Congress.

A second view is that existing programs should be frozen at their current dollar levels during the interim period while Congress is considering various plans to share federal revenues with state and local governments.

Those who favor this approach argue that it would allow an easier transition from current programs to new alternatives developed by state and local governments through the use of federally shared revenues.

But what would happen during the interim while Congress is considering revenue sharing?

Obviously, we would be marking time while the needs which our categorical grant-in-aid programs are designed to meet continue to grow. In the next year alone, it will require more than an additional $2 billion to meet fully our federal commitments under grant-in-aid programs now on the books.

As one who long has worked for more adequate financial support of these grant-in-aid programs, I cannot accept such a stand-still approach.

A third view, and one that I share, is that federal support for these programs must be continued, as contemplated under existing law, to help state and local governments meet their needs until the Federal Government provides sufficient funds under revenue sharing.

Those of us who hold this view believe that state and local governments, including school districts, need increased help immediately. In many cases they are pushed to the wall financially and face curtailment of existing and often inadequate programs. The Federal Government must make additional funds available immediately through existing programs.

Up to this point, I have discussed what can be expected while revenue sharing is under consideration by Congress. But there are some aspects of revenue sharing itself which warrant the special attention of school board members.

Much of the detail of the Administration's proposal to share federal revenues with state and local governments still has not been made public.

It is known, however, that one part of the program calls for $11 billion of federal aid to state and local governments for spending in six broad areas—urban development, rural development, transportation, job training, law enforcement and education.

This is what has been referred to as the "block grant" portion of the program. Of the $11 billion proposed in this area, $1 billion would be new money and $10 billion would be transferred from existing grant programs which now total about $30 billion.

The other portion of the program calls for $5 billion of new money to be provided to state and local governments with virtually no strings attached.

Administration officials have told me that the whole program would be based on a matrix of protections against discrimination and provisions for federal auditing of the use of the funds.

It was explained that in the case of the unrestricted funds this would mean primarily that the funds would have to be used for public, rather than private purposes.

In the block grant area, it would mean only that education funds, for example, would have to be used for purposes which would have some educational context.

According to budget figures made available yesterday, $3 billion will be earmarked for elementary and secondary education under this portion of the program. This money would replace $1.5 billion in aid to educationally deprived children, $487 million in aid to federally impacted districts, $73 million in library services, $14 million in supplementary services, $39 million for equipment and minor remodeling, $27 million for strengthening state agencies, $34 million for education for the handicapped and $382 million for vocational education—a total of about $2.8 billion.

What does all this mean to school board members?

First of all, it means that board members are going to have to work hard to convince those who would curtail or hold the line on existing programs that the needs of our schools cannot be postponed while a decision is made on revenue sharing.

Secondly, it means that board members are going to have to pay the closest attention to the development of the various revenue sharing proposals which will be presented to Congress.

The Chairman of the House Ways and Means Committee has said that in one set of circumstances, New Jersey would be among the 15 biggest losers—that is states which would have the smallest portion of taxes collected in the state returned in the form of shared revenues.

While Administration officials have said this set of circumstances will not occur, I am sure you will agree that this is a matter which we must look at closely. Highly urbanized states like New Jersey, which have the most severe problems, must be assured of a fair share of federally shared revenues.

Thirdly, it means that board members, if revenue sharing is enacted, will have to turn increasingly to state and local government to obtain the funds they need and to assure themselves that they get their fair share within the state. This would apply to both block grant money and to unrestricted funds.

Fourth, it means that board members will have to assume the burden of making sure that the funds they receive are apportioned wisely to meet the needs of all who attend their schools. This is the responsibility of local control. If it is not met adequately, the program will be sure to fail.

We are offered a prospect of eliminating some of the many layers of government bureaucracy which currently get in the way of delivery of public services. It is a tempting prospect but to attain it we must meet many problems and face many challenges.

I look forward to meeting these challenges with the same type of support from school board members which has produced a good number of successes over the period of our joint adventures.

DEATH OF JUDGE JOHN WORTH KERN

Mr. BAYH. Mr. President, last week, I was greatly saddened to learn of the passing of the Honorable John Worth Kern, a native Hoosier who had a long and distinguished career as attorney, educator, mayor, and jurist. Despite a crippling attack of poliomyelitis as a youth, Judge Kern earned degrees at both Washington and Lee University and Harvard Law School and led a very active and full life. After practicing and teaching law in Indianapolis for a few years, he emulated his father, former U.S. Senator John Worth Kern, Democrat, of Indiana, by entering politics.

Following his election to and service in the offices of superior court judge and Indianapolis mayor, he was appointed in 1937 by President Franklin D. Roosevelt to the U.S. Board of Tax Appeals, the name of which Congress changed in 1942 to the U.S. Tax Court. In this post Judge Kern served with distinction for 24 years, retiring about 10 years ago. However, he had been recalled regularly to active duty since then, and had also been occupied with a number of religious, civic, and fraternal obligations.

Mr. President, as a further tribute to the memory of this outstanding citizen and devoted public servant, I ask unanimous consent that an obituary prepared by one of Judge Kern's many long-time friends be printed in the RECORD.

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

JUDGE JOHN WORTH KERN

John Woth Kern, retired judge of the Tax Court of the United States, died January 29, 1971, in Washington Hospital Center of lung cancer. He was 70 and resided in Watergate East.

He was the son of the late United States Senator John Worth Kern, D-Ind., and the father of Judge John Worth Kern III of the District of Columbia Court of Appeals. His family has deep roots both in Virginia and Indiana.

As a child in Indianapolis, Judge Kern was stricken with poliomyelitis which left him paralyzed in both legs. He swung through life on powerful arms and two crutches.

As a youth, he spent many hours in his father's library and was able to complete four years of undergraduate study at Washington and Lee University in three years. He was graduated in the Class of 1920. In 1923 he was graduated from Harvard Law School.

Judge Kern returned from Harvard to Indianapolis where in 1927, he was married to the former Miss Bernice Winn. The young attorney entered private practice and also became a United States Commissioner. He served as professor of law at the Indianapolis branch of Indiana University Law School and as secretary of the Indiana Bar Association. In the latter capacity, he was in charge of bar examinations in Marion County (Indianapolis).

In 1930, Judge Kern was elected to the Superior Court of Marion County, which, when it sat en banc, was the claims court of the State of Indiana.

He was nominated and elected mayor of Indianapolis in the depression year of 1934 and campaigned with President Franklin D. Roosevelt during the 1936 election year.

In 1937, President Roosevelt named Judge Kern to the U.S. Board of Tax Appeals, which later became the Tax Court of the U.S. Judge Kern filled two 12-year terms on the Court, retiring in 1961 after serving 6 years as Chief Judge of that Court. Although retired, he was recalled to active service and continued in that capacity until his death.

While living in Washington, Judge Kern was president of the Harvard Law School Alumni Association. He was a trustee of the Georgetown Presbyterian Church, a governor, executive board chairman and first vice president of the Metropolitan Club, and he served as a member of the first Board of Directors of the Watergate East Apartments. He was also a member of the Chevy Chase Club, the Farmington Country Club, and the Lake Placid Club in New York where he spent his summers.

During the summer sessions of 1948 and 1949, Judge Kern was a member of the law faculty at the University of Virginia.

Survivors are his widow, son, and two grandsons, John W. Kern IV and Stephen G. Kern, and his sister, Mrs. George B. Lawson of Roanoke, Virginia.

THE HONORABLE ALF M. LANDON DISCUSSES LIFE IN THE MIDWEST

Mr. DOLE. Mr. President, today's op-ed page of the New York Times carries an article by Alf M. Landon, former Governor of Kansas and 1936 Republican nominee for President. As is customary, Governor Landon's comments are timely, thought provoking, and eminently sensible. His insights into the midwestern style of life and its relationship to the needs of our Nation today should be of interest to Members of Congress and other readers of the RECORD.

Mr. President, 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:

NEW PLAIN TALK FROM KANSAS

(By Alf M. Landon)

TOPEKA—The Old Middle West is gone. However, it still lives in song and story. Give most children the choice of visiting Valley Forge or Dodge City . . . Dodge City wins. It is more glamorous in their imagination than Valley Forge.

The old Middle West developed a strong, compassionate people out of the hardships and suffering of the destructive blizzards of earlier generations—"northers" that swept over it with white clouds of blinding snow and ice—and southern winds that brought the black blizzards of dust storms.

The Middle West is realistic about the nation's domestic and international affairs. It views both with intense interest and anxiety, for it knows that—although stubborn resistance to change can be lead to catastrophic—change often does have unforeseen ramifications.

This caution is still—especially on political major questions—present in the modern Middle West and is its particular contribution to our national relationships.

I think the Middle West's strength is in its customary cautious approach to the day of reckoning in our complex industrial structure and what should be put forward for its solution. That solution will take time, for slap-dash approaches never work.

It took thirty years for our great country to recover from the upheaval of the Civil War. It took thirty years for our country to discard the Democrat policy that the way to settle economic troubles was with flat money. I made inflation the prime issue in 1936. It still is—along with the Vietnamese war.

Our era has seen some fifty years of war and international tension piled on top of World War I, and enormous industrial development.

The new West is more worldly minded than the old Middle West was, and, in general, is a balance between the East Coast—with alignment toward Europe and the Atlantic countries—and the West Coast—with its interests in Asian affairs.

There is still a noticeable difference between the atmosphere in the Middle West and that of the Eastern states. It is more free and easy. There are not as many old families with local supremacy. The East's "money power"—as the old Middle West called it—is now the "Establishment."

The parallel factor is the desire on the part of many heads of families in many lines of activity to change from the tensions and insecurity of life in the big cities to the pleasure and comfort that some from the security of living in smaller towns. In the Middle West, it has increasingly taken the form of people remaining in the smaller cities and giving them new life and intelligence. This has strengthened smaller communities and offset the flow of Middle Westerners to the big cities. There are, however, signs that cities in general are no longer content to be corrupt. There is pragmatic awakening that can mean a new leadership—with a growing understanding of their problems and responsibilities. This newly awakened urban leadership, joining the Midwest and small city leadership in the quest for stability, may just possibly be the salvation of the big cities.

That is a reversal of the trend that started some years ago that seemed to threaten the stagnation of the Middle West by the tide of migration to the big metropolitan area.

The Jews are almost the only people in America today—or, in the world, for that matter—that, during Passover, recall to the memory of the present generation their tremendous racial achievements, their leadership and their heroes of long ago.

On the other hand, the freedom of communications—the easy movement of Americans around their great country—and the ease of changing occupations is remarkable in the United States. All contribute to breaking down ethnic and religious group prejudices.

Possibly one reason we have so much difficulty in resolving our problems of a complex society is that we have tended to lose not only a sense of national identity, but a sense of pride in and a strong feeling for the speical qualities of our local area.

What Americans must find is a way to square their diversification, and the freedom upon which it is based, with the older sense of identity and of stability. Perhaps the contemporary Middle West offers the answer in its freer acceptance of people as they are, and as they are capable of becoming—a surviving characteristic of mutual helpfulness, willingness to accept change—not for change's sake, but on its merits.

DEATH OF HON. HUGH R. ADAIR

Mr. METCALF. Mr. President, one of Montana's outstanding citizens recently died. He was Hugh R. Adair, member of the Montana Supreme Court from 1943 to 1968. He also served as a legislator and Lieutenant Governor of Montana. It was my privilege to serve with him for 6 years on the Montana Supreme Court. He was chief justice during the time I was an associate justice.

I have known Justice Adair since I was in the legislature in 1937 and feel that the following tribute to him by the Reverend George Harper, of St. Paul's United Methodist Church in Helena,

Mont., is worthy of the attention of my colleagues.

I ask unanimous consent that a copy of this tribute by Reverend Harper be printed in the RECORD.

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

TRIBUTE TO HUGH R. ADAIR

We could have had this service in any town in Montana and had the room filled with people who knew Hugh Adair personally. Where is the Main Street that he couldn't walk down and shake hands with personal friends, and what is more amazing call them by name?

When the famous pioneer Methodist minister, W. W. VanOrsdel, known everywhere as "Brother Van", was buried in 1919 in the same cemetery where we will lay this body, Governor Norris made the statement at his funeral that "there was not a dog in the state of Montana that wouldn't wag his tail if he saw Brother Van coming." There was something of that nature in this beloved man whose body lies here.

Any young person who aspires to political office in Montana would do well to consider the perfect combination of qualities which Hugh Adair put together in his life as a public servant since he was first elected in 1926 to the Legislature. He was effective in his work as a lawyer and jurist, honest and hard working, never putting off on another the work he felt he had to do himself with good conscience. And on the other hand, he was a man who went out of his way to meet and know people person-to-person. He shook your hand and he called your name; and though he may have been the busiest man in the world at that moment, you would never suspect that he did not have all the time in the world to spend with you, if you wanted to talk about something that was on your mind.

This is why he was unbeatable in any election. Opponents could raise their campaign banners to the sky through all kinds of media, but the Judge had too many personal friends in Montana who liked the idea of having a man on the Supreme Court of the State who knew and cared about them personally. When an opponent who was very critical of him received fewer votes than the Judge did Christmas cards from his friends across the state, I could see how 2 and 2 make 4; and how 2 and 2 and 1 and 1 here and there, in homes and stores, businesses, farms and ranches, make up a landslide majority in every election. People still care about people who care about them.

Now I am talking as if this is good political strategy, to shake hands and know people in all walks of life . . . and it is. But his feeling for people was not sham or surface. A man doesn't go down to the candy store and load up with many dollars worth of packages of candy, then get in his old car and head out to the Veteran's Hospital to distribute those little tokens of his affection to men whose other friends may have forgotten them on a holiday, unless there is something genuine in those relationships. And this he did time and time again. Many times in the last ten years I have found Judge Adair visiting in the local hospitals, when men with less to do were too busy to have been doing that. And if only one family of kinspeople from each funeral Judge Adair has attended in the last ten years were here today, you could not get near this church for the crowd.

Seeing the casket lying in state yesterday in the rotunda of the Capitol, someone said, "This is very fitting, because the Judge's life centered here in this building." And that is true. His life for the last 35 years centered in the Capitol in all three branches of our government.

After serving in the House of Representatives in the late 1920's and early 1930's, and then as Lieutenant Governor from 1937 to 1941, when he was also president of the Senate, he was elected to the Supreme Court, and from 1943 on till his retirement two years ago this was his life. The lonely light on in his office many many nights until 2 and 3 a.m. testified to that. But though his life centered in the state capitol, it rooted in the state's people. It was for us that he was there, always fearful that a decision or an opinion of his might not be exactly fair and beneficial to some little man whose life or business was at stake in an upcoming court decision.

His son Hugh Jr. (whom he nicknamed Jim) Jim's wife and the two grandchildren, Hughie and Amy; his brothers Albert and William; his sisters Ruth and Laura, are his immediate family, but many of us feel that we were included in his wider family of Montana citizens.

He loved all of Montana. He revelled in the opportunities to get out hiking or riding in the back country. His hunting was mostly limited to birds because he didn't like to kill the animals, but the sport afforded him time he cherished most—time with his son and with his favorite dog.

A familiar sight that we will miss in Helena is that of the Judge in these later years, motoring down the street at a most deliberate pace, with his canine friend, Tippy, seated proudly in the old Studebaker as he was being chauffered around.

Hugh Adair will be missed by his fellow members of the organizations to which he belonged, the Masonic Lodge, the Algeria Shrine of which he was once potentate, the Mounted Patrol of the Shrine; the Elks Chapter 193 of which he was a lifetime member; No. 16 of the Fraternal Order of the Eagles, the local group of W.W. I veterans, and the Helena Trailriders. Here as St. Paul's United Methodist Church we miss him, too. For so many years he sat almost every Sunday in the balcony, and many a time he went to sleep during my sermon. I never resented it, because he assured me that it was only because he trusted me and figured that I could handle it OK without his help.

Formally he was not much for organized religion, except in the case of the Deaconess Home for Children and other such institutions that he loved because they helped kids. But there is no doubt in my mind of the welcome he is receiving from the Heavenly Father who measures our life not by rituals performed or creeds signed, but by loving relationships we have or don't have. As the New Testament puts it: "God is love, and whoever loves lives in God and God lives in him." (I John 4:16).

Now the Judge has moved to another realm or phase of life which we cannot know in any detail, but where God still has complete jurisdiction. His case has been transferred to a different court. Hugh Adair is in a mighty good place because it is an existence where the only thing that really counts is interpersonal relationships, and he already has a thousand friends there. We would not call him back if we could to the forced inactivity and suffering of these past two years. So we wish him a good journey and pray that somehow he may know how much we appreciate his friendship and service during his 81 years stay ·ith us on this earth.

"He is not dead, for death can only take away the mortal breath, and life commencing here is but the prelude to its full career. So Hope and Faith our best assurance give: we do not live to die, we die to live."

THE POPULATION PROBLEM

Mr. TAFT. Mr. President, we are all familiar with the grim statistics relative to the population problem. I am sure that we do not need to be reminded that the world population will double to over 7 billion people by the year 2005. We are also aware that if the present growth rate were to continue, in only 900 years there would be 60 million-billion people on earth, or, 100 people for every square yard of the earth's surface.

But, in my judgment, the question of population control should focus neither upon theoretical statistics nor the development of space ships to lift people to other planets. Our concern should not be premised upon the projected point in time when there will be universal starvation for mankind.

The issue for us now must be the quality of human life. Are future generations to be crowded together as mice in a cage? Will there be good air and water, forests and open fields? Without these simple things, life will not be good as we know it, and projections as to the capacity of this earth to feed more people will be meaningless.

I am happy to have been one of the early sponsors of the Family Planning Services and Population Research Act, which is now Public Law 91–572. This legislation authorized the expenditure of $267 million over the next 3 years, and provided for the reorganization of HEW's family planning activities. Hopefully this can be adequately funded, especially in the important area of research.

During fiscal year 1970, the U.S. Government expended $88.9 million on population control programs and research in the United States and another $54.1 million overseas through the Agency for International Development and the Department of State. These figures are encouraging if it is remembered that in 1964, the U.S. Government did not spend as much as $1 on birth control. Furthermore, it was not until May 1967 that AID removed contraceptives from its ineligible commodity list.

As improved as these statistics may appear, we all know that the problem is not solved and will not be solved unless those interested in population control continue to press forward with energy and determination. Let us remember that the cause is mankind and our efforts have just begun.

DEATH OF JUDGE JOHN WORTH KERN

Mr. HARTKE. Mr. President, last Friday a great Hoosier and a great public servant died here in Washington.

Judge John Worth Kern, the son and namesake of a distinguished U.S. Senator from Indiana and the father of an outstanding jurist, Judge John Worth Kern III, of the District of Columbia Court of Appeals, was 70 years old at the time of his death.

Like his great friend and leader, Franklin Delano Roosevelt, John Kern suffered paralysis of both legs from poliomyelitis and remained afflicted throughout his life. But despite so terrible a handicap, he achieved an outstanding academic record, first at Washington and Lee University and then at the Harvard Law School.

His career in elective politics began with a successful campaign in 1930 for a

seat on the Superior Court of Marion County, Ind. Four years later Judge Kern was elected mayor of Indianapolis and served in that difficult office with unmatched distinction until 1937, when President Roosevelt appointed him to the U.S. Board of Tax Appeals—later the Tax Court of the United States.

Judge Kern served two 12-year terms on the Tax Court, during the last 6 years of which he distinguished himself even more as chief judge. His retirement in 1961 was nominal only, for he remained on active call until his death.

I know I speak for all in this body who knew Judge Kern when I say that he was the very model of a man of courage and integrity. Men like this cannot easily be spared from any walk of life, and least of all from public service.

To his widow, son, two grandsons, and his sister go our heartfelt condolences.

UNEMPLOYMENT

Mr. TAFT. Mr. President, we have recently learned that the average rate of unemployment in the Nation's largest 100 cities rose from 5.5 to 7.6 percent in 1970. Jobless rates for the Nation as a whole have risen steadily during 1970, remaining above 5 percent since July. Our Nation's urban centers are suffering severely as they bear the brunt of growing unemployment.

Jobless rates for teen-aged residents of poor neighborhoods rose from 19.9 to 24 percent during 1970. Among black youths in these areas, 35.8 percent were without jobs as compared with 16.3 percent unemployment among white teen-agers in poor communities. Throughout the Nation, jobless rates for black men climbed from 4.3 to 7.1 percent during 1970. Unemployment among white men rose from 3.1 to 5.7 percent last year.

In my own State of Ohio, there were 233,000 unemployed during November. Though Ohio's jobless rates throughout 1970 have remained below the national average, we can take little solace in this fact.

As significant as these figures are, we must recognize that unemployment is not simply a matter of statistics. For many American families, unemployment represents a personal tragedy and an empty table. Whether jobless rates be 3 or 10 percent, economic theories and statistical analyses offer little comfort to those who are currently unemployed. We must act now by taking measures to insure that every American who is willing and able to work has the opportunity to do so.

Unemployment is not a necessary ingredient to the war on inflation. I accept the President's premise that we must proceed to adopt monetary, fiscal, and other governmental measures to stimulate full employment. Congress must carefully review all spending proposals to insure that Federal dollars are maximized in those areas which will build to a full employment economy.

MILITARY RETIREMENT PAY

Mr. TOWER. Mr. President, I have introduced again this year a measure providing for the computation of military retirement pay on the basis of active duty pay rates. The bill, S. 377, is identical to the one I introduced in the last Congress, S. 364. I am going to renew my efforts to achieve justice for military retirees and to eliminate the inequity that has existed since the passage of the present legislation in 1958.

This measure would repeal the provisions of the law presently governing computation of retired and retainer pay. The law now provides that whenever the Consumer Price Index rises by at least 3 percent, retired pay will be adjusted 3 months later. My bill would provide that retired military personnel, with minor exceptions, have their pay recomputed to reflect increases in the basic pay of personnel on active duty.

Section 4 of the bill provides that no change would be made by the bill in the pay and allowances of five-star generals, who are, of course, considered by law to be on active duty at all times. This section would also provide that no change be made in the pay and allowances of certain four-star officers whose pay and allowances are prescribed by special acts of Congress.

The Secretary of Defense has said:

> Like the President, I have long recognized that some form of recomputation is a desirable goal. . . . There is a genuine need to treat the retired members of our armed forces more equitably.

The cost of this bill has been estimated at $982 million for fiscal year 1972. This is the size of the debt that we owe these men and women for only 1 year; it is too high a burden for them to bear alone, and it would be negligent in the extreme for us to continue to impose it on them. Justice to these retired personnel will not come cheaply.

I would like to have printed in the RECORD at this point a table which indicates the gross size of the inequities that presently exist in the retired pay of selected pay grades. It indicates that a major retiring with 24 years of service after December 31, 1970, receives $237 a month more than a major with the same length of service who retired before June 1, 1958. That is nearly 50 percent more for the younger retiree. A master sergeant retiring after December 31, 1970, likewise receives 50 percent more retirement pay than his counterpart who retired before June 1, 1958. All retirees must pay the same price for a car, a loaf of bread, or a suit of clothes. But the younger retiree, who, by the way, still has a chance to take on a second job, is paid as much as 50 percent more than the older retiree.

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

MILITARY RETIRED PAY

RETIRED PAY RECEIVED BY RETIREES WITH 24 YEARS OF SERVICE, AS AFFECTED BY DATE OF RETIREMENT

	Retired before June 1, 1958	Retired between June 1, 1958–Mar. 31, 1963	Retired between Apr. 1, 1963–Aug. 31, 1964	Retired between Sept. 1, 1964–Aug. 30, 1965	Retired between Sept. 1, 1965–June 30, 1966	Retired between July 1, 1965–June 30, 1968	Retired between July 1, 1968–June 30, 1969	Retired between July 1, 1969–Apr. 14, 1970	Retired after Apr. 15, 1970	Retired after Dec. 31, 1970
Major (O–4)	$501	$516	$578	$592	$601	$620	$638	$674	$708	$738
Master sergeant (E–7)	278	287	312	320	340	351	361	382	402	418

HIGH-LOW DIFFERENTIALS

	Amount	Percent
Major (O–4)	$237	47.3
Master sergeant (E–7)	140	50.4

Mr. COOPER. Mr. President, we cannot, we must not, allow these injustices to continue. We must give those servicemen the retirement system they were promised when they served in the active military.

PAUL HARVEY SUPPORTS J. EDGAR HOOVER

Mr. THURMOND. Mr. President, recently, there have been some public attacks upon the distinguished Director of the Federal Bureau of Investigation, Mr. J. Edgar Hoover, who has devoted over 40 years of dedicated public service.

In general, these criticisms are directed at Mr. Hoover's dedication to the law and its uniform application, as well as determination to insure that FBI employees are above reproach in every respect. I have long been a supporter and admirer of Mr. Hoover's methods of operation and administrative practices.

To many Americans, he has become a symbol of impartial but stern observance of the law. It is a sign of the times that symbols of things that are good in America be degraded and criticized. Usually, these attacks come from militant organizations dedicated to disruption, violence, and the overthrow of the Government.

On the other hand, Mr. Hoover's supporters and friends are more than willing to come to his defense when it is required. One excellent example is the January 25, 1971, radio broadcast of Mr. Paul Harvey.

Mr. President, I invite the attention of my colleagues to this broadcast and request that it be printed in the RECORD at the conclusion of my remarks.

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

EXCERPT FROM PAUL HARVEY BROADCAST, AMERICAN BROADCASTING CO., MONDAY, JANUARY 25, 1971, 12:30 P.M.

Our "For What It's Worth Department" understands the little jackals are again yap-

ping at the heels of the lion, and the red-beaked news hawks are circling, hoping to dine on the carcass of J. Edgar Hoover. But, you and I have seen him outlive generations of them, and he will again.

When the FBI Director reported an "East Coast Conspiracy" to sabotage our Nation's Capital and to kidnap a high-ranking Government official, he kicked open a hornet's nest, of course. "Now," the Hoover-hounders decided, "Now we have caught the Director with an indefensible exaggeration." So they said, "If it's true, Mr. FBI, why don't you show your evidence to a grand jury and get the guilty indicted?" So he did—they were. Now the red-beaked news hawks—and at least one member of Congress—with egg all over their faces, appear pretty silly. But thus personally angered and determined to throw a smoke screen over the accused Brothers Berrigan, they launched a counterattack. Well, it's not the first time the vultures have sought to get the ungettable Mr. Hoover. I saw another generation of these same birds gang up on him when his Agents arrested reds in 1940 and periodically since, and then, as now, they sought to portray accused conspirators as persecuted and the Director as the persecutor. And then, as now, they said the FBI was a gestapo and the Director should be forced to resign.

And the "now" generation of cynics cannot conceive of any public official without a skeleton in his private closet, so this time their tiresome attack has included surveillance—surveillance of the Director. One of the Lilliputian scandalmongers assigned his own agents to follow Mr. Hoover around, to wait outside his home, to trail him to the office, to watch from a restaurant table near his. Ostensibly this childish charade is intended to show the Director how uncomfortable it feels for an innocent person to be watched. Well, actually, of course, the FBI does not conduct surveillance of any person except in instances wherein there's already evidence of a Federal crime. His detractors—amateur and professional—know that, but what they're trying to do is throw their own shadows over him.

One yellow journalist found a letter which the bachelor Director had written to a long-time family friend which Mr. Hoover had signed with the word, "Affectionately." And the obviously innocent letter, when published, appeared under the headline, quote "Hoover's Letters to a Washington Widow." Well, our Nation's Number 1 lawman, the personification of integrity, is not personally vulnerable. Always, however, there's a real danger that false charges might seriously injure the image and effectiveness of the FBI, and that's Mr. Hoover's concern, and we must make it ours. Congress passed a law in 1960 allowing Mr. Hoover to retire at full pay, but such is this man's love for his country that for ten years he's been working for us just for love—not money. Generations of taxpayers and eight Presidents have appreciated that rare degree of loyalty; so do I.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Is there further morning business?

The PRESIDING OFFICER (Mr. HART). Under the previous order, the period for the transaction of morning business has expired; therefore, morning business is now concluded.

AMENDMENT OF RULE XXII OF THE STANDING RULES OF THE SENATE

The PRESIDING OFFICER. The Chair lays before the Senate the pending business, which the clerk will state.

The assistant legislative clerk read as follows:

A motion to proceed to the consideration of the resolution (S. Res. 9) amending Rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Alabama (Mr. ALLEN) to postpone until the next legislative day the consideration of the motion of the Senator from Kansas (Mr. PEARSON) that the Senate proceed to the consideration of Senate Resolution 9, a resolution to amend rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HRUSKA. 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. HRUSKA. Mr. President, in a short time I shall engage in some remarks on the pending business. I ask unanimous consent that these remarks not be counted as a speech in their entirety, but as preliminary to more extended remarks in which I shall engage later in the day.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

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

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

Under the previous order, the Senator from Nebraska is recognized.

Mr. HRUSKA. Mr. President, I rise to support the motion of the junior Senator from Alabama to postpone until the next legislative day the consideration of the motion introduced by the senior Senator from Kansas to amend rule XXII of the Standing Rules of the Senate.

Once again, it is the beginning of a new Congress, and we find ourselves debating the biennial proposition that rule XXII should be altered in some manner, shape, or form. If my memory serves me correctly, this is the eighth time since I became a Member of this body, which was in 1954, that we are confronted with a challenge to the existing rule with regard to the right of debate.

Mr. President, rule XXII is sometimes characterized as a procedural rule rather than a substantive rule. This is true, but the word "procedural" must not be allowed to downgrade the importance of the rule. It is a procedural rule in the sense that the Constitution, itself, is a set of procedural rules. In other words, it is of such importance that it can dictate the environment of the Senate and its usefulness as a part of Congress and of the legislative process. Viewed in this light, it is most important that this question be considered carefully.

I have again reviewed the history and traditions of the Senate and have studied the logic of the arguments of both sides in this matter. Based upon this effort, I must question the advisability of modifying rule XXII of the Standing Rules of the Senate.

Our country, at the time of our Constitution's fabrication, was driven by a kind of dynamic tension. This tension, even today, pervades the operational structure and philosophy of our entire political, economic, and social system.

It also pervades the Constitution designed to govern that system. In that document's delicately balanced mechanism, force is set against force, power against power, and interest against interest. This was so in colonial times. This was so in the early years of the Republic following the implementation of our present Constitution. It is true today. The Constitution-makers deliberately provided a well-balanced mechanism to cope with an everlasting struggle between those determined upon action and those determined to oppose such action. Each side was given powerful weapons. And, to round out the system, each side was liable to be transformed at any moment into the operational counterpart of its opponent.

In many of the debates that occurred during the preceding Congress only recently adjourned, there were a number of examples of that kind where those who often oppose extended debate as a delaying tactic took advantage of that rule, and where those who often favor extended debate were on the other side.

This feature I shall discuss a little bit later in my remarks.

One of the striking features of our Government is the difference that exists between the House of Representatives and the Senate. Representation in the House is determined on the basis of population, and a majority of its Members can thus truly be said to represent a majority of the people on any particular matter before that body. In the Senate, however, each State is entitled to an equal number of Senators regardless of the population of the State, and each Senator is entitled to one vote. Many people tend either to ignore or to resent the fact that Senators do not represent individuals as such but rather individuals as they are organized into States. However, the rules of the Senate implicitly recognize that fact.

As a matter of fact, in the original concept, Members of the Senate were considered the equivalent of ambassadors from their respective States. They were not elected by the people but were designated by action of the State legislatures. They were considered as being the representatives of the Commonwealths or the independent States as States, and not as direct representatives of the people.

These rules also reflect another significant characteristic of the Senate, and that is its relatively small size. George H. Haynes has written:

The Senate rules were intended for a body which at the time of their adoption had not more than 20 Members, and which it was be-

lieved would always remain relatively small. Hence, many matters . . . were left to the control of that courtesy and deference which it was expected would characterize the small group of Senators in the intimate contacts of the Senate Chamber. Despite the fact that the Senate's membership is now larger (than it was originally), the Senate still cherishes the tradition that in most of their relations its Members shall be governed by custom and mutual courtesy rather than by an elaborate code of formal rules. Of the original list of rules the list of all but three is to be found, in practically the identical phraseology, in the standing rules of today.

(Haynes, George H., "The Senate of the United States: Its History and Practice," Boston, Houghton Mifflin, 1938, p. 340).

It might be said, parenthetically, that the idea of the Senate starting out as a small body, with the expectation that it shall remain a small body, has proved correct. Starting out with 20 Members representing a total population of this country of some 4 million persons in round numbers, we find that our present membership of 100 Senators, still a relatively small number, represents the Republic with a population of over 200 million persons. The expectation this body would remain relatively small has come to fruition; only a multiplication of five in the number of Senators since our beginnings as a Republic, today represent a population increased fifty-fold.

Unlike the House of Representatives, the Senate does not have to contend with the problems that accompany a large membership. Its relatively few rules enable the Senate to retain a flexibility of action and a tolerance of individuality that its sister body can hardly afford.

This tolerance of individuality and, therefore, of minorities is a considerable prize. The protection of the rights of the minority is, after all, the primary reason for the existence of the Senate and is as precious an element of democratic government as is the fulfillment of the will of the majority. This protection is one of the unique and outstanding features running throughout the entire Constitution.

The Founding Fathers at no time intended under our Federal Government that a simple majority unchecked should be able to impose its will on a minority of the country. The following are but a few examples of situations in which a simple majority is prevented from acting alone. First, before becoming law, every bill must be passed by the House and the Senate and approved by the President, or, if not approved by the President, must thereafter be passed by the House and Senate by a two-thirds vote of each body; second, if challenged, each law must be able to withstand attack in the Federal courts; third, treaties must be approved by the President and consented to by two-thirds of the Senators present and voting; fourth, amendments to the Constitution must be agreed to by three-fourths—that is, 38—of the States—and before that by two-thirds of the House and the Senate.

No one can read the Constitution and the debates of the delegates at the convention in Philadelphia without realizing that our Federal Government is one of checks and balances—a balance of majority and minority rights and a check against majority rule.

Mr. President, in regard to the matter of minorities, I speak not only as a representative of my State but as a member of several minorities.

First, I am a member of the Republican Party, and I need hardly remind the Presiding Officer nor any other Member of the Senate that for the past four decades my party has had control in only two Congresses. The Republican Party does constitute a minority. We sometimes are in need of rules such as rule XXII in order to try to protect some of the rights which we think we need to retain in representing the people of Nebraska—the bulk of whom, happily, are members of that same party.

Second, another minority to which I belong is that of being a representative of a State which is small population-wise. Of course the problems of the smaller States with small populations were present when our Constitution first took effect, and they are still present.

In fact, I have frequently expounded upon the proposition that as time goes on the problems of the smaller States will multiply many times.

We have heard figures time and again concerning how a larger and larger percentage of our population is coming to live in less and less physical space. That means that the remainder of the vast geographical expanses of our 50 States will be populated by a very small number of people. And when that happens, it means that the Representatives in the other body of just a handful of States will dominate the membership of that body much more completely than is presently the case. There may then be temptations from time to time to enact legislation and to embark upon courses of procedure which might not have every consideration for the rights and privileges and, perhaps, even for the benefits, the freedom, and the liberty of the people living in States such as my own.

Third, another minority of which I am a member is that I represent an area that is primarily and basically agricultural in nature. It depends upon agricultural pursuits for its livelihood and its progress. It has done so ever since beginning as a State in 1867.

Mr. President, farm population statistics are interesting. There was a time in this body and in the other body when the farm bloc was a very formidable element in our legislative process. It was able to bring about the passage of laws dealing with agriculture with considerable facility. It was also able to block the passage of laws considered by it to be harmful to agriculture without too much trouble.

Those days and those years have come and gone, Mr. President. Farm population has been on the decline in numbers for many years—not in quality, certainly not in the quality of life lived in agricultural areas, but in numbers.

An average of 10,307,000 persons lived on farms in rural America in 1969, compared with 15,635,000 in 1960—only 9 years earlier. This represents a decline of about one-third in the number of the people living on farms in rural America during that period.

Between 1960 and 1969, the average annual decline in farm population was 4.6 percent. The figures do not mean too much in the abstract, but when we consider that this percentage in absolute numbers means that an average of about 100,000 people each year left the farms during the sixties. This is graphic evidence that there is a mass exodus of our population from rural to urban areas. There are slightly less than 3 million farms left in the United States today.

In 1954, 11.8 percent of our population lived on farms. This percentage dropped to 5.1 percent in 1969, the latest year for which figures are available. That is a drop, Mr. President, from 11.8 percent of the population to 5.1 percent, of more than 50 percent. So there we have another minority which I have tried to represent since coming to this body, as have the others coming from such areas. We have great concern, indeed, about the amendment of a rule which benefits minorities and prevents the oppression of a majority by a minority.

Fourth, I am probably considered a member of a minority in another respect. That concerns my political philosophy. It is hard to classify political figures one way or another by labels, I suppose, but such terms as conservative and liberal are frequently used. There are further refinements of such labels as hard-bitten conservatives, unyielding conservatives, and willful conservatives, even such terms as moderate Republican, moderate conservative, and strict constructionists.

There are all kinds of labels. It is hard to apply any one of them to a person, to any political figure, and be accurate about it because the range of decisions which one is called upon to make is so great. However, by and large, I like to think of myself as being perhaps a combination of some of these things. Rather than a strict constructionist, I would like to be termed a careful constructionist, one who takes a little more cautious view of the interpretation of the Constitution and its application to our laws than others, making no changes in the Constitution or in the statutes of this land or its policies for the sake of change alone. I am no opponent of change and do not fear change when it is warranted, but fear change when it ventures into areas and realms which have been proven to be worthy of preservation, useful, and carefully and wisely constructed.

So it is in this role of being a member of several minorities that this Senator expresses himself upon the subject at hand.

Our Federal Government is carefully designed to be a balance of majority and minority rights with a careful check against tyrannical majority rule. The underlying fear of the drafters of the Constitution was the danger of the majority oppressing the minority.

This is certainly true throughout this fundamental document we know as our organic law. It is equally true with respect to the Bill of Rights, which is properly construed and regarded as almost an integral part of our original Con-

stitution because there was tacit understanding and agreement on the part of the framers of the Constitution that the Bill of Rights would be quickly proposed and ratified by the legislatures of the several newly made States.

Mr. President, pursuant to the unanimous consent agreement which was registered here earlier in this session, I shall discontinue my present remarks, and resume them at a later time in the afternoon. That unanimous consent agreement also provided that the remarks made heretofore during this afternoon by this Senator will not be counted as a speech in itself but will be combined with remarks he will engage in later in the day.

I yield the floor now to the senior Senator from South Carolina.

Mr. THURMOND. Mr. President, I wish to thank the distinguished and able Senator from Nebraska.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, recently I prepared a newsletter for my constituents entitled "Unlimited Debate." At this time I would like to present this report to my colleagues for their information.

The Senate is now in the midst of a discussion about the rules of debate. At first glance, such a procedure might seem trivial and a waste of time. However, the members of the Senate know that the stakes in this issue are high, and that the very survival of free government is threatened if the Senate rules for debate are substantially changed.

The Senate is the last forum that allows unlimited debate in our process of government. The House of Representatives, because of the great number of its Members, cannot allow everyone to express their views at length. Most legislation moves through the House under tight restrictions on debate; and important as that body is in our system, we cannot overlook the fact that there have been occasions when partisan politics and dictatorial control allowed significant legislation to be gavelled through with little expression of dissenting views.

There is no reason why Senate procedures should become a carbon copy of the House. The practice of unlimited debate allows a thorough discussion of the issues, even to an unpopular minority. Both liberals and conservatives have made use of this privilege. When extended debate develops, the national attention is focused upon the issue at hand. Thousands of people become aware of the arguments, and frequently write to their Senators expressing their views. Thus on crucial issues, a Senator is able to consult his constituency during the course of debate, a privilege which is denied to him when legislation is rushed through.

The fact is that, if the Senate really wishes to end debate, it can do so with a two-thirds vote. The Senate has actually done so on a number of occasions. Yet, it does not happen very often, indicating that most Senators maintain an open mind about the need for debate. The present debate rules, particularly rule XXII requiring a two-thirds majority for ending debate, have played a long and honorable history in drawing the Senate's attention to unwise and hasty legislation, when fundamental constitutional questions may be at stake.

Some opponents of rule XXII have argued that it is too difficult to get two-thirds of the Senate to agree on ending debate, and they propose a change to three-fifths. This is nothing but the salami technique, hoping to weaken the extended debate privilege bit by bit. The framers of our Constitution consistently required a two-thirds majority for fundamental issues—a two-thirds vote of the Senate to ratify a treaty, a two-thirds vote of both Houses to override a veto, a two-thirds vote of both Houses to pass constitutional amendments, a two-thirds vote of the Senate to convict on impeachment, and a two-thirds majority vote of either House to expel its own Member. The concept of a two-thirds majority is embedded in the heart of our constitutional thinking.

Fortunately, the Senate has always held that the two-thirds rule itself is subject to extended debate, requiring, in turn, a two-thirds vote to vote on the change. The House can adopt a new set of rules at the beginning of every Congress, but the Senate is subject to the old Senate rules. The reason for this difference is that every Member of the House is elected or reelected every 2 years, whereas only one-third of the Senate is elected anew every 2 years. Thus the Senate continually has a quorum carrying over from Congress to Congress. Senate committees carry over even when Congress is in recess, a fact cited by the U.S. Supreme Court.

In practical effect, this means that the Senate is a continuing body. There have been 92 Congresses to date, but only one Senate.

Our governmental system has developed a complex system of checks and balances, some of them written into the Constitution, and others adopted through precedent, practice, and legislative decision. The U.S. Senate's practice of unlimited debate is an important part of that system and must be retained.

Mr. President, I would now like to expound several ideas I have on this important subject which were not contained in my newsletter.

Such words as "democracy" and "liberty' are used often in discourses concerning American government. They are too often used interchangeably, and taken to mean the same thing. It is necessary, however, that we ponder for a moment just what these words mean, and the difference between them. It is true that these two words refer to similar characteristics of the Government of the United States: Democracy, simply put, being rule by the majority and liberty being the rights of the individual. Both concepts are important to all Americans. Take away either, and the other would probably no longer aptly describe our system of government.

While both democracy and liberty are essential to our form of government, there is a point at which these two ideals conflict, and the fight to preserve both democracy and liberty is often a fight to keep the two in proper balance with one another. If the principle of majority rule is expanded without limitation, the consequences would be severe: should 50 percent plus one of the electorate decide to ignore the rights of the minority, the justice of the minority cause would become irrelevant. Majority rule would prevail. Liberty, or the rights of the individual would be abolished.

Democracy would, in fact, become mobocracy or tyranny. Similarly, if liberty is allowed to permanently thwart the will of the majority, we would not have liberty, but oligarchy and thus tyranny.

Mr. President, we in the Senate have an awesome responsibility. As the world's greatest deliberative body, it is appropriate for us to consider and to ponder the philosophical foundations of our Government. The immediate interest of those favoring particular legislation must not be allowed to further erode the institutions which buttress our Republic. If the desire of a temporary majority conflicts with a principle important to the maintenance of democracy and liberty, then in my judgment, the duty of the Senate is to side with the long-range good of the Nation. Mere temporary majority support for legislation is hardly the sole criterion for passage of legislation.

Mr. President, this concern for our Republic, and the institutions which keep it free, is the principal motivation for those of us who favor retention of rule XXII in its present form. This rule is one of a number of important rules and procedures which serve to protect our Republic and its free institutions. By allowing extensive debate of legislative proposals, and by allowing an exceptionally determined minority of 34 Senators to speak indefinitely, the Senate prevents passage of unduly harsh or punitive legislation, even though a majority may favor it. In my judgment, this is the strength of the Senate: our goal is not to contrive legislation which pleases a mere majority; rather, it is to attempt to fashion proposals which will consider the desires of the many geographical, ideological, economic, and other interests of this vast country.

Mr. President, rule XXII in its present form encourages this great body to consider the entire Nation when conducting our business. To weaken the rule by allowing three-fifths of the Senators to cut off debate is to discourage this broad approach which is essential to the unity of our Nation. The most able American and South Carolinian John C. Calhoun, who served with great distinction in this body, is known for expounding the theory of the concurrent majority. Calhoun was a brilliant political scientist, and his analysis of the United States as a pluralistic society was not only original for its day, it has also stood the test of time. This great Senator correctly perceived that our Nation consisted of numerous competing groups—business, agricultural, sectional, religious, and so forth. He contended that none of these groups alone could determine the course of government, but that the interests would combine—giving and taking with each other—until a given policy was suffi-

ciently broad to receive the support of a majority of the interests in the Nation. The coalition was hardly permanent, but another would be formed on behalf of another policy.

Mr. President, John C. Calhoun, in propounding the theory of the concurrent majority, was presenting an analysis of our body politic, and how it worked. He was not advocating, but observing. However, Calhoun did foresee a danger that the system could break down if safeguards were not provided to insure that major interests, representing a substantial segment of the population, were given a voice on matters vitally affecting them. Indeed, Calhoun at one time advocated several executives—with veto powers—rather than one President, so concerned was he that our system could not sustain the complete alienation of a major part of our Nation. Perhaps Calhoun was prophetic—for indeed the War Between the States was in part the result of the inability of our government to reconcile opposing points of view within the system.

Rule XXII, as presently written, has been criticized by its critics not merely because its use has prevented passage of certain legislation but because the threat of extended debate under the rule works an influence on legislation that is passed. It has been said that the threat of extended debate by small groups of Senators has diluted otherwise good legislation. In my judgment, this is not an argument for weakening rule XXII, but a most persuasive one for retaining the present rule. While critics use the term "dilute," in reality they are referring to changes in proposed legislation which accommodate the bill to the numerous points of view represented in this body. This process, far from being harmful, actually helps fashion legislation more acceptable to the entire Nation. The result is not diluted legislation but legislation that is designed to do more than satisfy a temporary majority—that is designed to meet the requirements of as large a proportion of the American people as is possible. In a time of increasing bitterness and frustration among the American people, it would appear to be ill-advised to weaken a device which allows a substantial minority to make its views felt on legislation. Let us all remember, particularly those who wish to weaken rule XXII, that today's majority can easily become tomorrow's minority.

Mr. President, some would give the impression that a small and willful minority now have a virtual veto over all legislation because of rule XXII. I think we are all aware that this is not the case. First of all, 34 Senators are required to prevent cloture, if all are present to vote.

I should like to remind my colleagues that there are only 22 Senators from the States of the old Confederacy, and that all 22 seldom vote as a unit. Second, the success of extended debate depends in some measure on the infrequency of its use. It is a technique that would rapidly become ineffective if used often. Extended debate can become physically tiring and mentally exhausting. It can subject participants to the ridicule of a sometimes hostile press. It can place a Senator strongly at variance with a majority of his colleagues. In summary, a substantial minority of Senators will exercise their rights under rule XXII only if they feel very strongly about an issue. When this occurs, there can be no doubt that the issue is important. It is probable that the additional attention focused on the issue as a result of extended debate—both here in the Senate and in the news media—is justified, and might well prevent hasty action that while acceptable to a majority, would be strongly opposed by a minority.

Mr. President, in my judgment, rule XXII in its present form is an important preservative of the rights of the minority point of view. It helps preserve that balance between democracy and liberty essential to the well-being of our Republic. It encourages legislation more acceptable to the entire Nation—and thus provides consideration of all major interests by the concurrent majority of which Calhoun wrote. The Senate—as the world's greatest deliberative body—would be wise to resist those who would weaken its effect.

Mr. President, the critics of the present rule XXII often speak as if a two-third's majority were required to pass all legislation. It seems clear, however, that extended debate is a technique that is used only sparingly, and then not always successfully.

Mr. ERVIN. Mr. President, will the Senator yield for a question or two?

Mr. THURMOND. Mr. President, I shall be glad to yield to the distinguished Senator from North Carolina, provided I can maintain my right to the floor, and that when I resume, it shall not constitute another speech on the same date; and I ask unanimous consent to that effect.

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

Mr. ERVIN. Mr. President, I ask the distinguished Senator from South Carolina this question: In the ultimate analysis, is not rule XXII simply a rule which gives a minority a reasonable opportunity to persuade a majority of the rectitude of the minority's position in respect to legislation, and affords the minority a reasonable opportunity to convert itself into a majority? Is not that the purpose of rule XXII, to afford the minority a reasonable opportunity, by persuasion, to convert itself into a majority?

Mr. THURMOND. Mr. President, in reply to the distinguished Senator from North Carolina, I would state that that undoubtedly is the purpose of rule XXII, because, by carrying on debate, the opportunity is presented to the Senate and to the Nation to cause reflection, to produce thought, to stimulate new ideas on the subject, and as a result of such thought and stimulation of ideas, sometimes people change their minds; and thus rule XXII does not hamper the passage of good legislation. I do not know of a single piece of good legislation that rule XXII has ever stopped.

Mr. ERVIN. I ask the Senator from South Carolina if he, like the Senator from North Carolina, has not on occasion had a tentative opinion in respect to the wisdom or unwisdom of legislation changed by listening to the arguments of others who have studied the question.

Mr. THURMOND. The Senator is eminently correct; and if debate is not helpful to Senators in formulating conclusions on matters presented by the debate, then no debate is worthwhile.

Why do we have debate in the Senate at all? We have debate because people have different views, and some have formed opinions, perhaps, on a subject, before they come to the Senate, or before they have had the opportunity to consider the matter; but upon the stimulation of thought, with new ideas being injected into debate, and upon reflection, and upon reading and hearing discussions, it is very helpful to Senators to get new ideas and new thoughts. If a Senator is openminded—and I would attribute to my colleagues in this body that they are openminded—then debate is helpful. And if debate is helpful at all, why is not extended debate helpful, where the subject involved is so extremely important and vital to the whole Nation, or any one section of the Nation?

Mr. ERVIN. I ask the Senator from South Carolina if what he has just said does not engender the conclusion that the debate allowed by rule XXII in its present form serves the majority as well as the minority, because it gives to the majority, on many occasions, an opportunity to expand their intellectual horizons and achieve a better understanding of a subject of great importance to the Nation.

Mr. THURMOND. It not only does that, but it also provides a forum for the majority, speaking here in this body, to expose their opinions to the Nation, and to meet the approval or disapproval by public opinion of what is being advocated; and if the Nation approves of what the majority is doing, then that opinion will become stronger and stronger, and put the majority in a very fortified position, in which they might not otherwise have been.

Mr. President, on an occasion when a substantial minority of Senators realizes that it has a chance of preventing action on an extremely controversial matter, this chance, provided by rule XXII, encourages both sides to look long and hard at a proposal and give more careful consideration to the issue than would have been given had the rule not existed.

Mr. President, rule XXII demands of the Senate that legislation be carefully drawn. It demands that the views of Senators—and also of part of the American public—which may be in an unpopular minority be given both a fair hearing and a due consideration in the provisions of the legislation. Rule XXII stands as a barrier to whim, to radical change which, though temporarily popular, could do harm not contemplated by the proponents of the change.

Mr. President, our Republic has survived and prospered because we have attempted to preserve a balance between democracy and liberty, because our forefathers contemplated the democratic process not as an end in itself, but as a means to an end. The rights of man are held to exist independently of the will-

ingness of a majority to tolerate those rights. For this reason, we have not had government by Gallup, in which the will of the majority at a given time is the sole test of the merit of a given proposal.

This is not to say that there is something wrong with the majority opinion prevailing. Our system of government, while replete with safeguards against majority excesses, is essentially a system whereby majority opinion is translated into government action. The use of extended debate under rule XXII allows a minority of Senators—who might actually represent a majority of the people—to stand up and yell "Wait a minute." If a sufficient minority of Senators is willing to take such a stand, then there is certainly a serious doubt as to the advisability of the proposal.

Mr. President, it has been said that extended debate delays the Senate in its work. I submit that this is a deliberative body—not a traffic court anxious to clear the docket. Speed may be a virtue in other branches or agencies of government, but not necessarily in the Senate. Deliberation by its very nature takes time. It is important for the Senate that we consider many aspects of legislative proposals and other matters. Is the bill constitutional? This must be considered by the Senate—not left to the Supreme Court. The Senate, being a reflective body, is well suited to preventing passage of legislation which violates the Constitution—even though the proposal might be otherwise popular.

In addition, the Senate must consider the wisdom of legislation. It is entirely conceivable that a bill acceptable to a majority of Senators—and a majority of the Nation—could work an extreme hardship on a minority. A Senate operating under rule XXII is peculiarly sensitive to such matters—a bill injurious to the interests of a substantial minority naturally runs the risk of extended debate. A Senate with a weakened rule XXII would, in my judgment, be much less inclined to consider a bill from the standpoint of its effect on all Americans—not just a majority.

Mr. President, the proposal to alter rule XXII changes the percentage of Senators required to invoke cloture from 66⅔ to 60 percent of those present and voting. Some of the proponents of this change appear to recognize the advisability of a rule which prevents a cutoff in debate by a mere majority. They apparently believe, however, that 60 percent represents a sufficient safeguard. I should like to remind my colleagues that the 90th Congress began with a Senate composed of 64 Democrats and 36 Republicans. Had a proposal been before the Senate of a highly partisan nature which seriously endangered the minority party, the 36 Republicans could have debated the measure extensively and probably guaranteed its alteration or withdrawal, because of the requirements of rule XXII. However, had the proposed change in rule XXII been in effect, with only 60 Senators required to invoke cloture, the minority party would have been powerless to prevent passage of such a measure.

I make no prediction, but those of the majority must certainly consider the possibility that the next Congress will find them looking at the rules from the point of view of the minority—whether it be a partisan minority, a philosophical minority, a sectional minority, or some other minority. All of us find ourselves espousing a minority point of view at one time or another. There are times when a minority viewpoint needs the protection which 34 Senators can now provide. As I have said, extended debate is not used capriciously in the Senate. Senators on the losing side of an issue often feel strongly about the matter, yet extended debate is resorted to sparingly. The rigors involved in extended debate are indeed safeguards against its overuse in the Senate.

Mr. President, in attempting to devise a specific number or fraction of Senators necessary to close debate, it is to some extent necessary that the specific figure appear arbitrary. There is nothing magic about the fraction two-thirds or the fractions three-fifths, but, in my judgment, it is clear that a change to the three-fifths rule would weaken the protection offered to the minority under rule XXII. Simply put, it means that where 34 Senators can now prevent passage of extremely harsh legislation, it would take 41 under the proposed change. I believe rule XXII has worked well and that it effectively provides a degree of protection for the minority point of view.

Mr. President, the issue at stake in this debate is one of great importance to all people of this country and should be of the greatest importance to the minority groups of this country. It is most unusual that the Members of the Senate who are proposing restrictions upon freedom of debate in the Senate and, thereby, curtailment of the right of minorities, are the very ones who are the most eloquent in their defense of minority rights in other areas. It is also an anomalous situation in that a number of the proponents of the proposals for greater restrictions upon debate are noted for their loquaciousness on other issues when they feel strongly either for or against them.

While proponents of this change often talk about the rights of the minorities, they are seeking to deny a long-standing right of the Members of the Senate, who happen to be in the minority on a certain issue, to fully debate the issue while representing their constituents in a manner which is consistent with each Senator's pledge to represent the people of their State and to uphold the Constitution. Our Government was not founded on the principle of absolute rule by the majority; there are a number of provisions in our Constitution which refute the idea of absolute majority rule.

Mr. President, while our Founding Fathers, in setting up our Federal Republic, provided for a very substantial increase of political power in the Central Government, they did not abolish the sovereign States and they distributed the newly created powers in a manner which would practically eliminate the possibility of absolute rule by the majority. One of the primary considerations of our Founding Fathers in providing a wide distribution of power was the desire to prevent radical action by a popular majority. The principle of checks and balances which is preserved in our Constitution by the creation of three co-equal branches of government fully expresses the spirit of our form of government as being opposed to the rule by an absolute majority. The Senate and the manner in which it came into being are proof of the fact that our Founding Fathers were opposed to a form of government which would allow a popular majority to work its will on a powerless minority. The compromise between the large and small States at the Philadelphia Convention to give equal representation to all States in the upper House of the Congress of the United States insured that the large States would not be able to completely dominate our new National Government. This illustrious body stands as a barrier to the demise of the type of government which has made our Nation great; equal representation for every State in the Senate assures that the people of the smallest State will have an equal chance to have their views expressed on any and every issue which is presented to the Congress. The Senate was envisioned by the Founding Fathers as a body where the rights of States and the views of minorities would be given extraordinary consideration.

During the course of the debates of the Philadelphia Constitutional Convention of 1787, the delegates reached agreement upon a House of Representatives to be elected by the people every 2 years and based upon a population ratio divided into congressional districts. After this action was taken, the smaller of the participating 13 States wondered how their minorities could be adequately protected from the capricious whims of a majority in the House.

After long debate, which was at times most acrimonious, and which actually threatened to break up the Convention, the solution was offered by the wise and venerable Benjamin Franklin; namely, equal representation in the Senate for every State. And, to make sure that that representation would be of a character that would calmly consider and patriotically and unselfishly act on laws under which all the people would have to live, it was provided in the original instrument that Members of the Senate should be elected by State legislators and not by popular vote and given a term of 6 years. The Senate was never intended to be a vehicle to be used by a majority of the large States or by any simple majority as a means of imposing their will on a minority of the States; but it was designed to be a long-term protector of the freedoms which our Founding Fathers fought and died for and sought to preserve in the new Constitution.

Mr. President, the Senators who are making this attempt to change rule XXII are attempting to deny the protection that was given to the small States by our Founding Fathers against domination of the U.S. Senate, the Congress and our Government by the large States. There is more at stake in this debate than the simple wording of rule XXII. A change in rule XXII could be the first step in a series of maneuvers by a radical popular majority which could result in the loss of many of the freedoms which

we have enjoyed for nearly 200 years in this great Nation.

Many of the citizens in the original 13 States were concerned about the extent to which they were submitting themselves to the new Federal law. They had recently freed themselves from tyranny and secured for themselves individual liberty in a great fight for independence. Consequently, numerous safeguards to protect the rights of the States were built into the Constitution. Before they would assent to the ratification of this supreme law, however, they won assurance of early approval of the first 10 amendments to the Constitution. These amendments, commonly referred to as the "Bill of Rights," constitute the greatest set of civil and individual rights to be found anywhere.

Probably the most important of these 10 amendments to the present discussion is the first. It reads as follows:

ARTICLE I

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 peaceably to assemble, and to petition the Government for a redress of grievances.

This amendment contains one of the most important restrictions placed upon this Congress, in that Congress is prohibited from enacting any law which abridges the freedom of speech. The importance of free and open debate was foremost in the minds of the authors of this amendment.

The Founding Fathers also wrote into the original Constitution other safeguards against what the advocates of a rules change term "majority rule." They provided in certain instances for votes requiring a majority of two-thirds. Here are some of these provisions as found in the Constitution:

No person shall be convicted on impeachment without the concurrence of two-thirds of the Senators present (art. I, sec. 3).

Each House, with the concurrence of two-thirds, may expel a Member (art. I, sec. 5).

A bill returned by the President with his objections may be repassed by each House by a vote of two-thirds (art. I, sec. 7).

The President shall have power, by and with the advice and consent of the Senate to make treaties, provided two-thirds of the Senators present concur (art. II, sec. 2).

When the choice of a President shall devolve upon the House of Representatives, a quorum shall consist of a Member or Members from two-thirds of the various States of the Union (amendment 12).

A quorum of the Senate when choosing a Vice President shall consist of two-thirds of the whole number of Senators (amendment 12).

The Constitution, therefore, does not give recognition, in all cases, to the rights of the majority to control, and our Founding Fathers envisioned the Senate as a very real barrier to absolute rule by the majority and as a citadel to protect the numerated rights of the citizens of the new Republic.

Mr. President, one of the most important safeguards of our freedoms established and preserved by the U.S. Constitution is article V which requires that two-thirds of both Houses must concur on any amendment to the Constitution. Article V reads as follows:

ARTICLE V

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two-thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by Conventions in three-fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress: Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

Not only does an amendment to the Constitution require the concurrence of two-thirds of both Houses or the concurrence of conventions called by two-thirds of the States but the Constitution provides that any amendments approved must be ratified "by the legislature of three-fourths of the several States, or by conventions in three-fourths thereof."

Extended debate, or if you prefer, filibuster, is a weapon as old as parliamentary procedure and is justified as man's last defense against what Aristotle first recognized as the "Tyranny of the majority." It is impossible to determine when its use first began, when the first "leather lunged, iron legged" men began to stand up in forums and literally talk to death public measures they deemed obnoxious.

When Julius Caesar was Praetor—according to Seutonius—he staged one of the first recorded filibusters. Alone of the Roman Senators, he was bitterly opposed to a measure to condemn and execute the Catline conspirators. Caesar began what started out as an argument against conviction, and quickly developed into a full-fledged filibuster against the measure. After some time, the Roman guard entered the chamber with loud threats against Caesar's life, began thrusting at him with their swords, until his friends, fearing for his life, covered him with their togas and ushered him from the Senate.

As consul, Caesar himself was victimized by this same stratagem practiced by Cato the younger. Caesar was anxious to pass a farm bill, and Cato the younger started to filibuster against it. Outraged by the same practice he had indulged, Caesar ordered the sergeant at arms to eject Cato from the chamber. When this officer performed his duty, the entire Senate left the chamber with Cato as a demonstration of their disapproval of this arbitrary conduct. Thereafter, to the end of the Roman Republic, there was no attempt to limit debate in the Senate, and filibusters flourished on many occasions.

The Romans undoubtedly carried the art and practice with them through Western Europe and into England, where we next find filibusters used defensively against tyranny of a majority in forums. In 1604, the British Commons sought to curb filibusters by providing for "submission of the previous question," and while this had the result of terminating debate and bringing the issues to a conclusion, ways were still found to debate and delay extreme proposals for legislative enactment.

Edmund Burke, Parnell, and other Members of the Commons were adept at finding parliamentary means of opposition. They used mostly the ruse of forcing rollcalls or divisions. Parnell, a great and fearless Irishman, led the famous battle of 1881 to obstruct all business of Commons and compel public attention to the Irish home rule bill. With a little group of 24, Parnell dominated the House, forced endless rollcalls, raised nearly 2,000 points of order, and made over 6,000 speeches.

It was on this occasion that Speaker Brand declared:

Under the operation of the accustomed rules and methods of procedure, the legislative powers of the House are paralyzed. A new and exceptional course is imperatively demanded.

Then the House adopted the rule of "urgency" under which the Speaker might put the main question, in itself a form of cloture against which the opposition fought, without success, tooth and nail.

France, too, had her troubles. In fact, "cloture"—as opposed to English cloture—is a French word. It was introduced in the French parliamentary procedure in 1814.

The United States borrowed "filibuster" from the English, and gave it its name. The word itself is derived from "filibusteros," West Indian pirates who sailed in small vessels called filibotes or fly boats.

Our Government owes much of its success to the fact that the exercise of sovereignty by the people is facilitated by the Senate's full and free debate on public issues. To further curtail this basic function of the Senate would be to weaken further the entire political system on which our Nation has based its hope for freedom and prosperity. I urge the Senate to reject all of the pending proposals to amend rule XXII, lest our country fall victim to that historical nemesis of freedom, self-government and statehood—the "tyranny of the majority."

The Senate, in its wisdom, has recognized the importance of preventing absolute majority rule. The Senate has recognized that the wishes of a temporary majority may conflict with the rights of a minority, rights which should be preserved. The Senate has recognized its role as a body peculiarly well suited to giving due consideration to a point of view that may not be popular, but may possess great merit. Let us continue to exercise this wisdom by rejecting once again the proposal now before us.

This attack upon the Rules of the United States Senate should be viewed as what it actually is—a frontal assault upon tradition and orderly procedure and a real and present danger to the Senate of the United States. This fact is largely forgotten or intentionally overlooked due to the propaganda barrage leveled against the present rule XXII by the liberal press as merely a device for

defeating civil rights legislation. Nothing could be further from the truth.

Tradition, in and of itself, is not sacred and cannot provide the complete answer to every problem. Neverthless, longstanding traditions are seldom maintained without sufficient reason. Almost invariably, traditions serve as a warning beacon of oft-forgotten and sometimes obscure, but always sound and logical purposes.

A beacon of more than 178 years unbroken tradition stands as a warning of the seriousness of the proposal before this body. Should the motion to proceed to a consideration of the rules be favorably considered by this body, this 170-odd year tradition will be destroyed, and regardless of a subsequent return to the same method of procedure by this body after sober reflection, the tradition will be broken, and the beacon extinguished forever.

Even more vital, however, are the logical purposes which prompted the unshattered existence of this tradition. Foremost among these purposes is that of insuring an orderly procedure, so vital in such an authoritative body.

Complaints have been made that this body is not only deliberative but, on occasions, dilatory when operating under its present rules. Yet some of those who voice these complaints would have this body declare itself, by an affirmative vote to proceed to the adoption of rules, to be a noncontinuing body and, therefore, without any rules whatsoever. It has been suggested that, during the interim between this vote and the adoption of new rules by a majority vote of this body, that the Senate proceed under general parliamentary law or, as one self-styled authority suggested, under "Roberts' Rules of Order." I cannot conceive of a more perfect example of jumping from the frying pan into the fire than to proceed from a disagreement as to what the rules should be, to a disagreement on what the rules are, as would be the case if this body attempted to operate under general parliamentary law, or even "Roberts' Rules of Order."

The Senate is not an ordinary parliamentary body. Analogies to the procedure of other parliamentary bodies have little, if any, relevancy to the question before us. For instance, the House of Representatives is exclusively a legislative body. The Senate is far more. In addition to being a legislative body, it performs, by constitutional mandate, both executive and judicial functions. Article II, section 2, of the Constitution provides that the President shall share with the Senate his executive treatymaking power and his power of appointment of the officers of the United States. Article I, section 3, of the Constitution requires of the Senate a judicial function by reposing in the Senate the sole power to try all impeachments.

The uniqueness of the Senate is not confined, by any means, to its variety of functions. There are innumerable other aspects about this body which prevent its orderly operation at any time under parliamentary law other than its own rules, adopted in accordance with the provisions of these rules. For example, almost all parliamentary procedures presuppose that any main question, after due notice, can be decided by at least a majority of the Members of the particular body using the parliamentary procedure. Any Senate rules which presupposed such a conclusion would be inoperable, for the Constitution itself specifies the necessity for two-thirds majority for action on many matters. Among these issues requiring a two-thirds majority by constitutional mandate are for conviction on impeachment; to expel a Member, to override a Presidential veto; to concur in a treaty; to call a constitutional convention; to propose a constitutional amendment to the States and to constitute a quorum when the Senate is choosing a Vice President. The very fact that each State, regardless of its population, has equal representation in this body belies the thought of simple majority rule in its deliberation.

It is this very uniqueness which has compelled so many to conclude that the Senate had a degree of continuity unknown to other parliamentary bodies.

The Founding Fathers themselves, in drafting the Constitution, provided for this continuity by establishing a 6-year term of office for each Senator, so that a minimum of two-thirds of the entire body would continue from one session to the next. Had the Founding Fathers desired continuity only, but less than a continuing body, they could have provided for a staggered term of 4 years for a Senator with one-half of the Senate returning from one session to the next. This would not have provided the necessary quorums to do business at all times, and the Senate would not have been a continuing body.

The Senate itself has reinforced the premise that it is a continuing body by the unbroken precedent of continuing its rules from one session to the next. In recent years there are two clearcut precedents upholding the Senate's status as a continuing body, and even more specifically, that its rules continue from one session to the next. In 1953 and again in 1957, this body tabled a motion that it proceed to take up the adoption of rules for the Senate.

In 1954, the Senate voted to condemn the late Senator McCarthy for his conduct in a previous session. The committee report accompanying the resolution stated: "The fact that the Senate is a continuing body should require little discussion. This has been uniformly recognized by history, precedent, and authority."

In addition, the Senate has jealously maintained its authority to continue its committees in their operations between adjournment and the commencement of the next ensuing session. The Supreme Court in the 1926 case of McGrain against Daugherty specifically ruled that the Senate was a continuing body and that, therefore, its committees were authorized to act during the recess after the expiration of a Congress.

Is the purpose sought to be accomplished by the drastic action proposed so worthy as to justify the risk of stripping the Senate's committees of their authority to function after the date of adjournment? Is it so imperative that it justifies the abandonment of orderly procedure for the jungle of "general parliamentary law"? The Senate has again this year answered this question in the negative. The Senate is a continuing body.

The proponents of the pending motion aver that the real target for this all-out effort is one Senate rule, and only one—the one which primarily governs the limitation of debate. This much maligned rule has been made the scapegoat by many groups. Its greatest distinction, however, appears to be its seclusion from objective consideration.

In discussing the history of limitation of debate in the U.S. Senate, many newspaper columnists appear to be under the impression that a limitation of debate existed in the United States in the period between 1789 and 1806. Their assumption is based on the fact that, during that period, the Senate rules allowed the use of a motion called the previous question. During the debate on this subject in previous years, the point was discussed, and it appears that the debate would have established in the mind of a reasonable person that there was no limitation on debate in the Senate during this period. Nevertheless, some newspaper editorials and columnists apparently still labor under the misapprehension that "the previous question," which existed in the Senate between 1789 and 1886 was a motion to end debate. For this reason, I believe it would be well to review this matter to some extent so that any lingering doubts that there was a limitation of debate in the Senate between the years 1789 and 1917 will be dispelled.

In discussing the "previous question" which existed in both the Senate and the House until 1803, Dr. Joseph Cooper stated:

There is very little evidence to support the contention that in the period 1789–1806 the previous question was seen as a mechanism for cloture, as a mechanism for bringing a matter to a vote despite the desire of some members to continue talking or to obstruct decision. This is true for the House as well as for the Senate. On the other hand, convincing evidence exists to support the contention that the previous question was understood as a mechanism for avoiding either undesired discussions or undesired decisions, or both.

The leading advocate of the view that the proper function of the previous question related to the suppression of undesired discussions was Thomas Jefferson. In his famous manual, written near the end of his term as Vice President for the future guidance of the Senate, he defined the proper usage of the previous question as follows:

"The proper occasion for the previous question is when a subject is brought forward of a delicate nature as to high personages, etc., or the discussion of which may call forth observations, which might be of injurious consequences. Then the previous question is proposed: and, in the modern usage, the discussion of the main question is suspended, and the debate confined to the previous question."

In terms of his approach, then, Jefferson regarded as an abuse any use of the previous question simply for the purpose of suppressing a subject which was undesired but not delicate, and he advised that the procedure be "restricted within as narrow limits as possible."

Despite Jefferson's prestige as an interpreter of parliamentary law for the period with which we are concerned, his view of the proper usage of the previous question cannot be said to have been the sole or even the dominant one then in existence. A second strongly supported conception understood the purpose of the previous question in a manner that conflicted with Jefferson's view; that is, as a device for avoiding or suppressing undesired decisions.

The classic statement of this view was made in a lengthy and scholarly speech delivered on the floor of the House of Representatives on January 19, 1816, by William Gaston. In this speech Gaston, a Federalist member from North Carolina, argued that on the basis of precedents established both in England and America the function of the previous question was to provide a mechanism for allowing a parliamentary body to decide whether it wanted to face a particular decision. In the course of his speech he took special pains to emphasize his differences with Jefferson:

"I believe, sir, that some confusion has been thrown on the subject of the previous question (a confusion, from which even the luminous mind of the compiler of our Manual, Mr. Jefferson, was not thoroughly free) by supposing it designed to suppress unpleasant discussions, instead of unpleasant decisions. * * *"

Gaston's speech, to be sure, was made 5 years after the previous question had been turned into a cloture mechanism in the House and it was made as a protest against this development. It is valuable, nonetheless, as an indication of the state of parliamentary theory in the years from 1789 to 1806 and its standing as evidence of this nature is supported both by the arguments made in the speech itself and by less elaborate statements made on the floor of the House in the years before 1806.

That the previous question was understood as a mechanism for avoiding undesired decisions in the early Senate as well as the early House is indicated by an excerpt from the diary of John Quincy Adams. The excerpt comes from the period in which Adams served in the Senate and it contains his account of Vice President Burr's farewell speech to the Senate. In this speech, delivered on March 2, 1805, Burr by implication seems to understand the function of the previous question as relating primarily to the suppression of undesired decisions.

"He (Burr) mentioned one or two of the rules which appeared to him to need a revisal, and recommended the abolition of that respecting the previous question, which he said had in the four years been only once taken, and that upon an amendment. This was proof that it could not be necessary, and all its purposes were certainly much better answered by the question of indefinite postponement. * * *"

We should note in closing our discussion of proper usage that in Burr's case, as in a number of others, his words do not rule out the possibility that he understood the previous question as a mechanism for avoiding undesired discussions as well as undesired decisions. Indeed, despite the exclusive character of the positions maintained by Jefferson and Gaston their basic views could be held concurrently and in the years immediately preceding 1789 they were, as a matter of general agreement, so held in the Continental Congress. The previous question rule adopted by that body in 1784 read as follows:

"The previous question (which is always to be understood in this sense, that the main question be not now put) shall only be admitted when in the judgment of two Members, at least, the subject moved is in its nature, or from the circumstances of time and place, improper to be debated or decided, and shall therefore preclude all amendments and further debates on the subject until it is decided."

Thus, a third alternative existed in parliamentary theory in the early decades of government under the Constitution with reference to the previous question—that of seeing it as a mechanism for avoiding both undesired discussions and undesired decisions. The extent to which Jefferson's, Gaston's, or a combination of their positions dominated congressional conceptions of the proper function of the previous question is not clear. The lack of rigidity in parliamentary theory was an advantage rather than a disadvantage and the average member, in the years before 1806 as now, was not apt to be overly concerned with the state of theory or its conflicts unless some crucial practical issue was also involved. However, practice in these years reveals that in both the House and the Senate the previous question was used mainly for the purpose of avoiding or suppressing undesired decisions, rather than undesired discussions. Still, practice also reveals that the degree to which these purposes can be distinguished varies widely from instance to instance and that often any distinction between them must be a matter of degree and emphasis, rather than a matter of precise differentiation.

The previous question of these early congressional days was a mechanism for avoiding undesired discussions or decisions rather than to achieve cloture. Three key factors in the rule's operation from the standpoint of parliamentary theory illustrate this: The motion of previous question was debatable, the procedure followed after the motion was determined and the limitations on the use of the motion.

When the previous question was properly moved by the required number of Members, it was debatable. The debate could be extensive, for the only real limitation in the Senate was the provision that no Senator should speak more than once on the same issue on the same day without permission of the Senate.

The procedure following a determination on the previous question motion is described by Dr. Cooper as follows:

Equally, if not more important, as an indication of the purposes for which the previous question was designed is the manner in which the House and Senate understood the motion to operate after a decision had been rendered on it. With regard to negative determinations of the previous question, the view that appears to have been dominant in the period from 1789 to 1806 was that a negative decision postponed at least for a day, but did not permanently suppress, the proposition on which the previous question had been moved. In the House this view seems to have prevailed during the whole period from 1789 to 1806, though it is possible to place a contrary interpretation on the evidence which exists for the first few years of the House's existence. As for the Senate, less evidence is available, but it is probable that its view was similar to that of the House. This conclusion can be based on Jefferson's statement that temporary rather than permanent suppression was the consequence of a negative result and the fact that on one occasion the Senate seems to have acted in accord with the temporary suspension view. However, it should also be noted that in a number of instances in which the previous question was used in both the House and Senate, the circumstances were such that permanent suppression was or would have been the unavoidable consequence of a negative result.

The fact that a negative determination of the previous question suppressed the main question supports our contention that the previous question was originally designed for avoiding undesired discussions and/or decisions, rather than as an instrument for cloture. That the previous question could not be employed without risking at least the temporary loss of the main question ill adapted it for use as a cloture mechanism. It is not surprising that one of the long run consequences of the House's post-1806 decision to use the previous question for cloture was the elimination of this feature. On the other hand, suppression was a key and quite functional feature of the previous question, viewed as a mechanism for avoiding undesired discussions and/or decisions. Indeed, in the period from 1789 to 1806 suppression served as a defining feature of the mechanism. Men who intended to vote against the motion would remark that they supported the previous question and on one occasion the motion was recorded as carried when a majority of nays prevailed.

With regard to affirmative determinations of the previous question, the evidence which exists again does not lend itself to simple, sweeping judgments of the state of parliamentary theory in either the House or the Senate. The House in the years from 1789 to 1806 on a number of occasions allowed proceedings on the main question to continue after an affirmative decision of the previous question. Finally, in 1807 a dispute arose over whether such proceedings could legitimately be continued. The Speaker ruled that they could not, that approval of the motion for the previous question resulted in an end to debate and an immediate vote. This was Jefferson's opinion as well. But despite the fact that Jefferson's pronouncements on general parliamentary procedure were as valid for the House as for the Senate, the House procedure were as valid for the House as for the Senate, the House overruled the Speaker and voted instead to sustain the legitimacy of continuing proceedings after an affirmative decision of the previous question. It is not clear whether this decision should be explained by assuming that it reflected the House's long-term understanding of proper procedure or by assuming that it merely reflected the House's pragmatic desire to escape the consequences of the 1805 rules change which abolished debate on the motion for the previous question.

As for the Senate, again less evidence is available, but the Senate appears to have accepted the view that the proper result of an affirmative decision was an end to debate and an immediate vote on the main question. This is what seems to have occurred in the three instances in which the previous question was determined affirmatively in the Senate. Nonetheless, it should be noted that the issue never came to a test in the Senate and we cannot be certain what the result would have been if it had.

Yet, even if we concede that the Senate understood the result of an affirmative decision as Jefferson did, what must be emphasized once more is that this facet of the rule's operation does not mean that the previous question was designed as a cloture mechanism. Jefferson did not regard it as such, but rather saw an immediate vote upon an affirmative decision as an integral part of a mechanism designed to suppress delicate questions. To be sure, it was this facet of the rule's operation, combined with the abolition of debate on the motion for the previous question, which helped make it possible for the House to turn the rule into a cloture mechanism. This occurred in 1811 when the House, fearful that filibustering tactics were going to result in the loss of a crucial bill, reversed its previous precedents and decided that henceforth an affirmative decision would close all debate on the main question, finally and completely. Nonetheless, despite the fact that the previous question was available for use as a cloture mechanism from 1811 on, the House did not make frequent use of it for several decades. One of the reasons for this was that the rule, not having been designed as a cloture rule, continued to retain or was interpreted to have features which made it both ineffective and unwieldy when used for the purpose of cloture. Indeed,

it took the House another 50 years of intermittent tinkering to eliminate most of these debilitating features.

Mr. President, Dr. Cooper also described how the limitations on the scope of the motion "previous question" handicapped the possibility of its use as a cloture device. He stated:

For one thing, the previous question could not be moved in committee of the whole, a form of proceeding which both the early House and early Senate valued highly as a locus for completely free debate. Thus, when the House beginning in 1841 finally decided to limit debate in committee of the whole, it was forced to develop methods other than the previous question for accomplishing this result. However, the early Senate relied to a large extent, not on the regular committee of the whole, but on a special form of it called quasi-committee of the whole, i.e., the Senate as if in committee of the whole; and apparently it was possible to move the previous question when the Senate operated under this form of proceeding.

More important as a limitation on the scope of the previous question was its relation to secondary or subsidiary questions. At first, at least in the House, the previous question was treated as a mechanism that could be moved on subsidiary or secondary questions, e.g., motions to amend, motions to postpone, etc., as well as a mechanism that could be moved on original or principal questions, e.g., that the bill be engrossed and read a third time, that the bill or resolution pass, etc. Thus, though this fact is often misunderstood, in the early House the main question contemplated by the motion for the previous question was sometimes a subsidiary question rather than the principal or original question. Whether the Senate permitted the previous question to be applied to secondary or subsidiary questions before 1800 is not clear. However, in that year Thomas Jefferson, as presiding officer of the Senate, ruled that the previous question could not be moved on a subsidiary question and his manual when it appeared reaffirmed this position. The House followed suit in 1807, though as late as 1802 a ruling of the Speaker, concerned with the effect of a negative determination of the previous question, took to cognizance of the fact that the previous question had been moved on a subsidiary question and allowed such usage to go by unchallenged.

The decision of the House to confine the previous question to principal questions created great difficulties once it began to use the device as a cloture mechanism. Neither the rules of the House or the Senate clearly gave the previous questions procedure over other subsidiary questions, such as the motions to postpone, commit, or amend. Thomas Jefferson's opinion was that subsidiary questions moved before the previous question should be decided prior to a vote on the previous question. However, such an approach became entirely unacceptable once it was desired to employ the previous question as a cloture mechanism. If subsidiary questions moved before the previous question took procedure over it and if the previous question could only be applied to the original or principal question, then obstructionists could move subsidiary questions before the previous question and prolong the discussion of these questions for great lengths of time. It was probably no accident that the House amended its rules to give the previous question precedence used the previous question for cloture.

Nonetheless, this change did not transform the previous question into an efficient cloture mechanism. Beginning with the 12th Congress—1811–13—rulings of the Speakers strictly enforced and further developed the doctrine that the previous question applied only to the original or principal question. This caused the House great inconvenience. It meant that if the previous question was approved, it cut off all pending subsidiary questions and brought the House directly to a vote on the original or principal question. Thus, a vote might have to be taken on a form of the question undesired by the majority; for example, that the bill without the amendments reported pass to a third reading instead of that the bill with the amendments reported be recommitted with instructions. Thus also, when a subsidiary question was moved early in debate the House might either have to endure a lengthy discussion on the motion or employ the previous question, which would force a vote on the principal question before it had been adequately considered. Ultimately, of course, the House did reshape the previous question mechanism so that it could efficiently be applied to the subsidiary questions involved in an issue. However, this reshaping occurred piecemeal over a number of years in response to the difficulties we have described and it was in a sense dependent on them.

We may conclude, then, that in the period from 1789 to 1806 the previous question mechanism was designed to operate in a manner that was stated only to its utilization as an instrument for avoiding undesired discussions and/or decisions. In the Senate and in the House until December of 1805 debate on the motion was permitted. In both bodies a negative determination of the previous question postponed or permanently suppressed the main question and in the House, at least, debate and amendment were permitted after an affirmative decision. In the eyes of those who saw the previous question as a means of avoiding undesired decisions this could easily be justified by assuming that the vote on the previous question only determined whether the body wanted to face the issue. Finally, the nature of the limits on the scope of the motion greatly handicapped its efficacy as a cloture mechanism. It is true that in the beginning the House and possibly the Senate allowed the previous question to be applied to subsidiary questions. It is also true that, once both bodies accepted the proposition that the device could not be so applied, this restriction could and in the Senate actually did handicap those who wanted to use the previous question as a mechanism for avoiding certain decisions. Still, as the experience of the House after 1811 demonstrates, the nature of the handicap was one that was much less a limit on the negative objective of suppressing a whole question than on the positive objective of forcing a whole question to a vote. In short, we may conclude that in both the early House and early Senate not only was the purpose of the previous question conceived of as relating to the prevention of undesired discussions and/or decisions; in addition, the device itself was clearly designed operationally to serve such ends rather than the ends of cloture. In later years the previous question was turned into an efficient cloture mechanism in the House. But this required considerable tinkering, and what is more, tinkering that resulted ultimately in a basic transformation of the operational nature of the mechanism.

Mr. President, I ask unanimous consent to suggest, at this time, the absence of a quorum.

The PRESIDING OFFICER (Mr. COOK). Without objection, it is so ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. HANSEN. Mr. President, the debate which engages this body today is not a matter of procedure, but of substance. Not a matter of a technicality labeled rule XXII, but of the individual's right to enjoy his constitutional liberties. Specifically, I am speaking out against the proposal to allow three-fifths of the Senators present and voting to shut off debate on any bill.

I can see no good coming from this proposal to reduce from two-thirds to three-fifths the number of Senators required to silence debate. What is the sanctity of the number 60? Why is it necessary to change the definition of a substantial majority which the founders of this Nation used? We do not convict Presidents on impeachment charges by three-fifths, but by two-thirds. We do not expel Members of the Congress by three-fifths, but by two-thirds. The Senate does not approve treaties by three-fifths, but by two-thirds. And, as every Member of this body knows, there are many other constitutional stipulations predicated upon the two-thirds majority. Those who argue that the Constitution of the United States establishes rule by majority are indeed poor students of the Nation's past. It requires no subtlety to understand that the Constitution provides a system of checks and balances and that these checks and balances were included as a bulwark against simple majority rule. Those are facts, not theories.

The founders did establish one body whose Members were frequently elected and where the opinions of the always-changing majority could be more fully represented. But, we are not Members of that body. That body is the House of Representatives, a Chamber quite unlike the one in which I speak. The Senate was designed as an institution wherein careful deliberation was to be the order of the day and wherein the rights of all could be given protection. Those who wrote the Constitution knew full well that simple majority rule led inevitably

to chaos. They could foresee Government policy changing year by year, month by month, even day by day, if legislation was founded on the shifting desires of temporary majorities; and so they undertook to construct a body of Congress wherein open and free debate would safeguard the interests of minorities against the possible tyranny of the majority.

The product of their vision is the U.S. Senate, a body once described by Senator Robert La Follette, of Wisconsin, as:

> The only place in our system where no matter what may be the organized power behind any measure to rush its consideration and to compel its adoption, there is a court to be heard, where there is an opportunity to speak at length and where, if need be, under the Constitution of our country and the rules as they stand today, the Constitutional right is reposed in a member of this body to halt a Congress or a session on a piece of legislation which may undermine the liberties of the people and be in violation of the Constitution which Senators have sworn to support.

I submit, Mr. President, that there can be no really representative government apart from adequate safeguards to protect the inalienable rights of the minority. In other words, there must be guarantees that the passions of a possible majority can be tempered by the wisdom of the minority. The majority is not always correct, nor, obviously, is it always wrong. But, what we must insure is that when it is wrong, the sentiments of the minority be given their time in court.

In a sense, the final legislative court available for the protection of minority interests is the very body in which I stand today—the U.S. Senate. Here the minority, under the rules and procedures which have been observed for many decades, can seek and find refuge from the possible haste of a temporary majority. If the Senate ever comes to that ignoble day when a minority of its Members lacks the right to speak, then, Mr. President, the American system of government as we have known it will have disappeared.

On Friday, last, I was in the chair of the Senate while the junior Senator from South Carolina was speaking. I was much impressed with his comments on the issue we are debating today. He pointed out that while there was needless delay and intolerable procrastination in the legislative process, the blame should not be put on rule XXII. Rather, he suggested, the blame should be placed upon the antiquated procedures to which we have become too closely wedded. It was not rule XXII that sank us into the quagmire of inaction last December. It was the fact that our other procedures were so out of step with the processes of modern life. We spent 2½ workweeks last year in answering rollcalls. Surely, much better use could have been made of that time. We did not begin hearings on many legislative proposals until the waning months and even weeks of the 91st Congress. Most of our methods for dealing with the making of new laws were created in the horse-and-buggy days. Perhaps they were adequate to the demands of an earlier era, but certain it is that they are anachronistic in an age of computers, instant communications, and rockets journeying to other planets. It was the tired technique of days long ago which brought us to a slowdown last December. Those who blame rule XXII are seeking an easy scapegoat for a complex matter. The abolishment of rule XXII would have had no effect—I repeat, no effect—in expediting the adjournment of the 91st Congress.

In the light of growing Executive power in the modern era, it is more vital than ever to retain the right of free and open debate in this Chamber. The prerogatives of the Executive are indeed growing—the power of the Presidency over the people grows day by day. It is the administration, not the Congress, which has the easiest access to public attention. The President can command the airwaves upon a moment's notice. In being able to reach the public, the President's public relations task becomes much easier. And, I speak now without regard to party or individual. This development has been with us for some time and, during that period, both Republicans and Democrats have occupied the White House.

My point, Mr. President, is that in these modern times, it is easier for the administrative branch to form a majority on a particular issue and to mobilize that majority behind the legislation being sought. Such legislation can usually be expedited through the House of Representatives and, were it not for the bastion of the Senate, could become instant legislation. Thanks to the open and free debate guaranteed to Members of the Upper House, that type of government by whim can be kept from materializing. I am proud of the role of the Senate—I am proud to be a Member of an institution which has forthrightly stood off the possibility of government by administrative edict and government by overly zealous legislative action in the House of Representatives. Without the provision of extended debate, the Senate could not have fulfilled its historic function and, without that contribution of the Senate, ours would be a poorer nation.

Anyone familiar with the debates of this body, both past and present, knows that this is not a sectional debate, nor a partisan party debate. Some of those who have spoken in favor of rule 22 come from the South. Others, like myself, come from other sections of the country. Some are Democrats—others, like myself, are Republicans. Some are conservative—others are liberal. What disturbs me particularly about some of the arguments for shutting off debate is the attempt to picture those who favor rule 22 as being married to one political ideology or one particular section of the country. Even the most cursory glance at the list of those whose sentiments accord with mine reveals the absurdity of such accusations. Most of us in the Senate know better. But, unfortunately, many throughout the country do not. Far too many Americans today equate change with reform. Far too many believe that change is good simply because it is change. Hence, they sympathize with those who advocate changing the processes of the past. But, change is not necessarily reform, and movement for the sake of movement is not automatically progress. It is as simple to step backward as it is to step forward. Those who are advocating the imposition of silence on this body are taking a long step backward.

Mr. President, each and every law that issues from the Congress becomes the law of the land. It affects the activities of every man, woman, and child living in the United States. The laws can and do have immediate impact upon the lives, fortunes, and happiness of tens of millions of our fellow countrymen. That impact can work for good, or it can bring in its wake great evil. How vital it is, then, that before enacting any proposal into law we give it the thoughtful analysis and discerning care which matters so important clearly merit. No facet of a proposal should be exempt from the severest inquiry, no matter how time consuming the process may be. Not only does this work to the benefit of the lawmaker but also to the enlightenment and well-being of the people. If, after all that has been accomplished, there still remains in the minds of substantial minority serious doubt as to the wisdom and advisability of going ahead with the proposal in question, then it is the constitutional prerogative of that minority to defer immediate action. Such delay has been resorted to before. But it is a matter of record that never once has such action been taken in the face of an overwhelming national consensus to the contrary. In protecting the minority, the Senate has never obstructed the wishes of a viable and well-informed majority. Some of the proposals were premature and eventually found their ways into the laws of the land after the appropriate educational and political campaigns. And many other proposals were cast aside with benefit to the future of the Nation. The balance is thus weighted heavily in favor of those arguing for the retention of rule XXII. It offers protection for the minority groups, yet simultaneously it guarantees a way out of legislative impasse if a true national consensus to the contrary exists. While the arrangement may not be perfect, it is the best compromise the mind of man has yet been able to devise. It is testimony to the wisdom of its authors who deserve not the disapprobation of our citizens but rather the sincere gratitude of a nation better for their work.

The 1970's will be a time of crisis. It requires no special insight or crystal ball to envision the rough roads we must tread during the next 10 years. Challenge is all around us. To guide the Nation over this tortuous path, we will have need of every institution which has served us well in the past. Certainly at or near the top of that list is the U.S. Senate. It is still, in spite of the necessity of procedural improvements mentioned earlier in my talk,

the greatest lawmaking body on the face of the globe. We can either lose or save the potential of this body. We can either sacrifice or enhance its power and prestige. What choice will we make? That, my colleagues, is what this debate is all about. That is way I characterized it at the outset as a matter of great substance rather than of procedural technicality. Let it not be written that in the 92d Congress, the U.S. Senate sacrificed all, including honor. May we have the vision and courage to put aside this ill-advised plan which would end by jeopardizing the foundation upon which we have stood since 1789.

Mr. President, in my reviews of the history of the Senate, I have not been able to ascertain any case where a filibuster has permanently prevented the enactment of a bill that had great wisdom behind it. Bills have been delayed by filibuster, it is true, but this has not been evil per se. When a law's time for enactment has come, in my view, it has almost inevitably been enacted. When the people overwhelmingly desire action in this country, the action occurs. A simple majority, in the excitement of having that bare majority and of being a part of that majority, can act in haste—can ramrod through a project before it is altered and refined—before it has had the parliamentary artistry applied to make it a better law. In those cases, quite often there are serious regrets, and by the time the damage has been undone, there has been considerable needless suffering.

A modification of the two-thirds vote required for cloture would deprive some of the less populous States, like Wyoming, from the equal representation they can get in the Senate against passage of legislation possibly pernicious to the interests of these States.

It is a great tradition of this great Nation that minorities should always be protected. The two-thirds requirement for cloture is a valuable provision for our minorities. The Senate is the only forum that I know of in our Government where less than a majority may deter the passage of hasty and ill-advised legislation. Many would say that majority rule is a basic principle of a democratic society, but the Founding Fathers had great faith in the two-thirds provision, and this provision has proved workable and important throughout our history.

ORDER OF BUSINESS

Mr. GRAVEL. Mr. President, will the Senator from Wyoming yield to me temporarily?

Mr. HANSEN. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Alaska without losing my right to the floor and without my continuing remarks being interpreted as a second speech.

The PRESIDING OFFICER (Mr. SCHWEIKER). Is there objection? Without objection, the Senator from Alaska is recognized under those conditions.

Mr. GRAVEL. I thank the Senator from Wyoming.

S. 574 AND AMENDMENT NO. 3—INTRODUCTION OF A BILL AND SUBMISSION OF AN AMENDMENT RELATING TO CONSTRUCTION OF AN OIL PIPELINE SYSTEM IN THE STATE OF ALASKA

Mr. GRAVEL. Mr. President, I would like to take the floor for a few moments on a different subject, one that I think is very important not only to the State of Alaska but to this entire Nation. I know that my colleague from Wyoming particularly will have knowledge on the subject about which I speak since his State is, of course, in the same situation as any State which has a natural resource orientation.

Yesterday, the senior Senator from New Jersey introduced a bill that would require approval of Congress for the construction of the trans-Alaskan pipeline by the ALYESKA Corp. I am sure that the Senator from New Jersey (Mr. CASE) is motivated by the highest of intentions in trying to involve the decisionmaking process of Congress directly in this issue. However, I submit that I think it is a misguided—and I underscore the word "misguided"—effort in this case.

I offer today, as proof, an amendment and a bill that I think in themselves will make the point very well. In these I have included several other States. As it presently stands, under the Case bill, the only State that would be affected by this congressional process is the State of Alaska. I think this is entirely discriminatory. So I am inserting at this time, and send to the desk for appropriate referral, one amendment—No. 3—that would not only include the State of Alaska in this process, but the State of New Jersey, since, if my colleague feels this is a good and sound procedure to follow in the case of Alaska, I am sure he will feel the same with respect to New Jersey.

And since he was joined by colleagues from Michigan, California, Oklahoma, and Wisconsin, I similarly have added to my amendment, so that the effect of this process would apply equally to these States, the States of Wisconsin, Michigan, Oklahoma, and California. In any event, if the point is not made by this amendment and the wisdom of that proposal is not clear, I have a bill which would make the same proposed procedure binding upon all of the area of the United States and not just those I earlier mentioned.

I send the amendment and bill to the desk for appropriate referral.

The PRESIDING OFFICER (Mr. SCHWEIKER). The bill and amendment will be received and appropriately referred.

The bill (S. 574) relating to oil productions, processing, and transportation facilities in the United States, introduced by Mr. GRAVEL, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

The amendment (No. 3), intended to be proposed by Mr. GRAVEL, to the bill (S. 546) relating to the construction of an oil pipeline system in the State of Alaska, was referred to the Committee on Interior and Insular Affairs and ordered to be printed.

Mr. GRAVEL. Mr. President, let me say that we in the Congress, in the last few years, have on numerous occasions shown how we felt about how these ecological issues should be handled. We have supported commissions, advisory panels, groups of all sort, to make necessary determinations in this regard.

We have done this because we have seen the wisdom of transferring some of our authority in this intricate decisionmaking processes to the Executive. However, here is a specific case where we are withdrawing, for one particular State and one particular pipeline, that authority from these environmental councils, these commissions, and the executive departments, and taking it upon ourselves to make a determination.

I suspect there will not be two Members of this body who read the 102 report of the Interior Department, which is in excess of 200 pages, in order to make an intelligent evaluation or make an intelligent decision. What will be effective will be some force based upon public opinion whose views have been formed by a good deal of misinformation.

With respect to the proposed oil pipeline in Alaska, let me state that it is the most significant economic development in the State's history. In the State of Alaska we have the highest rate of unemployment in the United States. We have the greatest amount of poverty on a per capita basis. Our statistics reflect the shameful utilization of the Alaskan environment and its people over the last 100 years under American leadership; under the tutelage we had when Alaska was a territory and its economic and social determination was totally in the hands of Washington, D.C.

The bill introduced by the Senator from New Jersey (Mr. CASE) is reminiscent of a prior era when the determinations made for Alaska were not made in Alaska but were made here in Washington, D.C., under a spirit of paternalism.

With respect to the ecological impact of this pipeline, let me state that the 102 statement submitted by the Interior Department was very frank and candid. With the construction of this pipeline it was stated that there will be some denigration of the environment. There would be a similar denigration of the environment in the construction of a pipeline in Wisconsin, Michigan, Massachusetts, California, Oklahoma, New Jersey, or any other part of the United States. But the record is abundantly clear with respect to oil transportation that probably the safest way to transport oil is by pipeline. It is ironic that that is the method of transportation which is receiving the greatest amount of criticism. This criticism is not justified, but it is criticism that has been born of national visibility which, interestingly enough, has come from oil spillage—not oil spillage from any pipeline, but oil spillage from another method of transportation, tanker transportation.

And let me submit that as the energy crisis continues to grow in this Nation, and as we continue to get brownouts on

the east coast, in Michigan, in Wisconsin, in California, and other areas, the demand for energy and for the sources of energy will become so great that we will see pressures brought to bear to transport this oil from Alaska, not through a pipeline, but through the Northwest Passage by tanker. I submit that that would not be nearly as practicable a route or as safe as transporting it through a pipeline from Alaska.

The construction of the pipeline would be attended by stipulations by the Government which would guarantee that all of the necessary safeguards would be implemented, and a return to as close a natural environment in Alaska as possible would be affected.

That the attainment of such an environment will be undertaken in the construction of this pipeline, in concert with minimizing its impact on our ecology in Alaska, should be applauded rather than criticized; and I would hope that pipelines heretofore constructed and to be constructed in New Jersey, California, Michigan, Wisconsin, and other States, wherever they may be, would be constructed with the same amount of engineering and policy attention we are devoting to this pipeline in Alaska.

Again, I can only underscore the irony of the fact that where we are doing the best job in this regard is where we are receiving the greatest amount of unwarranted criticism. One of the things that I find most difficult to understand is that we in Alaska, who are so concerned about our environment, are disgusted, on many occasions as we travel around this country, to see the terrible and horrible environmental denigration that has taken place in other States, and continues to take place. I believe that Alaska has become the ecological and environmental battleground for the very simple reason that we are totally frustrated in our ability to handle ecological problems in the other, more populous States, and that we fly away from the realities and the difficulties of doing something in these other States where something should be done, and where the problem cries out for solution, and move to an area where there is not a very large number of people where the cries of poverty are very distant, and the problem is "easily" handled.

I might liken this situation to the neglect we have long practiced in the solution of our Indian problems. Then, all of a sudden, we experience the great amount of national focus and attention on this problem, somewhat as a psychic pang of conscience for what we have not done with respect to the total racial problems of the Nation.

I would hope that the bill and amendment I have offered will bring to the attention of all how ridiculous is the approach of requiring that decisions as to every single construction project that could occur relative to a pipeline of any size, regardless of how long the pipeline, be it a mile or be it the gathering pipeline between two wells on the northernmost regions of this continent, be made by the Congress of the United States. That does not make, to my mind, a persuasive augury for the type of reform that we need in this country today, for Congress to address itself not to the broad energy-environmental problems that affect our society, but to a mile or half a mile of pipe. I submit that if we did become the arbiter of such decisions, we would fall into the wake, and would have very little time to address ourselves to the great and momentous decisions of this era.

I thank my colleague from Wyoming for giving me this time to underscore this problem. In addition to the comments I have made, I ask unanimous consent to have printed in the RECORD the inaugural address of Gov. William A. Egan, as Governor of Alaska, on June 9, 1971. He has an outstanding record as a person concerned with the ecology and environment, and I think places in proper perspective the problem we face in Alaska and the problem we face in the Nation of satisfying our voracious energy demands while at the same time having a deep and abiding concern for the protection of our environment.

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

INAUGURAL ADDRESS BY WILLIAM A. EGAN, JANUARY 9, 1971, JUNEAU, ALASKA

Alaska is, as it always has been, a land of great promise. And, now, it has the means of fulfilling that promise. Destiny has touched the great land, making tangible the dream held by the Fathers of Statehood. Alaska has become established as America's greatest oil province.

Ponder for a moment the promise, the dream, and the touch of destiny. They are none of them new to man in his hope for meaningful life during his own brief moment in eternity, and for all of mankind which shares that moment and the time afterward. It is up to Alaskans to render the promise, the dream, and the touch of destiny into something more than hope.

Promise has been the legacy of every new land to its people, and dreams have been the response to that legacy. The touch of destiny has bestowed riches upon others before us. Too often, the legacy has divided the family of man.

Too often, the legacy has been squandered, the dreams dashed into despair.

But those unfortunate, and all-too human, frailties of other people in other places are also part of our heritage. They enrich Alaska's heritage.

Building from them, we have learned again that we must all be brothers. We have learned that riches, such as our abundant oil reserves, are nothing more than the means by which to build a better life, that revering wealth in itself is an empty promise, a false hope. We have learned that the touch of destiny also exacts as much of man as it favors him.

I believe we have learned these things with the rigorous pace always demanded of Alaskans, with the rapid reasoning and agile adjustment vital to survival in our rugged land.

We had to pause on the brink and ask ourselves, "Have we lost our way in the land of the last frontier?" and because we did pause to ask, we could answer, "No, we have not lost our way." We could answer that the promise of the north is still bright and full. We could remind ourselves that the quality of Alaskan life derives from material wealth only if that wealth leads to the fulfillment of our unique spiritual heritage. We could remind ourselves that no amount of riches can make up for a sickness of the spirit.

But used prudently, and in consciousness of its dedication to the brotherhood of man, the resource wealth of Alaska can be the key to a new way of life. Natural resources can unlock human resources.

As we approach the bicentennial of the founding of the republic, we will find a new spirit of '76 guiding Alaskans towards a level of freedom never before enjoyed on earth. We are not there yet. But it is the joyful task of this generation to find a way.

In the four years ahead, I see three landmark objectives to be overtaken.

First, we must achieve, with the help of Congress, a just settlement of the native land claims. There will be no progress without it. The native land claims should be viewed not as an obstacle, but as opportunity.

A settlement of the land claims of the native people will bestow the justice promised in the treaty of purchase, the Statehood Act, and the Constitution of the State of Alaska. It will open the door to full participation by all of us in the economic, political, and social life of the State.

By enhancing the opportunity of the native people for self-development, the ability of all the people of the State to move forward will be guaranteed. For this State cannot survive with half of its people enslaved by poverty.

Secondly, we must build the pipeline from the north slope oil fields to Valdez which will be necessary to the development of the human resources of our people. We have had several proper reminders that this is not a task to be approached lightly.

We should welcome, even be flattered by, this show of concern by Americans throughout the Nation. This points up Alaska's unique position as the last great, unspoiled State in the Nation. The full range of environmental concerns must be recognized. The mistakes of the past must be recitified. Good conservation is good business.

And through a combination of good conservation practices together with good business, the pipeline can be built. It is folly to say there are insurmountable challenges. The technology is available. We have the know-how.

And human poverty, ignorance and disease cannot be allowed to wait upon the more luxurious, and understandable, desires of those who have been fortunate enough to escape these bonds. Those who have escaped these bonds have done so primarily because of the natural resources that have abounded here in Alaska and throughout the Nation.

While we sometimes have been too lax in insuring our environmental heritage for future generations and while we must take corrective action, we must never forget that there are no people on earth who could exist but for the wise development, distribution, and use of the great natural resources we have been blessed with.

In our economic system, in any economic system which holds the chance for betterment of life for its people, some form of money is needed—and money has to come from somewhere.

So far, man has been able to produce that means of bettering his life only through development of natural resources. We can, and we must, develop our natural resources wisely, protecting them and perpetuating them at the same time that we use them. There is no reason we cannot achieve that balance. We recognize fully the need for developing a meaningful, effective program of environmental protection throughout the agencies of State Government and throughout Alaska.

The construction of the pipeline, the enterprise generated through a native claims settlement and the renewal of Alaska through the investment of our common wealth hold both promise and dangers for the people of our State. Hypnotized by the jobs, the development, the riches, we must

not fall prey to the avoidable dangers of inflation.

This brings me to the third landmark objective of the next four years.

We must develop and implement an Alaskan economic policy. Alaskans are all too familiar, from the construction boom of the 40's, with the pitfalls inherent in a fast-growing economy. They know that what a fast-growing economy can give to the working man with the left hand it can take away with the right hand through rapidly rising living costs.

Alaska's new growth will attract substantial new migration into the State of Alaska. We are likely to find that with new employment opportunity will come new challenges to avoid disastrous unemployment ills, and an increase in the range of human problems which accompany economic dislocation.

It should be an objective of an integrated Alaskan economic policy to respond firmly to inflationary pressures, not only to still unreasonable surges but also to bring Alaska's cost economy closer to par with the rest of the United States.

The Alaskan economic policy must control unemployment through the development of new job opportunities as well as training programs in new skills. It accomplishes nothing to train a person for a job if no job exists for him after he is trained.

The policy must work to even out the bumps and dips of the high development economy. It must restrain the excesses of monopoly and of economic profiteering, which dip into the workers' pay envelopes.

In periods when we do have excess sums over public expenditures, a sizable portion of those funds should be invested within Alaska to promote the objectives of an Alaskan economic policy. For our wealth, public as well as private, is far from limitless.

Compared with our needs and the costs of accomplishing even the most modest goals in education, housing, welfare, public improvements and development of communications systems, the amount received a year and a half ago at the Prudhoe Bay bonus sale was a very modest sum.

We must make sure that every dollar spent returns many dollars' worth of benefits in human values until oil royalty revenues, beginning with the flow of oil to market, are there to provide for our total needs.

Inherent in this Alaskan economic policy must be the planning for wise use of our land. For the bumps and dips of a high development economy also wreak havoc on our countryside as well as on people's hard-earned paychecks if utilization of our land lacks foresight.

The temptation during boom times is to use only the cream of the land, that which offers the greatest and quickest profit with the least effort. In our large cities, even in Alaska, the results of this are evident.

Poor use of land has produced urban sprawl, blighted landscapes, and damaged streams. Proper planning from the start of development is no undue handicap. Because, if our land is misused, if only the richest land is skimmed off during initial development, then we can only end up having to go back and develop the land which was skipped over and at a greater cost because of damage resulting from the hasty, earlier development.

We must continue to develop effective techniques for the management of all our natural resources. The sound management of the State's resources and the coordination of the public and private sector is one of the greatest challenges of Alaska's future.

We must carefully define our priorities and reassess on-going programs if we are to achieve the long-term happiness and prosperity we all seek.

The task ahead will seldom be easy. It will often seem difficult. But Alaskans would never have built this great land if they had been awed by difficult times or been discouraged by the great obstacles they have overcome.

As Alaskans working together now, we will meet the challenge; we will forthrightly accomplish what needs to be done to bring into being the fruits of the opportunities open to us in the 1970's.

AFFAIRS OF STATE MESSAGE

(By Gov. William A. Egan, to the First Session of the Seventh Alaska Legislature, Jan. 14, 1971)

Mr. President, Mr. Speaker, Members of the Seventh Alaska Legislature, my fellow Alaskans:

This is the time prescribed in the Constitution of the State of Alaska when the Governor first advises the Legislature and the people of Alaska on his views concerning the affairs of the State. At this time, and at other times, it is my duty to recommend those measures I consider necessary to the orderly pursuit of the purposes and objectives of our State Government.

Before me today I see many old friends, wise in the ways of the legislative process. I see many new faces bringing freshening experience to these legislative halls. Without exception, I see men and women who, whatever their differences, share with me total dedication of talent and spirit to the purposes of building a prosperous, just and peaceful Alaska.

As I approach this task prescribed in our Constitution, I am conscious of the resources in thought and energy which you, the elected members of the Legislative Branch, can bring to the analysis of the affairs of the State.

I am ever mindful of the duty of each of you to make his own assessment of the condition of the State and of the measures which might be necessary to further the interests of its people.

I do not suggest, therefore, that it is my duty alone to propose and yours only to dispose. We share a common responsibility for the definition of legislative concerns. It is my belief that in an atmosphere of mutual respect we can work cooperatively, bearing in mind that each of us brings different experience to the tasks of government and necessarily has differences of opinion on the best way to proceed.

These differences must and can be worked out. A team that is not pulling together is working at cross purposes. It is my hope that when the Session now opening comes to an end, we will find that through working together we will have developed a solid approach to the opportunities open to us in the 1970's.

Each of our efforts and concerns should be seen in relation to the overall objectives of governmental policy.

Only in this way can the priorities of Government be properly assessed. The hard questions of Government are not whether a proposal is good or bad, but whether, in a limited resource economy, the urgency of one program outweighs that of another.

With that in mind, one of my earliest acts upon taking office was to stimulate and expand the work of the program budgeting study project authorized by the Legislature last year as a part of the continuing effort to bring modern management techniques to our State Government.

Through this project I hope we can build a more accurate picture of what the State is doing and provide a tool useful to the Legislature, the Governor, and every Department in State Government.

This tool will help us evaluate the success of our programs. Not only will it measure efficiency in terms of dollars spent; it will also provide a guide assuring that every program produces the intended benefits for people.

As we take a hard look at our programs, we will further identify many areas where organizational change would clarify priorities or improve efficiency in the operation of Government. We should not pursue change for the sake of change. Nor should we attempt major reorganization without careful planning.

One area of reorganization has already been given substantial study by the Legislature and is urgently needed to meet the demands of the times for adequate recognition and protection of the Alaskan environment. Following the pioneering work of the Alaska Legislative Council, I intend to propose legislation establishing a cabinet level Department of Environmental Affairs with responsibility for maintaining clean air and pure water throughout the State and establishing adequate environmental surveillance of the design and construction of major public and private works in the State including pipelines.

Education will continue to get the level of priority support which it enjoyed in my previous terms as Governor.

We will be watching carefully for the need for remedial legislation as the State operated school reorganization plan adopted last year is implemented.

In this reorganization, we will be embarking upon a new adventure in education in Alaska. On July 1, the State-operated schools will begin operating much as would a new and separate department of Government. The board required for the State-operated system will be appointed in the near future.

We will have a vigorous program of financial support for private education. As one of several means in which investment policy can be used for socially desirable ends, we will adopt a policy of purchasing for investment Federally guaranteed student loans.

In several ways investment policy may be adjusted to provide investment in Alaska and in Alaska human resources. I will propose guidelines redirecting the bank-participation housing loan programs to lower income groups which have the greatest need for help in securing mortgage financing.

The maximum dollar limits on veterans loans should be raised to realistic levels. In areas where housing is a critical problem, we should support the men and women of the Alaska National Guard with expanded housing opportunities.

The State has long relied heavily on information gained from private sources concerning the location and value of its natural resources. A new philosophy is needed in our approach to selection and timing of our natural resources development.

A strong geophysical division will be proposed to strengthen the capacity of the Department of Natural Resources to adequately identify and appraise Alaska's subsurface wealth. We will thus be assured of obtaining full value and benefits from our natural resources.

The proposals of the Federal Land Law Review Commission will stir action in the Congress of the United States as well as in this Legislature. We must carefully monitor these proposals in Congress.

We should also consider how best to respond to the Commission's wise proposals for joint Federal-State land use planning. Not only is joint use planning vital to the selection of the State's public land base, but all Alaskans have a vital interest in the management of residual lands in Alaska that will remain in Federal ownership.

The resources of the sea must be conserved and developed as much as those of the land.

At a later date, I will request funding for a major program which includes clearing of

salmon streams and stocking of various barren lakes.

The continuing problem of the impact of unlimited entry on the fishing resource and the fisherman's economy will get a fresh appraisal.

Careful study should be given to the need for State Constitutional revision in support of the State's efforts in fisheries resource management.

We will need marine research laboratories and institutes to carry out conservation and development of our ocean resources. The work to be conducted and the training of people to do it can best be accomplished where the resources are found.

It is sensible and logical that these facilities, when they are built, be located in important seacoast communities such as Kodiak and Seward.

The time has come when the State must vigorously make clear to the Congress and the Executive Branch of the Government of the United States our unyielding determination to fight for extension of control over our fisheries resources to the limits of the continental shelf.

I will be submitting to you at an early date for your consideration a resolution petitioning the President and the Congress to take action on this matter.

Developments of recent years have underlined the need for coordinated planning of development in those areas of Alaska which lack local government capacity.

The settlement of the Native Land Claims question this year and the expansion of activity in the more sparsely settled and vacant areas of Alaska will make this situation more acute.

I will forward to the Legislature proposals for the organization of the unorganized borough to provide State-wide regional planning and local services where needed.

The time is at hand to seriously plan for the creation of a Department of Community Affairs. Another year's effort in bringing together the necessary planning research should see us ready to take this very important step.

Evaluation of the many roles in Alaskan Government of the Alaska State Housing Authority in planning and operations in Alaska should be a part of this effort.

For the first stage of reorganization of the State's role in community affairs I will suggest a program strengthening the Local Affairs Agency and a consolidation of related functions within the Agency to provide both a staff arm to the unorganized borough and liaison with existing local government.

The relationship of the work of this Agency to land use planning functions and to overall State planning functions needs careful evaluation from an organizational point of view.

Considerable progress is being made on the question of consolidating all the transportation functions of the State into a single Department of State Government, and this Administration is convinced we must move toward creating such a department.

Expanding of the capabilities of the Marine Highway System cannot wait upon the establishment of a Department. I believe we have solved the problems of providing needed additional capacity and all-around improved service in plans worked out during the past few weeks. These plans have been worked out with the Commissioner of Public Works, naval architects, and the Director of the Division of Marine Transportation.

Our plans will be spelled out to you in more detail in the Budget Message which I will be presenting to you later.

We feel sure these improvements will fully meet the needs of the Marine Highway System in Southeast Alaska for several years to come.

In addition to these steps in transportation development already in progress, I will recommend for this year research on the relationship of law in the development of the private sector of transportation.

The Alaska Transportation Commission, as presently constituted, has had difficulty in coping with the problems involved. The Commission's efforts should be redirected to concentrate on quasi-judicial and enforcement functions. Responsibility for planning and policy generation should be strengthened by additional staffing in the Departments concerned.

The development of communications technology has outreached the State Government's policy planning capability. We will ask for funds for expanded communications research planning on a functional level to assure that the full range of Alaska's public and private communications enterprises are properly and orderly regulated and directed.

The State's need to provide the research, development and training necessary to support our responsibilities in crime prevention have not been met. The recent Conference on Bush Justice at Alyeska pointed out but one aspect of the many antiquated approaches we still use in law enforcement and legal administration. I will propose the establishment of a center for the administration of justice. The center will provide training programs for the full range of personnel engaged in the administration of criminal justice in Alaska and develop research and program proposals to meet the special challenge of crime in Alaska.

All our plans for the future of Alaska are founded on the premise of an orderly society. That premise is now open to question. The challenge of crime in Alaska must not be avoided. The imagination and scientific spirit which has helped us solve so many vast problems in the natural sciences will provide the basis for assuring domestic order in the seventies.

In addition, the time is ripe for passage of a Criminal Code revision; a proposal which has been under legislative consideration for several years.

Domestic tranquility is closely related to the trust which people have in their governmental institutions. We must shore up that trust by making sure that the organization of our representative institutions keeps pace with social reality. We must adopt a program for improving the quality of the democratic process.

The Constitution of the State of Alaska requires me to reapportion the Alaska Legislature following the population guidelines of the 1970 United States Census.

This reapportionment machinery will be set in motion as quickly as possible following receipt of the official report from the Bureau of Census.

In the recent election, the voters of the State of Alaska voted to hold a Constitutional Convention. Until and unless a court holds otherwise, it is my view that the people have spoken.

I shall shortly propose legislation for your consideration setting out standards and procedures for the call of the Convention.

A method of apportioning for the membership at that Convention in keeping with constitutional standards will be submitted to you.

A new Constitutional Convention should have the benefit, within the limits of the time available, of adequate advisory and consultation sources. In the legislation I shall suggest the establishment of a group to undertake the planning of the Convention and with the power to authorize necessary background studies on State Constitutional issues.

I shall propose legislation requiring full reporting of campaign expenditures in all elections and providing procedures for establishing maximum limitations on campaign expenditures. The requirements of voter education should be assisted by the State through provision for public educational programs and expanded voter information.

In addition, legislation will be submitted establishing a procedure for financial reporting by all State officers, both legislative and executive, so that public decisions will not be tainted by the suspicion of conflict of interest.

Selected prohibitions will be laid down for private investment by public officers.

No segment of our society has been more skeptical of its aspirations to democracy than the youth of the country. Institution structures work in practice against youthful participation in the affairs of government.

Mechanisms must be designed to encourage expanded participation by the youth of the State in the decision making processes of government. I shall introduce legislation providing a procedure for the systematic selection of able young people for service on State Boards and Commissions.

In addition, I shall ask you to fund a program engaging younger people in government service, one each on a year's basis annually in the Office of the Governor and as Special Assistants to Commissioners in the State Cabinet.

A Youth Conservation Corps can be another significant institution in harnessing the energy of, and providing constructive work experience opportunity for, our youth.

Great care should be taken in the design of such a program to assure that it is coordinated with all the needs of park and recreation development, that it teaches useful skills, and benefits from maximum Federal financial participation.

The Legislature as well as the Executive must closely examine the sufficiency of planning and advisory support before putting such a program into effect. It might very well be in the best interests in ultimately assuring the program's success not to contemplate enactment of it until the 1972 Session.

We will be submitting a series of measures which I believe will advance the capabilities of the State for coordinated State economic planning and inflation control. A long-term State Capital improvement plan will be developed as a State economic planning tool.

Proposals for a State anti-trust measure have been considered by many legislative sessions. The time has come to adopt this vital missing element in the range of inflationary controls which protect the ordinary consumer.

Consumers' protection functions in the State Department of Commerce will be strengthened and a full-time advisor on consumers' affairs will be established. Funding will be required in support of a vigorous program of intervention before public regulatory bodies which control the rates of public utilities and carriers.

I will advance a number of proposals for the strengthening of human resource development. The senior citizens of Alaska should not be neglected. I will submit legislation granting me the authority to engage a team of professional actuaries to research all aspects of bolstering the income of Alaskans reaching normal retirement age.

An important aspect of the resulting report will provide recommendations on the feasibility of various approaches in attempting to resolve the existing problems faced by people on fixed incomes, yet confronted by rising living costs.

State employees should be protected from the hardships of economic dislocation through inclusion in the Employment Security Program.

The Legislature should give careful consideration to the pay raise plan just submitted in the annual salary survey it ordered.

There are many more items of legislation which you may rightfully consider to be of importance but which in the interests of time, are not referred to today. This message presents the highlights of the proposals which I will send down for your consideration.

In due course you will receive the specific legislative proposals for those features of my program which require legislative action. I am aware that many of you have done extensive research on proposals and programs which are similar to some of those to which I have just referred. Your views on these matters will be studied and respected in the shaping of our proposals. I hope you will give the same consideration to my views as you consider our legislative proposals in your deliberations.

We are engaged in a shared task on behalf of Alaskans. The people have entrusted to us, in our separate but complementary roles of elective office, the responsibility of conducting the business of our great State. Cooperation between us is required if we are to achieve the fruits of opportunity open to Alaska.

And it is a time of unique opportunity. While our new oil wealth at this stage is still modest compared to our needs, it will suffice if we manage it wisely.

We must use this wealth from our natural resources wherever it is needed to unlock human resources. But we must also make sure that every dollar spent returns the maximum intended benefits to people.

This will require careful and continual reexamination of our on-going programs as well as diligent evaluation of new proposals. If a program is not producing the desired human benefits, the dollars must be redirected in a manner in which they will produce.

Though it has been wintry in the Capital City these past few days, there is a spirit of springtime in this building.

It is a rare position we occupy in the offices entrusted to us, and which we occupy in time—the beginning of a new decade offering a potential unparalleled in Alaska's history.

Working together, with the best interests of people ever in mind, we can render that potential into unparalleled achievements in building a better Alaska and a better life for Alaskans.

I wish you success in the tasks that will fall to you in the weeks ahead. I ask your help, and assure you of mine, so that we can accomplish the job before us.

BUDGET MESSAGE

(By Gov. William A. Egan to the first session of the Seventh Alaska Legislature, January 14, 1971)

Mr. President, Mr. Speaker, Members of the Seventh Alaska Legislature, my fellow Alaskans:

Just over a year ago, Alaska gained overnight the reputation of being a rich state. At this time last January when the Legislature convened, many pictured our wealth as a windfall beyond our present needs, to be looked away permanently. The interest alone, it was said, was sufficient to meet the needs at hand.

Now, a year later, the more realistic picture has fallen clearly into place. There were substantial needs to be met, and the cost of meeting them far exceeds the interest from the bonus monies.

There was catching up to be done in overcoming acute privations of the past. There is furthere catching up ahead of us.

The Legislature indicated last year that this work should be undertaken and I concur. We can look now toward a much brighter future if we use our wealth wisely to develop the people of Alaska, than if we hide our wealth away in banks and impose harsh general tax levies to meet the reasonable needs of Alaska.

We have a bright future, and it is a solid future, when viewed from the more appropriate perspective of the long term.

But the illusion of limitless wealth which was popular a year ago needs revision. A fresh, tough-minded appraisal is in order if we are to face today's realities, as we must, if we are to move forward soundly.

Despite the investment earnings, the magic figure of 900 million dollars in oil lease bonuses will have shrunk to approximately 814 million dollars by the time the appropriations made last year are satisfied.

Even while we still talk of the 900 million, the machinery of financial necessity is in motion to reduce it by some 85 million dollars.

The budget balanced without invasion of the bonus monies was an illusion, built partly on a 40 million dollar oil lease sale that did not materialize.

The budget adopted last year is mortgaged to 16 million dollars in unavoidabale supplemental appropriations which you must now provide. Thus, for practical purposes, nearly one hundred million dollars of the bonus money is already committed as I come before you today.

I do not criticize these expenditures. They were largely necessary. But we must plan cautiously the course we are taking.

Our wealth must not be totally exhausted before the royalties from the flow of North Slope oil start to come in.

The printed document being presented to you today describes most of the second step in the direction which has been chosen.

This document, which evolved before I took office, was unfortunately not available to my Administration in time for more than a cursory examination. While I would have liked to rework it, there simply has not been time.

This will have to be undertaken as we work together during the session. An administrative review of the budget is now under way.

You need to be aware of the costs built into next year's budget which are not reflected in the printed document. So that you will clearly see the cost of those proposals which reflect redirections which I see as necessary, I have included these major items in the appropriation bill before the results of our review are available.

The scope of my new proposals and programs to this point for the people of Alaska is, therefore, reflected in the appropriation bill accompanying the printed document.

The findings from the review will enable my Administration to establish its own financial plan for Alaska in detail.

We expect there will be necessary redirecting of funds in programs where the intended benefits to people are not being produced. And we anticipate finding places where trimming can be accomplished in line with redirection of available funds.

The amount of the appropriation bill I am submitting to you today, including $309.9 million proposed in the printed document, totals $318,079,800.

This compares to the current year's general fund total of $314,242,100, a figure which increases to $330,743,900 when the supplementals mentioned earlier are added to it.

The funds I am proposing for establishment of the important functions Alaska needs in environmental protection, fisheries rehabilitation, consumer protection, law and justice, State employee benefits, and other areas are as follows:

$500,000 for initial funding in creating a strong geophysical division in the Department of Natural Resources so that Alaskans, as I outlined to you earlier today, can be assured of obtaining full value and benefits from our natural resources.

$750,000 to launch a vitally needed fisheries improvement program including the clearing of salmon streams and stocking of various barren lakes. I expect this investment to yield many times its size in return through the rejuvenation of our fisheries resources.

$3,263,500 for establishment of a Department of Environment, of which $500,000 in new funds is required.

$500,000 for pipeline construction monitoring to provide environmental protection surveillance.

$4.5 million to provide for the State employees' pay raises. This is called for in the annual salary survey ordered by the Legislature last year.

$100,000 for establishment of a Center for the Administration of Justice. This center, for the training of personnel and the development of research and proposals to meet the challenge of crime in Alaska, is needed for us to achieve our goals, which are all based on the premise of an orderly society.

$250,000 for establishing a full-time advisor on consumer affairs, and the strengthening of consumers' protection functions within the Department of Commerce.

$200,000 for a Youth Intern Program to enable young people to serve as special assistants in the Governor's Office and in the offices of commissioners in the State cabinet. This program will encourage participation by youth in the decision making processes of our government. This will include a program of high school students serving as members of various important boards of the State.

$900,000 for giving State employees the benefit of coverage by the employment security system. We are long overdue in protecting State employees from the hardships of economic dislocation.

In addition, you should be aware of several items which will not be in the general appropriations bill.

I estimate that $150,000 will be needed to fund a commission, and the advisory and consultant services it will require, to plan for the Constitutional Convention recently approved by Alaska voters. This amount will be needed prior to the next fiscal year and will be submitted to you later as a supplemental appropriation this year.

Further, the conducting of the Constitutional Convention itself will be a substantial item of funding requiring consideration by this Legislature.

Since taking office, I have revised plans for the Marine Highway System. This revised program should satisfy predicted needs for capital improvements for the system in Southeast Alaska for at least the next eight years without further general-fund financing except on a short-term basis.

As the key to the program, I have ordered plans for a new Alaska vessel, capable of carrying up to a thousand people, greater in passenger capacity and for all types of vehicles than any of the existing vessels.

The sleek, 407-foot vessel will have full ocean-going capability, so that if the need arises it can be used in any type of service, in any waters, at any time of the year. It will berth 300 persons, and accommodate approximately 175 automobiles or a combination of trailer vans, campers and automobiles numbering 135.

The total vehicle capacity of the ship will be slightly over 70 percent greater than that of any of the main-line vessels now plying the waters of Southeast Alaska.

The new ship, added to the established three-vessel fleet, will add flexibility. And it will greatly step up the frequency of service which is critical to the successful growth of

the Southeast Alaska system and the region it serves.

In addition, two modern and fully equipped smaller ships will be added. One of the new ships will take the place of the M/V Bartlett in the Prince William Sound area of South-central Alaska. The other will provide service in the Northern Panhandle of Southeast Alaska.

And the Bartlett will be permanently assigned to the southern and west coast area of Southeast Alaska.

This arrangement will not only provide service to the western islands of Southeast Alaska, but it will also enhance the efficiency of vessels on the main runs by providing connecting service to the larger vessels in the system.

The two smaller vessels will measure 235 feet, with a service speed of 15 to 18 knots and passenger capacity of 190 to 200. Vehicle capacity will be 46 automobiles or a combination of units, including campers, totaling 31.

It is my hope that when the Congress of the United States is convinced of our intent to build a new vessel in America, Alaska will be granted a temporary certificate of exemption from the Jones Act for the foreign-built Wickersham until the new vessel is completed.

This would allow expanded service within Alaska immediately. The Wickersham could then operate directly between American ports. And plans would be developed for sale of the Wickersham upon completion of the new vessel.

Because the Wickersham is prohibited from operating directly between American ports, more than $500,000 of likely revenue escapes us each year.

Assuming that we receive the Jones Act waiver as indicated previously, the additional revenue that the State should realize from full utilization of the Wickersham's capability during the time it takes for construction of the new vessel should amount to at least one and one-half million dollars.

The plans I have ordered also provide for lengthening and complete renovation of a Malaspina-class vessel. Her length would be increased to 409 feet through an addition of 56 feet to her midsection. Berths would be provided for an additional 200 passengers, with total passenger capacity increased to over 750.

Plans also provide for construction of necessary terminal facilities for the new smaller vessels at new ports served. And it includes four and one-half million dollars in reserve for lengthening of a second Malaspina-class vessel if desired.

The costs break down this way:

$17.5 million for the new vessel.

$8 million total for the two new smaller vessels.

$4.5 million for the lengthening of a Malaspina-class vessel, plus $4.5 million for a second lengthening if desired.

$1.5 million for port facilities.

Total costs come to thirty-six million dollars.

The financing breaks down this way:

$21 million from bond funds which Alaska voters approved in the November 1970 election.

$8 million from Federal funds available under terms of the Federal Highway Act of 1971.

$7 million to come from the sale price obtained for the Wickersham.

This total also comes to $36 million, all without any further appropriations for capital outlay from the general funds of the State.

Among the Major items of increased funding in the printed document being presented to you is $87,771,000 for the Department of Education, an increase of $8.6 million.

Major program increases in the Department are $1.1 million for the scholarship loan fund, $548,400 for Educational Broadcast Commission functions, $4.3 million for the Public School Foundation Program, $400,000 for pupil transportation, and $1 million for debt retirement.

The increase in school lunch program funds is $496,000 under a permanent grant-in-aid program of financial assistance in the form of cash and food.

In vocational education, there is a $450,000 increase for non-degree Community College programs, and $499,700 in additional support to the boarding home program for regional schools.

For State operated schools, an increase of $1,315,000 is proposed for area schools, and one of $564,400 for special programs in the Teacher Corps/Opportunity Program project.

For the University of Alaska, $22,800,000 is proposed. This is an increase of more than $5 million.

The money includes providing for a lower-cost "college education at home" in many Alaska communities and for special vocational, adult and retraining programs to fit local needs.

The University also proposes redirection of its research programs toward significant studies in further development of resources and environmental work.

General fund amounts include $925,000 for Alaska Methodist University and $215,000 for Sheldon Jackson College, in the category of contractual support of private colleges and universities.

Major increases for the Department of Public Works are $589,700 for Airport Operations. This program includes the operation of a State-wide network of land and seaplane facilities as well as the maintenance and operation of all State-owned aviation facilities, with the exception of Anchorage and Fairbanks International Airports.

$1,181,500 for Anchorage International Airport provides funding for 24 new positions, contractual services and commodities, and equipment.

$171,900 is the program increase for Fairbanks International Airport.

$387,900 is proposed for Central Communication Services, with $300,000 of this sum needed primarily for the purchase of new radio equipment requested by various agencies. This includes installation and maintenance of radio equipment in remote villages having no other means of communication.

Major increases in the Department of Health and Welfare are $250,000 for Adult Public Assistance; $750,000 for Aid to Families With Dependent Children; and $105,100 for the Food Stamp Program. Increases in the Division of Corrections are $416,500 for the Care of Prisoners and $246,900 for the Care of Juveniles.

I am convinced we can finance these proposals and programs which I have outlined to you in a sound and fiscally responsible manner.

This will require that we make sure every dollar spent returns its full share of intended benefits to Alaskans. It will require that we hold the line within reasonable limits during the several years prior to the time the full volume of oil begins flowing to market from the North Slope.

Holding the line does not mean there is a moratorium on efforts to meet our needs. But it does mean we have to make sure our money is producing the desired results in the programs in which it is invested. It means that if our money isn't producing the desired results, it must be redirected so that it will.

This will require thrift, both on my part and on yours. It requires diligent and thorough examination of all expenditures.

A brief look backward, and a look forward based on projections for the next five years provides the necessary perspective.

As I mentioned earlier, our surplus funds had dropped to slightly more than $814 million with the initial demands on it to finance this current year's budget.

Financing the general appropriations bill I am presenting to you today reduces that surplus to just over $712 million.

That is the picture we will be looking at when we meet here at this time next year—assuming that the proposed appropriations bill being presented to you at this time represents essentially the final appropriations by this Legislature.

We have made a projection, based on a calculation of revenues and predictable expenditures for the next five years. It includes an anticipated increase in expenditures of 15 percent a year, which is a reasonable estimate in view of the State's past budget experience year-to-year, and in view of the budget level geared up to at this point.

This five-year projection shows us with a balance of surplus funds of about $85 million by the end of 1975–76. It is a sobering picture, but it need not be a dismal one.

Anticipated revenues show a good increase in fiscal 1974–75, based on the informed estimate that 1974 is the earliest time during which oil can begin flowing to market.

That increase alone is not enough to meet our needs, but the oil bonus monies have bought us time to plan for other ways of increasing State revenues. The geophysical division I have proposed, the fisheries rehabilitation program, the Department of Environment to lay down guidelines in order that industry can know what is expected of it and invest in our State with a feeling of security, these are all examples of what we can do to increase our revenue base.

In the meantime, we have the means of meeting our needs if we manage our money wisely.

We are, for the first time in history, able to catch up on the basic services which Alaskans have gone without for so long. We are doing that.

We have, for the first time, the means to set a solid and humanly meaningful course for the future. We will do that.

Prosperity is finally ahead and we have the time to carefully plan for it. We *must* do that.

AMENDMENT OF RULE XXII OF THE STANDING RULES OF THE SENATE

The Senate continued with the consideration of the motion to proceed to the consideration of the resolution (S. Res. 9) amending rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

Mr. HANSEN. Mr. President, our Constitution guards against the dangers of majority rule in a number of instances. Some of these are the requirement for a two-thirds vote of the Senate to ratify a treaty, a two-thirds vote of both Houses to override a veto, a two-thirds of both Houses to pass constitutional amendments, a two-thirds vote of the Senate to convict on impeachment, and a two-thirds vote of each House to expel a Member. The prevailing fraction in the Constitution is two-thirds—not the three-fifths advocated by some.

Mr. President, anyone can grab a tiger by his tail, but the expertise is required for the second step—turning him loose. Should the Senate take such a revolutionary step, and reduce the requirement for limiting debate from two-thirds to three-fifths—then we are only a little

longer jump from dropping the requirement to two and one-half fifths plus one Member—that is 91 percent.

Some will argue that there should be no magic in the figure two-thirds. By the same token, I fail to see the magic of the number 60, except that it moves us nearer to rule by a simple majority, which is a distinct danger to our form of government. A simple majority if all Members were present, could, of course, be 51. On a vote that close, one man would have tremendous power. It is not unforeseeable that one Member would find himself in the position of depriving the representatives of 100 million Americans, less than half our population, the privilege of being heard.

To move to a 60-vote requirement, three-fifths, would put us only nine votes from dealing with a simple majority. Many who oppose the rights provided by rule XXII, will argue that that could never happen, but it is not impossible if the safeguards of two-thirds as recognized in the Constitution as being the more reasonable figures are so weakened that action can come with greater haste, with less wise deliberation.

Mr. President, I hold the opinion that in this Republic our minorities have certain inalienable rights which no majority should override. One of these is the freedom reasonably to express their views and prevent a trampling of their rights—to prevent an unmindful action. There is great value in extended debate until such time as a broad political concensus has developed upon an issue.

Such reasoned debate prevents the sort of stampede that perhaps Dag Hammarskjold had in mind when he said:

> The madman shouted in the marketplace. No one stopped to answer him. Thus it was confirmed that his thesis was incontrovertible.

Many distinguished Senators throughout our history, have risen—taking advantage of the right to extended debate—to point out the fault of such a thesis—to answer an enthusiastic majority that means well but gets in too big of a hurry.

Mr. President, I hope that the Members of this great body, will not, at the beginning of each session, throughout their time of service have to debate this matter. I believe that all of us know most of the arguments for both sides in this matter and that we embellish those points as best we can to try to draw others to our points of view. Perhaps there is the hope by some that new Members of the Senate can be influenced through these almost biennial attempts to destroy the historic two-thirds rule. I think not. I believe one of the reasons new Members seek to become Members of the Senate is to become a part of the greatest deliberative body in the world. Extended debate is a vital ingredient of this deliberation for which this Senate is famed.

I should like to quote from remarks by our late and beloved colleague Everett Dirksen of Illinois on January 11, 1967, describing the biennial attempts to alter the rule, and his views on the matter:

> We have been through this biennial convulsion four or five different times over the past 10 or 12 years, and now it appears that we are going through this quiet agony all over again.
>
> I believe that the Senate might be well advised to prepare itself for a rule discussion which is not going to end in a day or two, if I have anything to say about it.
>
> I do not wish to see these rules changed so lightly.
>
> If time permits, I invite attention to the most recent classic example which was cited, on repeal of section 14(b) of the Taft-Hartley law in the last session of Congress. When we finally got time to inform the country, I think there was as many union men as nonunion men who deluged the Senate with mail and telegrams that they were opposed to repeal of section 14(b) because it was the only disciplinary weapon that they had, oftimes, to keep their union leaders straight.
>
> We do not do that in a day, or a week. It takes a good many weeks to inform the electorate in a country of 195 million people. Mr. President, that is why both these proposals should be rejected. We should preserve rule XXII.
>
> Mr. President, we never had any trouble. I speak with knowledge when I say that in the 1964 debate on the major civil rights bill we obtained cloture. We could have obtained cloture on the voting proposal in 1965, had it been necessary. We could have obtained cloture in 1963, if we had to.
>
> Anyone who has a case can make his case to get cloture in this body, because we have proved it.
>
> Thus, why go about lightly now changing rule XXII which is a safeguard for the minority against the tyranny of the majority?
>
> Suppose the Senate had passed a constitutional resolution to give a 4-year term to House Members so that it would be coterminous with the President's term. At a moment when an emotional issue was before the country and there was a one-sided majority in both bodies, as it proved to be over the past few years, we could ram anything through this body. It would not make any difference what it was.
>
> Therein lies the safeguard of rule XXII.
>
> In 1934, I remember that President Franklin D. Roosevelt said to the House of Representatives:
>
> "Let no doubt, however reasonable, about the constitutionality of this bill deter you from passing it forthwith."
>
> That is what he said to Congress. That is the kind of condition we are likely to get.
>
> When Harry S. Truman wanted to take the miners and the railroaders into the Army, unless they went back to work, it was the fellow standing right at this desk who stopped it. If necessary, the cloture proposal was there. Obviously, there would have been sufficient debate for the whole country.

Mr. President, in our system of Government, there are possibilities where legislation can be gaveled through the House of Representatives at high speed with very limited debate under special rules framed by a partisan committee. Under such procedures, it would be essential that a forum for thorough debate remain. That place is the U.S. Senate, and it must remain such a forum.

I cannot recall a really meritorious measure proposed that has been defeated permanently by extended debate. The only check upon presidential and political party authority, when a President is of the same party as a substantial majority of the Senate and of the House, is unrestricted debate. Such debate certainly is justified by the nature of our governmental system of separated powers in which the Senate plays a significant role as the check upon the executive branch. This responsibility could not be performed without full freedom of debate.

All of us have mourned the loss of the great Senator from Georgia, Richard Russell. Senator Russell was a stalwart defender of the right to unrestricted debate. He believed that minorities are entitled to be heard.

Mr. President, I should like to quote from some of his remarks on this subject, for his experience was far greater than mine, and he knew far better than most—from personal experience over the many years he served—the importance to this Republic of full debate on all issues of great import, or that advocated radical change at what was perhaps an improper time in the development of this Nation. Senator Russell said the following on January 12, 1967:

> I wish to make a few brief references to the importance of the issue that is at stake before the Senate in this proposal to rewrite the rules of the Senate.
>
> This proposal goes much deeper, Mr. President, than the right of an individual Senator or a group of Senators to engage in a prolonged discussion that might be labeled a filibuster. The real issue, the real nub of the question before the Senate, is whether we are to alter the role and the position of this body in our great scheme of government.
>
> Mr. President, it was said on the floor of the Senate yesterday that the Senate is the only parliamentary body in the United States where a Senator could not rise to his feet and make a motion that could be carried by a transient majority of one, to gag the other Members of that body and prevent them from speaking. It was said that a rule existed in all other parliamentary bodies on earth, including the House of Commons of the British Parliament, by which a motion carried by one vote would gag the remainder of the body. And that statement is true.
>
> It is true, Mr. President, because the Senate has individuality. It has qualities that are different from those of any other parliamentary body ever created by the mind and ingenuity of man.
>
> Mr. President, the greatest difficulty confronted by the Constitutional Convention that wrote our basic charter—a charter which receives rather short shrift these days, not only in the courts but here in the Congress and at the hands of the executive departments, and indeed at the hands of some of the teachers of political science—the greatest difficulty they encountered in reaching agreement and accord on the basic charter of our liberties and the bulwark of our rights, the Constitution of the United States, was on the question of the composition of the parliament of this country, or, as they designated it, the Congress of the United States. The little States would not go along with the proposition that it should be based purely on population, and it took a long time to work out a compromise.
>
> The compromise they eventually reached places on this body an indelible stamp that differentiates it from any other parliamentary body on earth; because under that agreement, the smallest State has the same representation in this body as the largest and most populous.
>
> That is true today. Not only did they make that provision, but they provided the only limitation in the Constitution that is not subject to amendment without the consent

of the States, because they went further and said in article V:

And that no State, without its consent, shall be deprived of the equal suffrage in the Senate.

So when Senators speak lightly of invoking a gag rule in the form of the States of this Union, on the ground that it is different from other parliamentary bodies, I say, Mr. President, that that is the strongest reason for not tampering with these rules, and for not shutting off or stifling the voice of any representative of any State, be it great or be it small, until he has had an opportunity to discharge his responsibilities here.

Why do men wish to be U.S. Senators? Why, Mr. President, do Members of the other body, which is a coordinate branch of this Congress with the Senate, so often desire to offer for the Senate of the United States? Why do men desire to come from Governors' chairs to the Senate of the United States? I submit that it is because of the very differences that distinguish this body from every other legislative body on earth.

Yet we are told that because the Senate is different, we have got to change it and make it like all the others, even though to do so would be a serious invasion of the whole theory of our republican form of government, as contemplated by the Founding Fathers. Now we are being asked to whittle away and destroy the powers and the rights of those who serve here. In the old days, they were referred to as ambassadors of their respective States. Now we are told we should make the Senate just another parliamentary body, exactly like any other. Now we are told that because in the senate of the State of Georgia a member can rise, move the previous question, and shut off debate when Senators have not had an opportunity to express themselves, the same rule should apply in the Senate of the United States.

Mr. President, I have never heard a more fallacious argument. Yet Senators absorb it. You see them drink it in.

Here we are, Members of the greatest deliberative body on earth, bearing an honor in the parliamentary field that is greater than any that has ever existed except in the earlier days of the Roman Senate; yet some Senators are pressing us into destroying this body, into eroding their own powers, into disfranchising their own States, and preventing their States from being represented properly here.

It was done first, Mr. President, in the name of civil rights. They came forward and said, "We have got to make these changes because we can't pass any civil rights bills." Well, a number of sweeping civil rights bills have been passed in the last few years. The last one proposed, the open housing bill, did not pass. I do not know whether or not it would have been enacted if we had had the majority gag cloture rule that is being urged on the Senate. But we passed bills that dealt with every other subject. We voted on, I think, some 70 amendments in 1964, dealing with every facet of the relationships between the races, and between the races and their government, and we did it under the present rules of the Senate.

Mr. President, I have waited a long time for a Senator to come forward with a list of bills vital to the security and progress of the United States that have been killed because of the right of free speech in the Senate of the United States. I have never seen one example brought out here. But I have sat in the Senate for the past 34 years and have seen the exercise of that right prevent the passage of many bad bills, bills that would have been injurious to the people of the United States.

Make no mistake about it. If we go ahead and pass this majority gag cloture, we will soon be met with a change in the rules that will deny or limit or restrict the right of amendment in this body. Mark that prediction. We will have a situation in the Senate in which a mere majority, a bare majority, a temporary majority of one will get some kind of rule, such as they have in the other body, that will keep a Senator from offering an amendment to a bill. It will make a U.S. Senator run around and beg to get the chance to speak for 3 minutes on a bill.

That is where the proponents are trying to take us with this type of change in the rules. It will destroy the prestige of the Senate. The Senate has had prestige in this country despite the efforts of many Senators to shatter or destroy that prestige.

This would destroy or impair the greatest element of checks and balances among the three divisions in our Government, the judicial, the legislative, and the executive.

The Senate is the foundation of that division of powers. It is the balance wheel on which the division of powers in the system of checks and balances revolves.

It is because of the fact that it is different from all other parliamentary bodies that it has been able to make its contribution in war and in peace under rules permitting more freedom of debate than the present rules would permit, without impairing the welfare of the Nation, but contributing mightily to the building of the greatest society that has ever existed under the canopy of Heaven.

It has contributed to the making of the American way of life that is the envy of mankind everywhere. It has been done under these rules, and yet they say, "we come in here now with a form of gag to deny the right of meaningful debate in the Senate. And do it in the name of democracy."

Mr. President, when they talk about amending the rule because it is necessary to pass civil rights bills, that is sheer hypocrisy. It has been demonstrated that they can pass such bills under the present rules. Not only that, but a determined majority in the Senate has passed every bill they desired to pass when in the hearts and minds of the majority of the Senators they wanted the bill, since I became a Member of this body.

Where are we going to have our debate? How are we going to take the question to the people of this country? Make no mistake about it, we are not living in the simple days of the early life of this Republic, and I admit that, but I say that that is all the more reason to have the right of free speech in the Senate.

It is hard to get through to the people of this country what is involved in the very complex and complicated issues that pass through here in the way of legislation. However, if the proponents can just get a gag rule through, they can then go forward and destroy or limit the right of amendment in the Senate of the United States. They can then pass the economic and social legislation they want, legislation that will revolutionize this country and will destroy this system that has afforded men the opportunity to make progress and to go forward and to succeed in accordance with their abilities, in accordance with their talent and their energies, the opportunity that has made this great country of ours.

Mr. President, Senators talk about a majority of the Senate having the right to vote at any time. There are a number of things that have been put beyond the limit of the majority. The right of private property in this country was supposed to be protected in the Constitution of the United States. Founding Fathers did not leave it to the mercy of a simple majority in the House of Representatives or in the Senate of the United States. They put it in the Constitution, where it would require not only a vote of two-thirds of all the Senators, but also the approval of three-fourths of all the States.

They did the same thing with respect to the right of religious liberty and the right to worship God according to one's own wishes and ideas, or the right not to worship any god if one saw fit.

They said that that could not be changed by any mere statute, but must be changed by a two-thirds vote.

Even the Founding Fathers, with all their brilliance, could not look down the lane 190 years and anticipate what would happen. Even with all their brilliance, they could not possibly have predicted or envisioned what we have done in this country and the developments of the 20th century that have within the period of 60 years changed the manner of living and habits and thinking of mankind to a greater extent than in any other period of a thousand years in human history.

So please, I beg, Senators, even those who in a moment of weakness have made some commitment with respect to this matter, to go over it in your minds and think over again what the effect would be.

I know about the frustrations of long debate here. I suppose I have been involved in my share of it on both sides of the fence.

It is human nature that if you have a bill up and have a majority of one in the Senate, you are ready to vote then, and any debate against that bill is something that is irritating and frustrating, because you cannot bring the bill to a vote immediately with that majority of one.

Mr. President, the majority is not always right. Down through the years there are great monuments, tragic monuments, to the failure of the majority to be right, the errors of a temporary majority such as it is proposed to subject the Senate to, a proposal to turn loose all the fires of partisanship to a mere majority, to close off debate and silence the opponents before they have had a full and fair chance to make their case before the American people.

It is sometimes hard to let it seep through. Sometimes when you are defending what you believe in, but which may be unpopular for the moment, you do not have the great media of communications to support you. They have a way of getting together sometimes, and they will exalt statements in favor of the issues they support and will minimize statements in opposition to those issues.

It is more difficult today than ever before to get both sides of the case before the American people. But I can assure, Senators, on the basis of almost 35 years of service in this body, that there are two sides to every question.

Maybe most of us think, "There is my side and there is the wrong side," but often the side you are for and the side I am for is the wrong side—and it happens time and again.

Mr. President, the Senate was created to give a full chance to expose here the errors of the other branches of the Government. One of its main purposes was to permit a complete revision or canvass of the acts of the other body, to have full sway to offer amendments, and to make speeches to point out those mistakes.

Over the years, when you balance it up, the right of free speech in this body has been vastly more beneficial in the preservation of our system of Government, in maintaining our system of checks and balances, in trying to maintain the division of powers between the three separate branches of the Government, than the action of any army. The Senate is the last bulwark of the minority in this land.

Mr. President, I shall not delay the Senate much longer.

I have sat in this Chamber with men who were real liberals. They did not have to get

a big badge and write on it, "I am a liberal," and run around saying, "I am a liberal. Look at it. Here is my badge." I mean men like Bill Borah, George Norris, and Hiram Johnson. I did not serve with the elder La Follette, but I served with his distinguished son, who was completely indoctrinated with his father's political philosophy. Every one of them defended the right of free speech in this body as the last defense of a minority that might be oppressed.

Now, the majority will work its will. It may have a little trouble. It may have delays. The members of the majority may get tired of sitting around listening to debate that men of good faith are making; to speeches made in the Senate, with which I thoroughly disagree, but upon which Senators had spent hours of labor. They rendered a public service, because they helped to open up before the American people both sides of the question.

This is not a partisan matter. This is a matter that goes to the heart of our system. The Senate of the United States is a unique body. It has been the most useful instrumentality of government down through the years. It has served this Nation well as a continuing body, with two-thirds of its Members going over from election to election, as the Founding Fathers provided, to carry with them experience and an understanding of the operations of the other branches of the Government, so that they might help to protect the people of this country from the excesses of the executive branch of the Government or to undo some excess or wrong that was worked by the decisions of the judicial branch of the Government.

The Senate has had a proud history. Oh, we have made mistakes, because we are human. We are fallible, as are all other men who are born of women, and as are women who are born of women. But, Mr. President, the Senate owes its greatness to the right of the representatives of the States of this Union to stand up and speak their pieces. This is the only place where that can be done.

I do not guarantee these figures, but I think they are correct. The last time I checked them they were correct. In the other body, the solid votes of nine States can overcome the resistance of all the Representatives of the other 41 States in affairs of legislation that would be beneficial to those larger States.

In the general scheme of things, the smaller States are always disadvantaged and handicapped. That is true in the organization of our political parties. It is true in the other body. Until recent years, very few men from very small States were even appointed to the President's Cabinet. The one place where the small States had a right to be heard, where they could defend the interests of their people, was the Senate of the United States.

I never cease to be amazed when I see representatives from some of the smaller States come into the Senate and attempt to denigrate the only power of the small States which equalizes them with the larger. It is not true anywhere else. It is not true in an election. It is not true in the other body. It is true only in the Senate of the United States.

Let those who wish to have gag rule that is more inflexible than the existing rule XXII bring a bill of particulars, and say: "Here are the bills that are vital to our people, that were defeated because we did not have immediate gag rule to shut off debate in the Senate of the United States."

Let them bring a bill of particulars. Certainly in over 190 years there must have been a number of such bills. If the situation is so bad that we have to go through this procedure at the beginning of every Congress, and it is said, "The Senate is not a continuing body; therefore we have a right to shortcut the rules," even though the rules specifically provide that they shall carry over from one Congress to the other, let the proponents bring in a bill of particulars.

In spite of all that, this drive goes on and on and on. I can understand it on the part of Senators from the very large States.

Mr. President, from the standpoint of the Senate itself as a body—I have great respect for the Senate of the United States as an institution—I think the right of free speech in this body has been one of the factors that has made this Government, this system of ours, the oldest operating system of government on earth today. Our Constitution is the oldest charter. I do not like to see Senators take lightly these proposals to so drastically change the rules.

As a matter of fact, up until 1917 there was no way on earth to prevent any Senator or group of Senators from speaking as long as they wished. During the First World War and afterward, in connection with the so-called armed-ship bill and two or three other measures, rule XXII has been modified two or three times. Now it is proposed to strike it out almost completely, with a great statement of words. The proponents say that to do so will protect the rights of Senators. Mr. President, the only way the rights of Senators can be protected in representing the States that sent them to the Senate is to preserve the right of free speech in the Senate. When that right is limited, the power of every Senator is limited, and the rights of the State that sent him here are circumscribed.

I realize that there are those who are committed to the doctrine that the States no longer serve any useful purpose and that it would be much more efficient and much better to have everything, from parking regulations on up to the treaties that, under the present Constitution, must be submitted to the Senate, decided by some vast bureaucracy on the banks of the Potomac. But if that is true, it flies in the teeth of human experience; because the shores of history are littered with the wrecks of civilizations that have tried that, that have enticed men to surrender their rights to someone who is going to be able to be more benevolent to a person than he could be to himself—the old "something-for-nothing" theory.

That is the objective of some of those who are seeking to bring about various changes in our system. This rule has worked no great wrong on the American people. To change it and institute gag rule in the Senate will work great wrong on them.

If the Senate in a moment of weakness adopts this gag rule, I do not doubt that a time will come when the authors will have the unfortunate end of Haman, who built the gallows for Mordecai and was hanged on it himself.

Mr. President, the late Senator from Georgia, whom we all admired, spoke with wisdom based upon experience. None ever doubted his integrity, and none ever doubted that what he did was absolutely for what he believed was the good of these United States.

The President pro tempore, Senator ELLENDER, also is blessed with the wisdom of long years of experience in the Senate and in dedicated service to this Nation.

I am confident that the distinguished senior Senator from Louisiana, the senior Senator of this body, will attest to the value to this country of extended debate. These men have participated in the making of much of the history of the United States in this century, and they have seen first-hand the importance of the two-thirds requirement in the progress of the Nation.

These distinguished gentlemen who have the concrete records of having helped carve out the prominent position of the United States in the history of the world, know the value of being tolerant to minorities—of seeking the contributions that minorities can make to the welfare of the entire Nation—of finding the wisdom that will come forth through extended debate—and of reaching the compromises that result in a maximum of good to the all and a minimum of damage to the few.

There is a humorous old adage to "Always be tolerant with those who disagree with you, because they have a perfect right to their ridiculous opinions." Often in day-to-day life—and in history, minority opinions have seemed ridiculous at the outset, but have later proved more valid than the majority opinions. I believe that Columbus had faith in a minority opinion that the earth is more round than flat. It was not until this century, I think, that more than a minority believed man could ever fly.

Not too many years ago, only a minority believed American women should have the right to vote. I am proud of the fact that Wyoming was the first State to grant woman suffrage—and that was in the past century when a majority of Americans had taken no action.

Mr. President, there are many more examples of the sort of wisdom that can be brought forth when minorities are granted the opportunity to express themselves. It is my fervent hope that the 92d Congress will not deprive the Nation and its generations to come of the potential benefits that unrestricted debate can produce—either in the development of new ideas, or in the responsible role of insuring that change occurs with caution and with full consideration of the possible consequences.

Mr. President, on January 18, 1967, the late Senator from Georgia, Mr. Russell, made these observations.

Mr. President, how can the Senator embrace all his proposals within one motion? It gets to be a divisional question. He will have to submit his motion in two questions. I am confident I am right about that.

The VICE PRESIDENT. The clerk will restate the motion of the Senator from South Dakota for the edification of the Senate.

The assistant legislative clerk read the motion, as follows:

Mr. President, under article I, section 5, of the Constitution, which provides that a majority of each House shall constitute a quorum to do business, and each House may determine the rules of its proceedings, I move that debate upon the pending motion to proceed to the consideration of S. Res. 6 be brought to a close in the following manner:

The Chair shall immediately put the motion to the Senate for a yea-and-nay vote and, upon adoption thereof by a majority of those present and voting, with a quorum present there shall be two hours of debate upon the motion to proceed to the consideration of S. Res. 6 divided equally between the proponents and the opponents thereof and immediately thereafter the Chair shall put to the Senate, without further debate, the question on the adoption of the pending

motion to proceed to the consideration of S. Res. 6.

Mr. RUSSELL. Mr. President, the motion is confused. One-half of it will have to be submitted at a time. Both proposals cannot be submitted at the same time.

The VICE PRESIDENT. The Senator from Georgia is correct in reference to his request that there be a division of the question, under Senate rule XVIII; and that division of course, would take place at the time of the vote upon the motion. However, the Chair should say that a point of order can be raised against the entire motion at any time.

Mr. President, I think here again we see concrete evidence of the wisdom of unlimited debate. The distinguished late, beloved Senator from Georgia pointed out, as I have just read, back in 1967, that there is no way under which a complicated proposition can properly be placed before the Senate.

I would hope that the Senate would consider very carefully the advice that this wise and kindly man gave.

I yield the floor.

THE RURAL JOB DEVELOPMENT ACT OF 1971

Mr. PEARSON. Mr. President, on January 27, I introduced S. 346, the Rural Job Development Act of 1971. Inadvertently, the text of the bill was not printed in the RECORD as I requested. Therefore, Mr. President I ask unanimous consent that the text of S. 346 be printed in the RECORD at this time.

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

S. 346

A bill to provide incentives for the establishment of new or expanded job-producing industrial and commercial establishments in rural areas

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 "Rural Job Development Act of 1971".

DECLARATION OF PURPOSE

SEC. 2. The purpose of this Act is to increase the effective use of the human and natural resources of rural America; to slow the migration from rural areas due to lack of economic opportunity; and to reduce population pressures in urban centers resulting from such forced migration.

DEFINITIONS

SEC. 3. As used in this Act—

(1) The term "Secretary" means the Secretary of Agriculture.

(2) The term "rural job development area" means any area which the Secretary of Agriculture determines is—

(A) a county—

(i) no part of which is within an area designated as a standard metropolitan statistical area by the Bureau of the Budget,

(ii) does not contain a city whose population exceeds fifty thousand, and

(iii) in which more than 15 per centum of the families residing therein have incomes under $3,000 per annum; or

(B) a county defined in paragraph (A) (i) and (ii) in which for the most recent five years employment has declined at an annual rate of more than 5 per centum; or

(C) an Indian reservation or a native community designated by the Secretary after consultation with the Secretary of the Interior; or

(D) a county defined in paragraph (A) (i) and (ii) and is undergoing or is likely to undergo a substantial emigration of persons residing therein (other than military personnel and their dependents) as a consequence of the closing, or curtailing of operations, of an installation of the Department of Defense.

The Secretary's findings under this subsection shall be made on the basis of the most recent satisfactory data available to him.

(3) The term "person" means an individual, a trust, estate, partnership, association, company, or corporation.

(4) The term "industrial or commercial enterprise" means any of the following types of business engaged in, by any person, through an industrial or commercial facility—

(A) the manufacture, production, processing, or assembling of personal property—

(i) for sale to customers in the ordinary course of business excluding any part of the activities of such business consisting of retail sales and leases, or (ii) for use in such person's business,

(B) the distribution of personal property as principal or agent, including, but not limited to, the sale, leasing, storage, handling, and transportation on thereof but excluding any part of the activities of such business consisting of retail sales and leases, or

(C) the construction of any building in a rural job development area as contractor for, or for sale to, any customer, but only in the case of a person engaged in the business of constructing such buildings as a contractor for, or for sale to, customers.

The term "industrial or commercial enterprise" does not include the activities of selling, leasing, or renting out of real property including the selling or leasing or renting out of a factory, workshop, office, warehouse, sales outlet, apartment house, hotel, motel, or other residence, or the lending of money or extending of credit.

(5) The term "industrial or commercial facility" means a fixed place of business, in which an industrial or commercial enterprise is wholly or partly carried on, including but not limited to—

(A) a place of management or office,

(B) a factory, processing facility, plant, or other workshop,

(C) a warehouse or sales outlet,

(D) a center for the transportation, shipping, or handling of property,

(E) a recreation facility, including guest accommodations constructed as part of such a facility, providing recreation to the public for a charge or fee which is (i) not inconsistent with State recreation plans, approved by the Bureau of Outdoor Recreation, (ii) other recreation facilities consistent with local economic development plans, but no benefit shall be granted for recreation facilities where the tax credit would result in an undue local competitive advantage.

The term "industrial or commercial facility" does not include any store, or other premises, or portion of premises used as a retail facility.

(6) The term "retail sale or lease" means a sale or lease made to a party whose payments therefor do not constitute the expenses or costs of a business.

(7) The term "retail facility" means a store, premises, or portion of premises in which a substantial percentage of the sales or leases are retail sales or leases.

TITLE I—ELIGIBILITY FOR ASSISTANCE

CERTIFICATION

SEC. 101. (a) The Secretary shall issue a certificate of eligibility for benefits under this Act to any person who is engaged in an industrial or commercial enterprise, through a new industrial or commercial facility (or a new portion of such a facility) located in a rural job development area, if—

(1) such facility has been approved by local authority as consistent with local zoning ordinances and economic and physical planning;

(2) such facility (or new portion thereof) was placed in service by the person to whom the certificate is to be issued in a rural job development area in the first taxable year of the certification period;

(3) placing such facility (or new portion thereof) in service has resulted in regular, full-time employment by such person of at least ten additional persons;

(4) at least 50 per centum of the persons employed at such facility (including the existing portion of an expanded facility) in such first taxable year are (A) persons who reside within such rural job development area or any other rural job development area within reasonable commuting distance of such facility, or (B) persons who within the three years preceding the commencement of their employment (i) have served at least one year on active duty in the Armed Forces of the United States, or (ii) have been enrolled for at least one year in the Job Corps;

(5) the Secretary determines that the industrial or commercial enterprise was not relocated from one area to another except that he may waive this requirement if (A) the establishment of such industrial or commercial facility will not result in an increase in unemployment in the area of original location (or in any other area where such enterprise conducts business operations), or (B) such industrial or commercial facility is not being established with any intention of closing down the operations of such enterprise in the area of its original location or in any other area where it conducts such operations;

(6) the person to whom the certificate is to be issued agrees, in such form and manner as the Secretary may prescribe, to maintain records listing the names and residences of all full-time employees at the industrial or commercial facility for which the certificate is being issued, the date on which they were hired, their employment, their residences and economic situation at the time of hiring, and any other information reasonably required by the Secretary for the purposes of this title; and

(7) the Secretary determines that the expected benefits to employment and to other aspects of the economic and social welfare of such rural job development area warrant the granting of the income tax incentives under title II of this Act as to the capital investment in such industrial or commercial facility.

(b) The Secretary shall issue a separate certificate of eligibility with regard to each industrial or commercial facility (or new portion thereof) which meets the requirements of subsection (a) regardless of whether such facility is operated by any person as part of a single industrial or commercial enterprise.

(c) The Secretary shall issue a certificate of eligibility for benefits under this Act to any person who is a successor in interest to any person operating an industrial or commercial enterprise which has established an industrial or commercial facility in a rural job development area and with respect to which facility a certificate of eligibility was issued under subsection (a), if—

(1) such person agrees to continue to use the facility as an industrial or commercial facility, and to conform to the requirements of subsection (a); and

(2) the issuance of such certificate is in accordance, as determined by the Secretary, with the policy set forth in subsection (a) (5) respecting the relocation of industry.

(d) The Secretary shall terminate a certificate of eligibility issued to any person under this section to operate an industrial

or commercial facility whenever he determines, after an appropriate hearing, that the person to whom such certificate was issued has failed, after due notice and a reasonable opportunity to correct the failure at such facility, to carry out its agreement under subsection (a)(4). In making a determination under this subsection, the Secretary shall be guided by, but not limited to, the following criteria.

(1) A reduction in the number of qualified jobs provided by any such enterprise below the minimums specified in subsection (a)(4) shall not be grounds for termination of a certificate of eligibility issued to such enterprise, if the Secretary determines that (i) such reduction results from business or economic factors beyond the control of such enterprise, and (ii) not less than two-thirds of all the persons employed full time in such jobs by such enterprise to meet the requirements of subsection (a)(4) continue to meet those requirements.

(2) A change in the residence of any person employed by such enterprise, after his employment has commenced, shall not affect his status for purposes of applying section (a)(4).

(e) The Secretary may waive all or part of the requirements specified in subsection (a)(4) if he finds that the operation of a facility requires skills that are not available within the rural job development area and that the expected benefits to other aspects of the economic and social welfare of the rural job development area warrant granting of tax incentives under title II of this Act.

(f) Each certificate of eligibility issued under this section shall describe the industrial or commercial enterprise and the industrial or commercial facility (or the portion thereof) with respect to which it is issued in such detail as may be necessary for purposes of administering the income tax incentives under title II of this Act.

(g) The Secretary shall keep interested and participating Federal, State, and local agencies fully apprised of any action taken by him under this section.

(h) No certificate of eligibility shall be issued under this section to any person, unless application therefor is received by the Secretary prior to the expiration of ten years after the date of enactment of this Act.

REPORTS

SEC. 102. (a) The Secretary may by regulation require any person to whom a certificate of eligibility is issued under section 101 to file such reports from time to time as he may deem necessary in order to carry out his functions under this title.

(b) Whoever, in any report required to be filed under this section, knowingly makes a false statement of a material fact, shall be fined not more than $——— or imprisoned for not more than ——— years, or both.

TITLE II—TAX INCENTIVES

INCOME TAX CREDIT FOR INVESTMENT IN DEPRECIABLE PROPERTY IN RURAL JOB DEVELOPMENT AREAS

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 by renumbering section 40 as 41, and by inserting after section 39 the following new section:

"SEC. 40. INVESTMENT IN CERTAIN DEPRECIABLE PROPERTY IN RURAL JOB DEVELOPMENT AREAS

"(a) GENERAL RULE.—There shall be allowed, as a credit against the tax imposed by this chapter, the amount determined under subpart C of this part.

"(b) REGULATIONS.—The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the purposes of this section and subpart C."

(b) Part IV of subchapter A of chapter 1 of such Code (relating to credits against tax) is amended by adding at the end thereof the following new subpart:

"Subpart C—Rules for Computing Credit for Investment in Certain Depreciable Property in Rural Job Development Areas

"Sec. 51. Amount of credit.

"Sec. 52. Certain dispositions, etc., of section 40 property.

"Sec. 53. Definitions; special rules.

"SEC. 51. AMOUNT OF CREDIT

"(a) DETERMINATION OF AMOUNT.—

"(1) GENERAL RULE.—The amount of the credit allowed by section 40 for the taxable year shall be equal to:

"(A) 7 percent of the qualified expenditures (as defined in section 53(b)) made during the taxable year in regard to section 40 property (as defined in section 53(a)(2)), or

"(B) in the case of qualified expenditures made with respect to a section 40 facility (as defined in section 53(a)(5)) which is located in a rural development area (as defined in section 3(2) of the Rural Job Development Act of 1971) which has a population density of less than 25 persons per square mile, 10 percent of such qualified expenditures.

"(2) LIMITATION.—Notwithstanding paragraph (1), the credit allowed by section 40 for the taxable year shall not exceed the taxpayer's liability for tax for such year.

"(3) LIABILITY FOR TAX.—For purposes of this section, the liability for tax for the taxable year shall be the tax imposed by this chapter for such year, reduced by the sum of the credits allowable under—

"(A) section 33 (relating to foreign tax credit),

"(B) section 35 (relating to partially tax-exempt interest),

"(C) section 37 (relating to retirement income), and

"(D) section 38 (relating to investment in certain depreciable property).

For purposes of this paragraph, any tax imposed for the taxable year by section 56 (relating to minimum tax for tax preferences), section 531 (relating to accumulated earnings tax), section 541 (relating to personal holding company tax), or section 1378 (relating to tax on certain capital gains of subchapter S corporations), and any additional tax imposed for the taxable year by section 1351(d)(1) (relating to recoveries of foreign expropriation losses), shall not be considered tax imposed by this chapter for such year.

"(b) CARRYBACK AND CARRYOVER OF UNUSED CREDITS.—

"(1) ALLOWANCE OF CREDIT.—If the amount of the credit determined under subsection (a)(1) for any taxable year exceeds the taxpayer's liability for tax for such taxable year (hereafter in this subsection referred to as the 'unused credit year'), such excess shall be—

"(A) a section 40 credit carryback to each of the 3 taxable years preceding the unused credit year, and

"(B) a section 40 credit carryover to each of the ten taxable years following the unused credit year,

and shall be added to the amount allowable as a credit by section 40 for such years, except that such excess may be a carryback only to a taxable year ending after the date of the enactment of the Rural Job Development Act of 1971. The entire amount of the unused credit for an unused credit year shall be carried to the earliest of the thirteen taxable years to which (by reason of subparagraphs (A) and (B)) such credit may be carried and then to each of the other twelve taxable years to the extent that, because of the limitation contained in paragraph (2), such unused credit may not be added for a prior taxable year to which such unused credit may be carried.

"(2) LIMITATION.—The amount of the unused credit which may be added under paragraph (1) for any preceding or succeeding taxable year shall not exceed the amount by which the taxpayer's liability for tax for such taxable year exceeds the sum of—

(A) the credit allowable under subsection (a)(1) for such taxable year, and

"(B) the amounts which, by reason of this subsection, are added to the amount allowable for such taxable year and attributable to taxable years preceding the unused credit year.

"SEC. 52. CERTAIN DISPOSITIONS, ETC., OF SECTION 40 PROPERTY

"(a) GENERAL RULE.—Under regulations prescribed by the Secretary or his delegate—

"(1) EARLY DISPOSITIONS.—If section 40 property (as defined in section 53(a)(2)) is disposed of, or otherwise ceases to qualify as section 40 property with respect to the taxpayer, the tax under this chapter for the taxable year in which the disposition occurs shall be increased by an amount equal to the credits allowed under section 40 for prior taxable years for qualified expenditures (as defined in section 53(b)) which were made—

"(A) in the case of section 40 real property (as defined in section 53(a)(3)) within ten years before the date of the disposition, or

"(B) in the case of section 40 personal property (as defined in section 53(a)(4)) within four years before the date of the disposition.

This paragraph shall not apply to any qualified expenditures with respect to which there has been an increase of tax under paragraph (2).

"(2) TERMINATION OF CERTIFICATE.—If the section 40 certificate (as defined in section 53(a)(1)) is terminated under section 101(d) of the Rural Job Development Act of 1971, with respect to a section 40 facility of the taxpayer—

"(A) the taxpayer's tax under this chapter for the taxable year in which the termination occurs shall be increased by an amount equal to the credits allowed under section 40 for prior taxable years for qualified expenditures which were made in accordance with section 53(b)(3) within 3 years before the date of the termination with respect to all section 40 property used at, or in connection with, such facility, and

"(B) the taxpayer's gross income for the taxable year in which the termination occurs shall be increased by an amount equal to the deductions allowed to the taxpayer under section 188 in such taxable year and the 2 preceding taxable years with respect to employees employed at such facility.

"(3) CARRYBACKS AND CARRYOVERS ADJUSTED.—In the case of any disposition described in paragraph (1) or any termination described in paragraph (2), the carrybacks and carryovers under section 51(b) shall be adjusted.

"(b) SECTION NOT TO APPLY IN CERTAIN CASES.—Subsection (a) shall not apply to—

"(1) a disposition by reason of death,

"(2) a disposition to which section 381(a) applies,

"(3) a disposition necessitated by the cessation of the operation of a section 40 facility where the Secretary of Agriculture certifies that such cessation results from economic factors beyond the control of the section 40 business (as defined in section 53(a)(6)), or

"(4) a disposition on account of the destruction or damage of section 40 property by fire, storm, shipwreck, or other casualty, or by reason of its theft.

For purposes of subsection (a), property shall not be treated as ceasing to be section 40 property with respect to the taxpayer

by reason of a mere change in the form of conducting the section 40 business so long as the property is retained in such business as section 40 property and the taxpayer retains a substantial interest in such business.

"SEC. 53. DEFINITIONS; SPECIAL RULES

"(a) SECTION 40 CERTIFICATE, ETC.—For purposes of this chapter—

"(1) SECTION 40 CERTIFICATE.—The term 'section 40 certificate' means a certificate of eligibility issued by the Secretary of Agriculture under section 101 of the Rural Job Development Act of 1971.

"(2) SECTION 40 PROPERTY.—The term 'section 40 property' means property which, in regard to a taxpayer conducting a section 40 business—

"(A) is of a character which is subject to the allowance for depreciation provided in section 167 and which is not property of a kind which would properly be includable in the inventory of the taxpayer if on hand at the close of the taxable year or which is not property held by the taxpayer primarily for sale to customers in the ordinary course of his trade or business,

"(B) will be used by such taxpayer (i) as a section 40 facility, (ii) as an integral part of, or in the operation of, any such facility, or (iii) in furnishing transportation, communications, electrical energy, gas, water, or sewage disposal primarily to any such facility, and

"(C) has at the time it is first used by such taxpayer after such taxpayer has been issued a section 40 certificate in regard to the section 40 facility at, or in connection with which, such property is used, a useful life of at least (i) 4 years in the case of section 40 personal property, (ii) 10 years in the case of section 40 real property.

Property shall not be treated as section 40 property if, after its acquisition by the taxpayer, it is used by a person who used such property before such acquisition (or by a person who bears a relationship described in section 179(d)(2)(A) or (B) to a person who used such property before such acquisition).

"(3) SECTION 40 REAL PROPERTY.—The term 'section 40 real property' means section 40 property which is section 1250 property (within the meaning of section 1250(c)).

"(4) SECTION 40 PERSONAL PROPERTY.—The term 'section 40 personal property' means section 40 property which is section 1245 property (within the meaning of section 1245(a)(3)).

"(5) SECTION 40 FACILITY.—The term section 40 facility' means an industrial or commercial facility (as defined in section 3(5) of the Rural Job Development Act of 1971) which is specified by the Secretary of Agriculture in a section 40 certificate.

"(6) SECTION 40 BUSINESS.—The term 'section 40 business' means an industrial or commercial enterprise (as defined in section 3(4) of the Rural Job Development Act of 1971) with respect to which a section 40 certificate has been issued which has not been terminated under section 101(d) of such Act.

"(b) QUALIFIED EXPENDITURES.—

"(1) IN GENERAL.—The term 'qualified expenditures' means, with respect to each taxable year, expenditures by the taxpayer—

"(A) properly chargeable to capital account,

"(B) paid or accrued for—

"(i) the manufacture, production, construction, or erection of section 40 property,

"(ii) the acquisition of section 40 property by a purchase (as defined in section 179(d)(2) and subsection (d) of this section), or

"(iii) the reconstruction, permanent improvement, or betterment of section 40 property, and

"(C) made before the close of the 10-year period beginning with the date on which a section 40 certificate is first issued to any person with respect to the section 40 facility, at, or in connection with which, such property is used.

"(2) LIMITATION.—Expenditures in regard to section 40 real property shall be treated as qualified expenditures only if the construction, erection, acquisition, reconstruction, permanent improvement, or betterment for which expenditures are made, conforms to the standards prescribed by the Secretary of Agriculture.

"(3) YEAR OF QUALIFIED EXPENDITURES.—All qualified expenditures shall be deemed made in the taxable year in which—

"(A) in the case of qualified expenditures for the manufacture, production, construction, erection, or acquisition by purchase of section 40 property, the year in which the section 40 property is placed in service, and

"(B) in the case of qualified expenditures for the reconstruction, permanent improvement, or betterment of section 40 property, the year in which the section 40 property as reconstructed, improved, or bettered as a result of the qualified expenditure is placed in service.

For purposes of this paragraph, any manufactured, produced, constructed, erected, or acquired section 40 property, or any reconstructed, improved, or bettered section 40 property, shall be deemed placed in service in the taxable year in which such manufactured, produced, constructed, erected, or acquired section 40 property, or such section 40 property as reconstructed, improved, or bettered, first becomes subject to depreciation by a taxpayer computing depreciation on a daily basis.

"(4) REPLACEMENT PROPERTY.—If section 40 property is manufactured, produced, constructed, erected, reconstructed, or acquired to replace property which was destroyed or damaged by fire, storm, shipwreck, or other casualty, or was stolen, the qualified expenditures with respect to such section 40 property which would (but for this paragraph) be taken into account for purposes of section 51(a) shall be reduced by an amount equal to the amount received by the taxpayer as compensation, by insurance or otherwise, for the property so destroyed, damaged, or stolen, or to the adjusted basis of such property, whichever is the lesser.

"(c) CERTAIN LEASED PROPERTY.—A person who is a lessor of property, which in the hands of the lessee constitutes section 40 property, may (at such time, in such manner, and subject to such conditions as are provided by regulations prescribed by the Secretary or his delegate) elect with respect to any section 40 property, as to which no prior credit under section 40 has previously been taken, to treat the lessee as having purchased such property for an amount equal to—

"(1) except as provided in paragraph (2), the fair market value of such property, or

"(2) if such property is leased by a corporation which is a member of a controlled group (within the meaning of section 46(a)(5)) to another corporation which is a member of the same controlled group, the basis of such property to the lessor. If a lessor makes the election provided by this subsection with respect to any property, the lessee shall be treated for all purposes of this subpart as having acquired such property. For purposes of this subpart, the useful life of property in the hands of the lessee is the useful life of such property in the hands of the lessor.

"(d) SUBCHAPTER S CORPORATION.—In the case of an electing small business corporation (as defined in section 1371)—

"(1) the qualified expenditures for each taxable year shall be apportioned pro rata among the persons who are shareholders of such corporation on the last day of such taxable year, and

"(2) any person to whom any expenditures have been apportioned under paragraph (1) shall be treated (for purposes of this subpart) as the taxpayer with respect to such expenditures, and such expenditures shall not (by reason of such apportionment) lose their character as qualified expenditures.

"(e) ESTATES AND TRUSTS.—In the case of an estate or trust—

"(1) the qualified expenditures for any taxable year shall be apportioned between the estate or trust and the beneficiaries on the basis of the income of the estate or trust allocable to each, and

"(2) any beneficiary to whom any expenditures have been apportioned under paragraph (1) shall be treated (for purposes of this subpart) as the taxpayer with respect to such expenditures, and such expenditures shall not, by reason of such apportionment) lose their character as qualified expenditures.

"(f) CROSS REFERENCE.—

"For application of this subpart to certain acquiring corporations, see section 381(c)(24)."

(c) Section 381(c) of such Code (relating to carryovers in certain corporate acquisitions) is amended by adding at the end thereof the following new paragraph:

"(24) CREDIT UNDER SECTION 40 FOR INVESTMENT IN CERTAIN DEPRECIABLE IN RURAL JOB DEVELOPMENT AREAS.—The acquiring corporation shall take into account (to the extent proper to carry out the purposes of this section and section 40, and under such regulations as may be prescribed by the Secretary or his delegate) the items required to be taken into account for purposes of section 40 in respect to the distributor or transferor corporation."

d)(1) The table of subparts for Part IV subchapter A of chapter 1 of such Code is amended by adding at the end thereof the following new item:

"Subpart C—Rules for computing credit for investment in certain depreciable property in rural job development areas."

(2) The table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code is amended by striking out the last item and inserting in lieu thereof the following:

"Sec. 40. Investment in certain depreciable property in rural job development areas.

"Sec. 41. Overpayment of tax."

DEPRECIATION DEDUCTION

SEC. 202. Section 167 of the Internal Revenue Code of 1954 (relating to depreciation) is amended by redesignating subsection (m) as (n) and by inserting after subsection (l) the following new subsection:

"(m) SECTION 40 PROPERTY.—

"(1) USEFUL LIFE.—At the election of the taxpayer—

"(A) the useful life of any property which is section 40 property (as defined in section 53(a)(2)) shall, for purposes of this section, be 66⅔ percent of the useful life of such property determined without regard to this paragraph; and

"(B) the guideline class lives and asset depreciation ranges prescribed by the Secretary or his delegate which are applicable to any property which is section 40 property shall, for purposes of this section, be 66⅔ percent of the guideline class lives and asset depreciation ranges applicable to such property determined without regard to this paragraph.

An election under this paragraph shall be made at such time and in such manner as

the Secretary or his delegate prescribes by regulations.

"(2) NEAREST FULL YEAR.—If the useful life, guideline class life, or asset depreciation range of any property as determined under paragraph (1) includes a fraction of a year, such useful life shall be deemed the nearest half year.

"(3) EXCEPTION.—No election may be made under paragraph (1) with respect to any section 40 property which is placed in service after the expiration of the 10-year period beginning on the date on which a section 40 certificate (as defined in section 53(a)(1)) is first issued to any person for the section 40 facility (as defined in section 53(a)(5)) at, or in connection with which, such section 40 property is used."

NET OPERATING LOSS CARRYOVERS

SEC. 203. Section 172 of the Internal Revenue Code of 1954 (relating to net operating loss deduction) is amended—

(1) by striking out "(D), and (E)" in subsection (b)(1)(B) and inserting in lieu thereof "(D), (E), and (H)";

(2) by adding at the end of subsection (b)(1) the following new subparagraph:

"(H) The portion of a net operating loss for any taxable year to which (under subsection (1)) this subparagraph applies which is allocable to the operation of a section 40 business (as defined in section 53(a)(6)) through a section 40 facility (as defined in section 53(a)(5)) shall be a net operating loss carryover to each of the 10 taxable years following the taxable year of such loss."

(3) by redesignating subsection (l) as (m) and by inserting after subsection (k) the following new subsection:

"(l) CARRYOVER OF NET OPERATING LOSSES OF SECTION 40 BUSINESS.—Subsection (b)(1)(H) shall apply, with respect to the operation of a section 40 business through a section 40 facility, only to a net operating loss for (A) the taxable year in which the operation of such facility is begun by any section 40 business under a section 40 certificate (as defined in section 53(a)(1)) or (B) any of the 9 succeeding taxable years."

SPECIAL DEDUCTION FOR COMPENSATION PAID DURING TRAINING OF EMPLOYEES

SEC. 204. (a) Part VI of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to itemized deductions for individuals and corporations) is amended by adding at the end the following new section:

"SEC. 188. SPECIAL DEDUCTION FOR CERTAIN BUSINESSES OPERATING IN RURAL JOB DEVELOPMENT AREAS

"(a) GENERAL RULE.—In the case of any person engaged in a section 40 business (as defined in section 53(a)(6)), there shall be allowed as a deduction for the taxable year (in addition to any deduction under section 162) an amount equal to 50 percent of the compensation paid or incurred in money during the taxable year to each employee who—

"(1) satisfies the requirements of section 101(a)(4) (A) or (B) of the Rural Job Development Act of 1971,

"(2) perform substantially all of his services as an employee at a section 40 facility (as defined in section 53(a)(5)) through which such section 40 business is conducted, and

"(3) is receiving training to acquire the skills necessary to perform (A) the position or job in which he is employed or (B) another position or job as an employee of such section 40 facility.

"(b) LIMITATIONS.—

"(1) IN GENERAL.—The deduction under subsection (a) shall be allowed with respect to the compensation of an employee only—

"(A) if the Secretary of Labor certifies that such employee requires training to acquire the skills in order to perform satisfactorily the position or job in which he is employed or for which he is being trained, and

"(B) for the period that the Secretary of Labor certifies that such training is so required.

"(2) DELEGATION OF DUTIES.—The Secretary of Labor may perform his duties under paragraph (1) through the United States Employment Service or through such State agencies as he may prescribe."

(b) The table of sections for part VI of subchapter B of chapter 1 of such Code is amended by adding at the end thereof the following new item:

"Sec. 188. Special deduction for certain businesses operating in rural job development areas."

EFFECTIVE DATE

SEC. 205. The amendments made by this title shall apply to taxable years ending after the date of the enactment of this Act.

TITLE III—MISCELLANEOUS PROVISIONS

ECONOMIC AND BUSINESS DATA

SEC. 301. The Secretary may collect, analyze, and publish data pertaining to investments in various types of enterprises in relation to employment, inventories of resources, unemployment and underemployment, suitability of potential locations for various types of enterprises, qualifications, and skills and training needs of the labor force in various areas, market information, and other economic subjects, for use in carrying out the purposes of this Act and for the information and guidance of businessmen who may seek to establish job-creating enterprises in rural job development areas. In the collection of such data, existing sources and facilities shall be utilized to the maximum extent feasible.

NATIONAL ADVISORY COMMITTEE

SEC. 302. The Secretary may appoint a National Advisory Committee on Rural Industrialization which shall consist of twenty-five members and shall be composed of representatives of business, industry, labor, agriculture, State, and local governments, and the general public. The Secretary shall designate a Chairman from the members appointed to such Committee. Such Committee, or any duly established subcommittee thereof, shall from time to time make recommendations to the Secretary relative to the carrying out of his duties under this Act. Such Committee shall hold not less than two meetings during each calendar year.

ANNUAL REPORT

SEC. 303. The Secretary shall make a comprehensive and detailed annual report to the Congress of his operations under this Act for each fiscal year beginning with the fiscal year ending after the date of enactment of this Act. Such report shall be transmitted to the Congress not later than January 3 of the year following the fiscal year with respect to which such report is made.

APPROPRIATIONS AUTHORIZED FOR INFORMATION PROGRAM

SEC. 304. (a) The Secretary is authorized to collect and disseminate relevant economic data and to serve as an information clearinghouse for local communities and businesses considering establishing job-creating enterprises in job development areas. Information programs under this section shall include—

(1) telling businessmen of the advantages of locating plants in rural America;

(2) providing a site location and analysis service; and

(3) assisting in the coordination of community, State, and Federal programs for industrial and community development.

(b) There is authorized to be appropriated $500,000 for each fiscal year to carry out the provisions of this section.

S. 575—INTRODUCTION OF THE APPALACHIAN REGIONAL DEVELOPMENT ACT AMENDMENTS OF 1971

Mr. RANDOLPH. Mr. President, I introduce for appropriate reference the Appalachian Regional Development Act Amendments of 1971.

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

The bill (S. 575) to authorize funds to carry out the purposes of the Appalachian Regional Development Act of 1965, as amended, introduced by Mr. RANDOLPH (for himself and other Senators), was received, read twice by its title, referred to the Committee on Public Works.

Mr. RANDOLPH. Mr. President, in sending this legislation to the desk, I think it is significant to state that the able ranking minority member of the Senate Committee on Public Works, the Senator from Kentucky (Mr. COOPER), is joining with me in this legislative effort, and we are gratified that an additional 52 Members of the Senate are signatories to this measure.

This bill would authorize a 4-year extension of one of the most unique and innovative programs in the history of American government. For 6 years the Appalachian regional development program has been in operation, helping people of a 13-State region to better develop the institutions and the public facilities that will enable them to participate more fully in the growth of the American economy.

Members of the Congress recognized the necessity for a unique program to meet the special needs of the Appalachian region when they passed the original legislation in 1965. That this program has shown its value and deserves to be continued is reflected in the fact that more than one-half of all Senators are joining with us today as cosponsors of this bill. I am pleased, Mr. President, to have as my partner in this endeavor the senior Senator from Kentucky and ranking minority member of the Committee on Public Works, JOHN SHERMAN COOPER, and to have the support and encouragement of numerous Members in placing this important legislation before the Senate.

Prior to 1965, when we were considering the form Appalachian legislation should take, we had only general ideas about how local communities could be organized to take advantage of the programs that would follow. There was much deliberation and debate before we agreed on the concept of the Appalachian Regional Commission in which the Federal Government and the States work together as equal partners.

To provide a more intimate link to local communities, the Congress authorized the Commission to work through Governors and local development districts in the States. We recognized that we were legislating, to a great extent, in areas in which there was no past experience. We encouraged Appalachia to

explore new methods and to undertake experiments in developmental activities.

To this experiment in Government organization and operation the Congress added several structural programs designed to directly attack and correct severe deficiencies in public facilities related to proper growth—a highway program, a health program, a vocational educational program, and, more recently, housing and manpower training programs.

We felt the new Appalachian developmental highway program, a key segment of the total effort, should be designed to facilitate access to areas isolated by mountainous terrain so that new jobs and better public services would be beneficial results. The Commission was encouraged to locate new facilities which would serve groups of communities most efficiently. We urged counties and groups of counties to combine their resources and thereby expand services by cooperative action.

I confess that, as an original sponsor of the Appalachian concept and a supporter of the program for 6 years, I may lack some degree of objectivity in evaluating its accomplishments. At the same time, I feel I have a responsibility not only to the State of West Virginia but to the entire region and to the people of the United States to examine the program critically.

After 6 years' experience, I believe we can point to a number of solid achievements. Appalachia is the only region in our country which has a full complement of local regional planning and development organizations actively working together to build a better future. This achievement has not been an easy one in a society such as ours where there are many levels and forms of government.

In recent months there have been a number of attempts to assess the results of the Appalachian program. There are evaluations which found it to be a worthwhile effort and others that pronounced it a failure. It is conceivable that, as is often the case, the truth lies somewhere between the extremes.

Income in Appalachia has increased, but not as much as we hoped; the number of jobs has grown, but not as much as we hoped; outmigration has slowed, but not as much as we hoped; the levels of health and education have improved, but not as much as we hoped. These are not reasons to abandon the effort; rather they are incentives to increase the effort and develop even more than has been achieved.

In 1962, Appalachia's official unemployment rate was 8.2 percent, compared to the national rate of 5.5 percent. By fiscal year 1970, Appalachia's unemployment rate was 3.9 percent, compared to a national rate of 3.4 percent. Jobs are increasing today in Appalachia at a rate slightly faster than that of the United States. Many of these new jobs are developing along completed segments and future corridors of the new Appalachian Development Highway System, and we are seeing, for the first time, the kind of companies that never located in many sections of our Appalachian region in the past.

Incomes in Appalachia are growing now at about the same rate as in the rest of America, but our earnest hope is that we can accelerate the Appalachian rate during the next few years so that our region can catch up with the Nation. For too long Appalachia has lagged too far behind. It is the goal of the Appalachian Regional Commission to have Appalachian per capita income within 90 percent of the Nation by 1980.

Unfortunately, many people are still leaving Appalachia for the big cities of the Midwest and the East. Even so, outmigration is steadily tapering off. Between 1950 and 1960, 2.2 million Appalachians moved out of the region. Between 1960 and 1970, outmigration reduced to 1.4 million persons, but this was still 300,000 more persons lost to the region than originally anticipated for the decade. We want to stop this outflow of mostly young talent and ease the problems of our large cities by making opportunities for work and a good life available right at home. We fervently desire to make outmigration from Appalachia unnecessary.

The Appalachian developmental highway program is well underway, providing improved and, in many cases, new access to areas that are becoming desirable sites for industrial growth. Construction has been completed on 488 miles of the highway network and is underway on 367.7 additional miles. The Appalachian Regional Commission to date has obligated $615,451,000 on the highway program, and some of the States have accelerated their construction by prefinancing an additional $35 million worth of work in anticipation of future Federal obligations.

Of the total of 2,571 miles of Appalachian highways authorized, work has been completed or is in some stage of activity on 93 percent of them.

There are many ways to measure the impact of the Appalachian program, but the best way I know to determine its progress is to see what is happening in the local communities themselves.

Where the new Appalachian developmental highways have been completed, the patterns of economic development have already begun to change for the better. On one highway in eastern Kentucky, for example, a major computer corporation has located a plant that will employ 150 persons in a county which was the second poorest in the United States in 1960.

I know that the Senator from Kentucky (Mr. COOPER) is interested in the fact that a major manufacturer of plumbing fixtures has also located on the same highway with a payroll ultimately projected to reach 450 persons. This is the largest manufacturing plant ever to have located in that part of Appalachia.

The new highways are serving as traffic arteries on which new schools, hospitals, industrial parks, better housing—new communities—are being built.

Under the Appalachian health program, over a million persons have already been touched in one way or another by one of the most innovative efforts to solve health problems currently underway in the United States. An alliance of local health councils, State health departments, the Appalachian Regional Commission, and the Public Health Service has been able to begin in selected areas of Appalachia a comprehensive health program in several areas.

In the southern counties of West Virginia, for example, improved health services are being provided to mothers and infants; essential public and mental health services have been expanded to reach people who had heretofore been untouched by our regular health services; tuberculosis—still a scourge in that area—is being better controlled; and dental and medical care are being provided to the sick and infirm right in their own homes. A new health communications system is operating around the clock to enhance the program of care for persons stricken in the area. The objective is placement of such individuals in the care of the physician or hospital best available and best able to handle his problem. Schoolchildren are going through a health screening program and those youngsters stricken with illness are being provided with vital treatment they were never able to receive before. There is a new dental care program for children in an area which has suffered from an epidemic of dental disease because of the acute shortage of dentists in the past.

Perhaps the most impressive achievement so far under the Appalachian program has been in vocational education. When the program began in 1965, only 20 percent of Appalachia's manpower needs were being met by the vocational and technical schools. Today expanded numbers of such schools are meeting 40 percent of the Region's needs. The objective of the Appalachian Regional Commission is to provide vocational and technical training opportunities for half the high school population in Appalachia. It is close to reaching that goal, having already participated in the development of 310 vocational and technical centers.

The rate of increase in vocational and technical enrollment in Appalachia has been two to three times that of the Nation during the last several years. Under the stimulus of the program, the States have more than doubled their own commitments to improve vocational and technical education, and Appalachia now leads the Nation in improvements in this form of training.

So I say that there is every reason to continue this program. I shall not speak of the phasing out which has been advocated, and I am not certain yet just what the administration effort will be in reference to the Appalachian effort.

I should not want to close my remarks without stating that I feel I have personal knowledge, in the State of West Virginia, of this program. I have visited many areas, and have seen the results, as has my colleague from West Virginia, Senator BYRD. I know personally of the nature of change this vocational-technical education effort has brought about.

The James Rumsey Vocational Technical Center in West Virginia was one of the first area-serving schools to be built in my State, serving residents of Berkeley, Jefferson, and Morgan Counties in our eastern panhandle area. When it is completed in the fall of 1972, it will have an initial enrollment of 500 students in such courses as computer programing, health occupations, stenography, and distributive education.

A network of community colleges is being built, too. Virginia has practically completed a network of such schools. Georgia used Appalachian funds to build its first region-serving community college. In West Virginia, we have a new branch of West Virginia University providing technical and professional training in Parkersburg.

Under the Appalachian program, much of the substantial damage caused in the past by coal mining is being slowly repaired. In the anthracite mining section of northeastern Pennsylvania, where such sizable cities as Scranton and Wilkes-Barre are threatened with cave-ins in their downtown business districts, Appalachian mine area reclamation funds have been used to fill dangerous areas and extinguish or control all of the major mine fires burning in the area causing dangerous air pollution. Old surface mine waste piles are being pumped underground to shore up the business districts and residential areas of these large cities and free large areas for use as parks, industrial sites, and housing. Strip mines are being reclaimed for parks, schools, housing developments, and industrial sites.

And, this year for the first time, Appalachian funds have been available to find new methods of mining and mining control in order to reduce the environmental damage caused by extraction.

Using supplemental grants available under the Appalachian program, as well as other assistance, the States and localities have been able to initiate or to further the development of new communities, new industrial sites, new service complexes, some of them located on the Appalachian developmental highways and some on the Interstate Highway System.

There is an impressive industrial and education complex under development in the Golden Triangle between Starkville, and Columbus, Miss.

A new industrial park is being developed in an area of high unemployment in southwestern Virginia.

New industrial sites are being developed in eastern Kentucky.

An important new community is being established near Lucasville, Ohio.

A major new urban community is being planned in Pennsylvania.

A new campus to provide post-high school and college education is being developed in Maryland.

Under the leadership of the Commission, several States have been able to create new State housing corporations to accelerate the construction of new housing.

On many occasions I have enunciated my belief that one of the most significant and far-reaching aspects of the total Appalachian experiment is the development of the partnership role among all levels of government. It is this fusion of interests that has come to fascinate and challenge many people concerned with improving the operation of government as a whole.

As a result of this and the solid achievements that have taken place in Appalachia in the past 6 years, I sense a new spirit of hope in the region, one that has for too long been relegated to the backwash of American society by events and circumstances often beyond its control. Where there once existed despair, there is now encouragement that Appalachia can and will join in the dynamic growth of the United States.

So we move forward in these areas. I believe we have shown fully and clearly the reasons why the Appalachian programs should be continued. We hope that similar programs may move forward in the other five regions in other sections of the country. If such a program were dropped, I think it would be ill-advised and imprudent.

In his state of the Union message to the Congress, President Nixon gave particular emphasis to the reorganization of Government to make it more responsive to contemporary needs and to new methods of channeling Federal revenues in meaningful ways to State and local activities.

I am proud that the Appalachian development program has been a leader and an innovater in both of these areas. The Committee on Public Works recognizes the significance of the bold new steps that have been taken in Appalachia, and we are studying the Appalachian program as a possible pattern for economic development and other programs elsewhere.

Senator COOPER and I, along with others, have attempted to convince President Nixon that the recommendation of some of his advisers that the Appalachian program be abandoned cannot be justified. For reasons I have discussed, the Appalachian program should be extended 4 more years, and dropping it or phasing it out at this time would be ill-advised and imprudent.

I hope that from these deliberations the Congress can conceive a new generation of legislation leading toward intelligent national policy and further improvement of efforts such as are growing out of the Appalachian endeavor.

Based on what we have learned in the past 6 years and what we expect to learn this year, I am sure that the Appalachian program will be modified and refined. We will, however, want to preserve the momentum and the spirit of cooperation and Federal-States partnership generated under the Appalachian program.

The Committee on Public Works, which I chair, and its Subcommittee on Economic Development under the able chairmanship of the distinguished Senator from New Mexico (Mr. MONTOYA), intend to give careful consideration to the extension of the Appalachian program and to legislation to revise and amend the Public Works and Economic Development Act of 1965 which was intended to help the rest of the Nation provide the facilities and services being developed in Appalachia under specific legislation.

The committee has scheduled hearings on this bill in Washington on February 8, 9, and 10. At that time we will thoroughly review the full range of programs undertaken by the Appalachian Commission. We will pay particular attention to the implementation of new programs authorized in 1969, such as the retraining of unemployed miners and other workers, and expanded activities in health, housing, and mine area restoration.

We will explore the possibility of demonstration programs in the fields of education and the environment as successors to Appalachian commission programs legislated in 1965 that are approaching completion.

The committee expects to complete work on the Appalachian legislation early and bring this bill to the Senate for early action while we carefully consider overall economic development legislation.

Appalachia is a region rich in resources. Its manpower and productive capacity have been underutilized for too long. While that capacity is not used, the national economy suffers and the people of the region continue to live in frustration with the knowledge that they do not yet participate in the better life enjoyed by the majority of our citizens.

I invite all Members of the Senate to examine these proposals in detail. The advice and recommendations of my colleagues are encouraged so that we may produce legislation that is most responsive to the needs of the people we represent.

Mr. President, this legislation was well conceived. It has been effectively carried out in the region, and we believe, as it moves toward fruition, delayed at present because of inflation—the increases in cost that have hampered many programs during these past few years—that now is the time to go forward, rather than to retreat. I am grateful, as I have said so many times, for the very effective efforts of the Senator from Kentucky and others in crossing this line in the Senate, as it were, to help an area of the country that has not wanted a handout, but has wanted a helping hand. I believe that is what we have provided in the Appalachian program.

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

Mr. RANDOLPH. I am happy to yield to my colleague from Kentucky.

Mr. COOPER. I am honored to join with my colleague, the senior Senator from West Virginia (Mr. RANDOLPH), in introducing the Appalachian Regional Development Act Amendments of 1971.

It was my pleasure to join with Senator RANDOLPH in March 1965 in introducing the original Appalachian development bill. At that time, a number of Senators joined with us as sponsors. I think the fine success of this program is expressed by the fact that more than 50 Members of this body have joined in the bill to continue this program for an additional 4 years.

The bill would authorize a 4-year extension of the Appalachian regional development program, a program established 6 years ago to assist one of the most economically depressed regions of our country, a region which could be easily identified because of the geographic similarity of the various States, the people, and the problems which the people of this area had confronted.

The purpose of the Appalachian Regional Act is "to assist the region in meeting its special problems, to promote its economic development, and to establish a framework for joint Federal and State efforts toward providing the basic facilities essential to its growth."

Much attention has been given the Appalachia highway program. If anyone has visited Appalachia, he knows that it is necessary to open the isolated area to provide links to markets around the periphery but which cannot be tapped for lack of access, and to provide a way for people to reach services, schools, and developing employment opportunities. Transportation is vital if Appalachia is to break out of its isolation—one of the underlying causes of its poverty.

But highways are not the only key to the development of Appalachia. Highways are not the goal, but they are the means of promoting more jobs, of providing markets, and of facilitating communication and transportation.

To promote the region's economic development and to reach the personal needs of the people, several program areas were established by the Appalachia Governors for priority consideration—not only the highway system but also health, vocational education, and environmental programs, including mine area restoration, land stabilization, and water resource development.

In my statement, which I will not read in full, but which I will insert in the RECORD at the close of my remarks, I have called attention to these various needs and the programs which have been established to overcome them.

I have mentioned education and vocational education. To date the Commission has placed an average of 57 percent of its supplemental grant funds—provided under section 214—in education.

There is a critical shortage of health manpower, and a need exists to extend basic health services to the more remote sections of the region. For this reason, the Commission, under the demonstration health services program—section 202 of the act—has been working with the U.S. Health Service and Mental Health Administration, medical schools, and local health personnel to develop a better health system to serve the people of the region. This system includes not only a regional hospital network but also ambulance services, mobile health and dental units, public health clinics, home-visiting nursing services, and a field doctor program.

Child health and nutrition is a major concern of the Commission in Appalachia. Prenatal care, immunization programs, and nutritional screening clinics have been established. Under these programs, Pickens County, S.C., has established its first public health dental program and has already treated hundreds of children and adults.

My distinguished colleague has brought to our attention the problem of underemployment and lack of employment in the region. Employment and industry come slowly into such an area, but it has begun to move into Appalachia. I know this to be true in the eastern part of Kentucky, principally because of the highway system being developed.

I should mention, also, the housing program, the programs that are underway to study and utilize the water resources of the region, and the programs to conserve and develop the great timber and coal resources of the area.

Perhaps one of the greatest achievements of the Appalachian regional program has been the creation of a workable local-State-Federal partnership which could serve as a model for recent proposals to create a more balanced Federal system.

In his state of the Union message, President Nixon outlined six goals for the country. One of his proposals was to strengthen and to renew our State and local governments and to initiate a plan of revenue sharing. I believe that the experience, derived from the operation of this act, could be considered and drawn upon as a fundamental base of the President's proposal.

The Appalachian Regional Commission has not been just another Federal program. It was initiated by 10 Appalachian State governments voluntarily coming together to assist each other in solving the myriad problems of their States.

The program has demonstrated over the past 6 years that such a partnership of governments can work and that States can and will assume their responsibilities. Under the Appalachian organization, States initiate projects, establish priorities—using the total assistance available—and coordinate and direct State and Federal funds into areas of need—areas where they can be best invested for the public benefit.

The other element of the Appalachian program which I believe should be studied is the present use of block grants and the flexibility afforded each State in the use of these moneys. Funds for various programs are appropriated to the Commission in a block for the Commission to allocate among States. It is left to the States to establish priorities for the use of these funds.

In closing, Mr. President, I wish I could say today that the Appalachia regional program has accomplished all the goals we established 6 years ago. The progress I have cited is real, and the problems of the region, have yielded in some degree to change.

Because of the isolation of the region, inflation, and the Vietnam war, the schedule of appropriations has not been attained, and many projects have been delayed.

More recently, there has been a movement from the more traditional "brick and mortar" approach to an emphasis on the development of human resources. This shift in effort has caused some adjustment problems and further delay. The program has moved along but it will take several years for the program to produce its potential benefit. We believe that this might be done with a 4-year extension. This extension is essential if the region is to achieve the level of development and economic growth which Congress intended.

I do not consider this extension of the act, which will be provided by this bill, contrary to President Nixon's proposals of governmental reorganization and revenue sharing. As I have stated before, I consider the Appalachia program an innovative experiment in this area and a model which the Congress can draw upon.

When the proposed reforms have been submitted and considered, the Appalachia program can then be reassessed with respect to its relation to the national program. At least until such a program is established for the country, I believe it necessary to continue the Commission so that the program and achievements we have attained will not be lost to the people of Appalachia.

In the budget for fiscal year 1972, President Nixon has recommended a total of $288 million, which is an increase over the recommendation for 1971.

I close by thanking my colleague from West Virginia, Mr. RANDOLPH, chairman of the Public Works Committee, for his effective and ever-continuing efforts on behalf of this region and its people. He believes—as I do—that the bill is essential. I thank him particularly for his dedication to the principle that this program shall be extended and, I must say, that I have that same feeling of obligation.

I was born on the edge of this region where my family has lived for over 170 years. I have served as a county judge in my own home county and as a circuit judge in four other counties.

Years ago. when I first traveled through this region, the individual wealth of these people was about the same. There was no great wealth except for some few individuals.

There was a certain pride about these people, and a dignity, whether they were illiterate, whether they lived in a cabin on the hillside, in old framehouses with a porch on every side, on the river, or in the creek valleys. They had pride. They never thought that one person was any better than they, whatever their financial status.

However, the individual wealth of some of these people grew as advantages came to the region. Those who lived in the poorest or the most isolated sections seemed to decline not only economically, but, as they believed themselves, socially, and, unfortunately, a class distinction gradually developed in the area—very unfortunate for today and also for the future.

The Appalachian program has given them hope. It can give them an education. It can give them job training and health services which they were not able

to get before the establishment of this Commission.

I do not want to get too patriotic, but it is a fact that during wars, the people of this region have been the first to volunteer to serve their country. Perhaps the reason was that there was nothing else available to them. Some counties in the eastern part of Kentucky, before a draft was even required, had their quotas filled by men who volunteered in numbers greater than the assigned quotas.

Mr. President, these people are a great people. I hope very much that this program will be continued.

Mr. President, I ask unanimous consent that the text of my prepared statement be inserted in the RECORD at this point.

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

STATEMENT OF SENATOR COOPER

I am glad to join with my colleague, the senior Senator from West Virginia, Mr. Randolph, in introducing the Appalachia Regional Development Act Amendments of 1971. Senator Randolph and I introduced the regional bill in March, 1965.

The bill would authorize a four year extension of the Appalachian Regional Development Program—a program created six years ago to assist one of the most economically depressed regions of our country.

In 1965 Appalachia was an area marked by severe unemployment and underemployment, a lack of educational opportunities, a lack of basic facilities and public services and an area isolated from its more fortunate neighbors by a rugged topography. The economic distress of the region was mirrored in the desolate lives of the people remaining in the area—their lack of any hope.

The purpose of the Appalachia Regional Development Act is "to assist the region in meeting its special problems, to promote its economic development and to establish a framework for joint Federal and State efforts toward providing the basic facilities essential to its growth . . ."

To promote the region's economic development, several program areas were established by the Appalachia Governors for priority consideration—the highway system, health, vocational education and environmental programs, including mine area restoration, land stabilization and water resource development.

Much attention has been given the Appalachia Highway program. It is necessary to open isolated areas, to provide a link to markets which have grown up around the periphery of the region but which could not be tapped for lack of access, and to provide a way for people to reach services, schools and developing employment opportunities. Transportation is vital if Appalachia is to break out of its isolation—one of the underlying causes of its poverty.

As of January this year, 20 percent of the proposed 2,700 miles of Appalachia highway was in use and about 20 percent under construction. The economic impact of the new system is being felt today.

Much of the expansion in manfacturing employment coming into the area is located along the Appalachia and Interstate highway corridors. For example, in my own State of Kentucky Control Data Corporation has opened a new plant which will employ 150 persons. This plant was opened in Campton, Kentucky—the second poorest county in the United States in the 1960 census. Another large plant to locate in the area is being constructed by American Standard Company and will employ 450 persons from Eastern Kentucky. In Pennsylvania, Chrysler corporation is constructing an automobile assembly plant with a potential employment of 5,000 persons.

But highways are not the only key to the development of Appalachia. Highways are not the goal but they are a means of promoting more jobs, of providing markets and of facilitating communication and the transportation of people to jobs, schools, and services.

Without the development of other program areas—health, manpower, education and housing—the highway system would serve only limited purposes.

Education is another area in which the region has lagged behind the rest of the nation. Appalachia's school dropout rate runs about 20 per cent higher than the national average and fewer than one-half of the adult population has a high school education.

To provide essential job skills and basic education to these individuals, the States have concentrated funds in a vocational education program. Presently, 240 vocational education and technical assistance schools have been planned and over half of these are presently providing training to both young people and adults.

In addition to vocational education, assistance has been provided for educational television systems, early childhood education, eduactional manpower programs and for support of community colleges.

To date the Commission has placed an average of 57 per cent of its supplemental grant funds, provided under Section 214, into education.

Besides the highway and education programs, health has received much attention and support. When the Appalachia program was initiated there was an average of 92 doctors per 100,000 persons. In Eastern Kentucky the situation was worse. There were only 60 doctors per 100,000. The nurse-patient ratio in several areas was only 32 per 100,000 persons as compared with the national rate of 300 per 100,000 persons.

In addition to the critical shortage of health manpower, there exists a need to extend basic health services to more remote sections of the Region. For this reason the Commission, under the Demonstration Health Services Program—Section 202 of the Act—has been working with the United States Health Service and Mental Health Administration, the Appalachia States, medical schools and local health personnel to develop a better health delivery system. This new system includes not only a regional hospital network, but also ambulance services, mobile health and dental units, public health clinics, home visiting nursing services and a field-director program.

Health Manpower remains a critical problem in Appalachia, as it is in most of the rural areas and inner cities of our country. The Commission has encouraged more medical and nursing professionals to set up practices in Appalachia and has encouraged more local young people to enter health profession careers.

Child health and nutrition is a major concern of the Commission in Appalachia. Prenatal care, immunization programs, and nutritional screening clinics have been established. Under these programs, Pickens County, South Carolina has established its first public health dental program and has already treated over 200 children and adults.

High employment and the decreasing effects of long term underemployment remain central problems for the Region. Some progress has been made but the problem has not been overcome. Between 1962 and 1965, the average annual increase in employment in Appalachia was 2.2 percent, the same as the rate for the entire United States. By 1968–1969 the average increase in employment for the Appalachia Region had risen to 2.8 percent as compared with the national increase of only 2.6 percent.

Some parts of the Region have progressed more rapidly in job creation than others, and have experienced much lower unemployment levels. However, for central Appalachia States, such as West Virginia and Kentucky, unemployment rates are still as high as 7 percent.

As noted by the President's Task Force on Rural Development, two-thirds of the nation's substandard housing is in rural areas. The problem of poor housing in Appalachia is compounded by the lack of local capital for housing. Over 40 percent of the capital used in home financing comes from outside the Region. The cost of construction on the steep hillsides of the Region are often prohibitive. Also, most of the area's residents are too poor to qualify for housing assistance under regular Federal housing porgrams.

The Appalachia Housing Program, authorized by the 1967 amendments, provides loans and technical assistance to non-profit housing sponsors. Since 1967, 59 loans have been made to finance over 7,000 housing units. This represents a total value of new construction of $97-million.

Perhaps the greatest achievement of the Appalachia Regional Program has been the creation of a workable local-State-Federal partnership which could serve as a model for recent proposals to create a more balanced Federal system.

In his State of the Union message, President Nixon outlined six goals for the country. One of his proposals was to strengthen and to renew our State and local governments and to initiate a plan of revenue sharing. I believe that Appalachia experience could be considered and drawn upon as we begin to study the President's proposals.

The Appalachia Regional Commission has not been just another Federal program. It was initiated by 10 Appalachian State Governors, voluntarily coming together to solve the myriad problems of their regions.

The program has demonstrated over the past 6 years that such a partnership of governments can work and that States can and will assume their responsibilities. Under the Appalachian organization, States initiate projects, establish priorities—using the total assistance available—and coordinate and direct State and Federal funds into areas of need—areas where they can be best invested for the public benefit.

Two other elements of the Appalachian Program which have been most effective and innovative are the supplemental and block grant programs. Under the supplemental grant authority—section 214—a wide variety of existing programs may be supplemented with Appalachia funds up to 80 per cent of the total Federal share of the project.

It is section 214 money which has given the States and the Commission flexibility to adapt the Appalachia program to the highest priority needs of each State, to make the most effective use of the funds appropriated and to better utilize within the Region ongoing Federal grant-in-aid program funds.

The other element of the Appalachia program which I believe should be studied is the present use of block grants and the flexibility afforded each state in the use of these monies. Funds for various programs are appropriated to the Commission in a block for the Commission to allocate among States and programs. It is left to the States to establish priorities for the use of this fund.

I wish I could state today that the Appalachia Regional Program has accomplished the goals we established six years ago. The progress I have cited is real but the problems of the Region are the result of years of neglect and have yielded more slowly to change than we had hoped.

Due to the isolation of the State, inflation, and the Vietnam war, appropriations have not met the Commission's requests and many projects have been delayed.

More recently, there has been a movement from the more traditional "brick and mortar" approach to an emphasis on the development of human resources. This shift in effort has caused some adjustment problems and further delay. For example, the innovative health demonstration program only began operation in late 1968. It has moved along very well and the Commission has increased its appropriation. However, it will take several years for the program to take hold and produce its potential benefit. Therefore, I do believe that this four-year extension is essential if the Region is to achieve the level of economic growth which the Congress intended.

I do not consider this extension contrary to President Nixon's proposals of governmental reorganization and revenue sharing. As I have stated before, I consider the Appalachia program an innovative experiment in this area and a model which the Congress can draw upon.

When the proposed reforms have been submitted and considered, the Appalachia program can then be reassessed with respect to its relation to the national program. At least until such a program is established for the country, I believe it necessary to continue the Commission so that the program and achievements we have attained will not be lost to the people of Appalachia.

Mr. RANDOLPH. Mr. President, the references made by the able Senator from Kentucky (Mr. COOPER) to the Appalachian region, with emphasis on his own State of Kentucky, underscore what many Senators could say and will say at a later time when we consider the legislation itself.

The commitment has been well expressed by the Senator from Kentucky, a commitment that, although provincial to a degree, is a commitment to the kind of program which needs to be more widely understood and carried forward throughout America.

For that reason, we move now with this legislation, conscious of some difficulties in procedures, but certain in our minds and hearts that it is good. For that reason, we believe that the Senate and the House of Representatives will continue this constructive effort to help good people to help themselves, and aiding a good region to strengthen itself as a part of the family which constitutes the Nation as a whole.

Mr. President, I ask unanimous consent to suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SCHWEIKER). Without objection, it is so ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

COMMITTEE ASSIGNMENT OF SENATOR GAMBRELL

Mr. BYRD of West Virginia. Mr. President, I am authorized by the majority leader to submit a resolution. I ask that the clerk state the resolution out of order as in morning business.

The PRESIDING OFFICER (Mr. SCHWEIKER). The clerk will state the resolution.

The legislative clerk read as follows:

S. RES. 43

Resolved, That Mr. Gambrell of Georgia be, and he is hereby, assigned to service on the Select Committee on Small Business to fill a vacancy on that Committee.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that rule XIV be waived and that the Senate proceed to the immediate consideration of the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered, and without objection the resolution (S. Res. 43) is considered and agreed to.

MILITARY ACTIVITIES NEAR THE LAOTIAN BORDER

Mr. GRIFFIN. Mr. President, some criticism has emanated from this body, and particularly from the distinguished assistant majority leader, concerning the information policy of the Nixon administration with respect to reports about military activities near the Laotian border.

In a statement earlier today, the distinguished assistant majority leader used the term "inexcusable bungling in the handling of information," as he referred to administration policy on this point.

At another point in his statement he said:

The Pentagon appears to be working from one set of blueprints while the State Department seems to be working from an entirely different set.

Mr. President, on the wire this afternoon was a story which included this paragraph:

At the State Department's regular noon briefing for newsmen, Press Officer Robert McCloskey continued to give no-comment answers to questions. McCloskey said that by and large he was refusing to comment on American military actions in Indo-China at this time for reasons of security of the American forces and of the allies, including the South Vietnamese.

Mr. President, I see no inconsistency or basis for a charge that the Pentagon and the State Department are working from different sets of blueprints. Frankly, both the Pentagon and the State Department have imposed a news blackout or embargo which is in effect at the present time. The reason and justification given for this news blackout or embargo is that it is necessary in order to protect the lives of Americans as well as the lives of South Vietnamese.

The distinguished assistant majority leader said in his statement:

It seems likely that the enemy may know more about what is going on than our own people know.

Of course, I would say most respectfully, that such language as "it seems likely" and the enemy "may" know is not precise. It does not necessarily state facts.

At another point in his statement earlier today, the assistant majority leader referred to:

The complaints of some that news agencies in practically every other country have had more information than our own journalists. . . .

Then he refers to Izvestia, the Russian newspaper, and the Japanese news service as sources of information. Of course, the United States cannot control what the news services of other nations put out. We have no way by which we can control what their news releases say. Whether they are accurate or not is another question and it is very difficult to pass judgment on that question at this particular time.

In his statement the able assistant majority leader further says:

Surely such a situation could be rectified without endangering our national security.

Then, the next sentence says:

Full information should be released to the public as soon as possible without, of course, compromising considerations of security.

I would agree with the distinguished assistant majority leader 100 percent, that "as soon as possible" and "without compromising considerations of security" full information should be released. That is exactly the information policy of the Defense Department and the State Department, as it has been indicated.

Another wire story today, written by AP reporter Carl Leubsdorf states:

Administration officials indicate today an unusual embargo on publication of news concerning the military activities in South Vietnam near the Laotian border will be lifted relatively soon.

So the indication is that the embargo will soon be lifted; that it will be lifted as soon as it is believed that doing so would not jeopardize lives of those on our side.

Elsewhere in his statement, the distinguished assistant majority leader said:

I am well aware, of course, that military operations must be conducted in such a manner as to prevent information which might be of value to an enemy from falling into enemy hands.

Since he recognizes the justification for a restricted information policy in connection with military operations, I would respectfully suggest that we have that kind of a situation on our hands at the present time.

If it should turn out that the operation is something different than a military operation within the scope of the recognized bounds which have been set, and more or less agreed to as between Congress and the administration, and that there was no advice or consultation then at a later point, I could understand justifiable criticism coming from a leader on the other side.

However, I must say most respectfully that to level such criticism is premature.

Whatever is taking place ought not to be viewed as a military operation which our Commander in Chief in the White House and commanders in the field believe needs to be protected with the tightest security for the protection of those who are involved in the operation.

While the assistant majority leader, of course, is within his rights and privileges in making such critical statements at this point, this Senator will await fuller disclosures as to exactly what is happening before passing judgment.

I think it really comes down to this:

American troops have been and are withdrawing from South Vietnam; hopefully, they will continue to be withdrawn. But, we must not lose sight of the fact that the war is not yet over in Southeast Asia. There is still a war going on. And to protect those still there we must conduct ourselves as though we are still involved and still engaged in a war. This is a wartime operation. It involves and necessitates security.

So, I would urge and plead that those in Congress have patience and exercise some restraint. Security has been necessary in the past and it is not surprising that it is necessary at the present time.

Mr. BYRD of West Virginia addressed the Chair.

The PRESIDING OFFICER (Mr. BENTSEN). The Chair recognizes the Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, just prior to making the statement earlier today to which the able minority whip has referred, I supplied the minority whip with a copy of the statement. I expected him to read the statement, of course, and possibly to have some comment thereon. I appreciate what he has said.

I think that perhaps I can clarify what may seem to him to be an inconsistency with respect to my having said that "such a situation could be rectified without endangering our national security" and then having followed that with the sentence which reads:

> Full information should be released to the public as soon as possible without, of course, compromising considerations of security.

What I had in mind in the first instance was this. Perhaps I did not make it clear. I had in mind the situation to which I had alluded earlier, to wit:

> The Pentagon appears to be working from one set of blueprints while the State Department seems to be working from an entirely different set.

The distinguished Senator has taken umbrage with respect to that statement. What I had reference to was simply this. As I understood it, the Secretary of Defense had made the statement that American airpower and seapower would be used to "back up our allies" in any part of Indochina. My impression was that there was not a disclaimer attached to that statement—at least I did not see it or hear it—which accompanied the statement which was made by the Secretary of State. On the other hand, the Secretary of State indicated that American airpower would be used only if and when it was necessary to protect American lives in South Vietnam.

So to me, that was a set of statements by two administration spokesmen which, in my judgment, were not precisely in accord, one with the other. One spokesman said that we will support—with our airpower and seapower—our allies; the other, that we will use our airpower whenever, and only whenever, it is necessary to save American lives in South Vietnam. I am for the latter. I am for using American airpower when necessary to protect American lives in South Vietnam and to facilitate their withdrawal from South Vietnam.

That is why I said there seemed to be two sets of blueprints. These appeared to me to be somewhat conflicting statements. Therefore, I went on to say that—

> Such a situation could be rectified without endangering security.

Certainly we could have one definitive statement on the part of one spokesman, or if statements by two spokesmen, let them be in accord with each other. That situation could be rectified without endangering our national security.

As to the next statement that—

> Full information should be released to the public as soon as possible without, of course, compromising considerations of security . . .

I had in mind here the "full information" on the military operation itself. I proceed to remind Senators that I have consistently supported the President's Vietnamization program. I have consistently upheld the hand of the Commander in Chief with respect to his constitutional duty to act to protect the lives of American servicemen.

I am not critical of the embargo, as such. I know the purpose of an embargo. It is to protect the security of our men and to cloak whatever military operation we may be engaged in so as to take whatever advantage we can of the element of surprise. I am not opposed to the use of an embargo on news when it is so strictly confined and for such a purpose.

But the embargo has gone on for 6 days. It is not the embargo that I object to so much as it is the apparent conflict in statements; meanwhile, we get stories that emanate from the Soviet Union, stories put out by the Japanese news agency, and stories released by the French news agency. What information do our own news media receive so that the American people may know at least something about what is really going on? This is what I am talking about.

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

Mr. BYRD of West Virginia. If I may just proceed briefly first. I can understand that, as I have stated, there is an advantage in not letting the enemy know what we are doing. But from my following of the newsstories, such as they are, I have gotten the impression that the enemy may know more about what we are doing than we know ourselves.

Finally, the complaint I sought to make is simply this: Certainly, the leadership on both sides of the aisle ought to be trusted and should be taken into the confidence of those in the administration who do know what is going on. When I say leadership, it does not matter whether or not I am included; that is not the point. I do not know for a fact that the distinguished majority leader has not been briefed. I have not asked him. However, I did note in today's newspaper that the majority leader indicated he had not been briefed. Why is this? Why should not the people who have to advise and consent, and who represent the people of this country be at least briefed a bit on what is going on?

We know something is going on, but we do not know what. It may be that the leadership on the other side of the aisle has been briefed. But there are two sides to this aisle and there are two sides to the congressional support that the President needs and ought to have in this situation that we are discussing.

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

Mr. BYRD of West Virginia. Yes.

Mr. GRIFFIN. Mr. President, I want to say first of all that the distinguished assistant majority leader has been a stalwart supporter, on a bipartisan basis, of the Commander in Chief whether the Commander in Chief has been a Democrat or a Republican; and the assistant majority leader has generally given the Commander in Chief the benefit of the doubt where it could be justified. I want to commend him for that, and I certainly do not want what I said earlier to detract from what has been a splendid record in that regard.

His statement, as I reread it, still does direct itself mainly at the handling of the information with respect, as I understand it, to the public. He does refer to Members of Congress in his statement. Then, just recently in this critique he referred specifically to the obligation of the administration to the leadership in Congress.

Now, he is touching a point where we could join hands. I do think that there is an obligation, a necessity, for close liaison and contact as between the administration and the leadership in this body, whether or not it includes the assistant minority leader.

I was critical in the past on that point with respect to the Cambodian operation, not that the operation was not justified—certainly, its results more than justified the operation—but I thought it was unfortunate then that there was not advance consultation with the leadership.

I do not believe that the current military operation, if there is one going on, is analogous to the so-called Cambodian incursion. I assume at this point, without any other information, that there has been no crossing of the line so far as our policy against the use of American ground troops in Laos or Cambodia is concerned.

In the absence of contrary information, I believe we should assume that no new policy is involved; that this is just another military operation, the size of which may or may not be larger than other military operations.

Perhaps we as Senate leaders have some special right to detailed information about a particular military operation. But I am not sure that we do. Obviously we will be in a much better position to make that judgment when it is over, on the point as to this operation when the news blackout is lifted and we know the facts.

It may be that, at that time, the junior Senator from Michigan will be standing shoulder to shoulder with the assistant majority leader in criticism of the way this was handled; but I cannot do so now. It may be a shortcoming on the part of the administration in not briefing us. In any event, I believe the discussion here indicates that there are

several points of view as to the current situation.

Mr. BYRD of West Virginia. Mr. President, I thank the distinguished minority whip. In looking back upon the situation after the passage of from 7 to 10 days I have read something in the newspapers to the effect that, whatever operation may be in progress, it will last from 7 to 10 days—when we are able to look back, after the fact, we all may see a good reason why the light embargo was justified. I am not attempting to pass judgment now by saying all the facts should be spread at this time on the public record. I am not saying that at all. I am simply saying that I would hope that if there are conflicting reports on the part of representatives of the State Department and representatives of the Defense Department, as there appear to be to me——

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

Mr. BYRD of West Virginia. Yes; in just a moment.

Then I think people should get together and decide on what is the precise thing to say and say it, and everybody then will see it and hear it, so we do not have these conflicting reports, because they only contribute to conjecture, rumor, misunderstanding, and confusion, and in the long run they damage the credibility of those who conduct the military operations.

That is what I am concerned about. I am willing to be patient until the purpose of the embargo can be fulfilled. In the meantime, I hope we will not have what appear to be conflicting statements. In the meantime, moreover, I would hope that the majority leader and the minority leader and any others that the President, in his good judgment, may deem to be a part of the leadership in this body and in the other body can be consulted. It is up to the President. I do not mean that he should tell the majority leader and the minority leader, the majority whip and the minority whip, the majority secretary of the conference and the chairman of each committee in the House and the Senate, all of which really go to make up the leadership. He can and should be the judge as to how far into the leadership structure he would go. But let somebody here know what there is to be known, not every jot and tittle perhaps, but at least consult with and advise some of the leadership on both sides. Let the American people and the news media and the Members of Congress not have to depend upon Izvestia, the French News Agency, the Japanese News Agency, or reports coming out of North Vietnam or out of Communist China; but let there be some degree of definitive explanation, insofar as it can be given without jeopardizing the success of whatever military operations may be underway in the interest of saving American lives and accomplishing our future withdrawal from South Vietnam.

Mr. GRIFFIN. Mr. President, I know the Senator from Kansas (Mr. DOLE) wants the floor, but I should like to add one further comment. I am confident in my own mind that there is no policy difference as between the Defense Department and the State Department. I am not aware of any statements such as have been alluded to which indicate any particular difference in policy. But I can agree with the distinguished assistant majority leader that if there are such statements which lead to the impression that there is a policy difference, then they ought to be clarified. That can be done, of course, by the President or someone speaking for him.

I thank the Senator.

Mr. BYRD of West Virginia. I thank the able minority whip.

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

Mr. BYRD of West Virginia. Yes; I yield to the distinguished Senator from Kansas.

Mr. DOLE. First, I share the views expressed by the junior Senator from Michigan and, of course, recognize the efforts of the Senator from West Virginia. In fact, as the Senator from West Virginia recalls, he offered the key amendment to the Church-Cooper amendment which made it possible for the Senator from Kansas to support that resolution insofar as protecting the rights of the Commander in Chief under the Constitution is concerned. So there is no criticism intended of the Senator from West Virginia, though, as I understand, both the Secretary of Defense and the Secretary of State have made it very clear that our goal is withdrawal from Southeast Asia—Vietnamization, if you please.

The junior Senator from Kansas, of course, like every other Senator, has been concerned. I have had inquiries from people. The pot has been boiling for about a week. Statements have been made by some Senators. There has been speculation by the press. So I made some inquiries late this afternoon. Before making inquiry, I made a statement that, if there was an embargo, I would assume it was because it involved the security of some forces there.

I called, after making that statement, to see if I was correct. I was informed by a White House official and by Defense Department officials that that was a correct assumption and a correct statement.

So, as the Senator from West Virginia has made clear in his statement, if it involves a matter of security, that is fine; we do not expect to telegraph our punches to the enemy. We can understand that many of the stories appearing in the French press, the Japanese press, and the Russian press are probably highly speculative. There have been speculative pieces in some of the American newspapers. I think it is more important that we protect the lives of those involved than that we read something on the ticker or something in the Washington Post.

It also occurs to me that if there is any effort being made, it is being made in compliance with the Church-Cooper resolution, which means one basic fact: That there are no American ground forces in Cambodia or in Laos, and none will be introduced in either of those countries, and, therefore, it may be that the South Vietnamese Government does not want the matter publicly discussed, because it would be their forces which would be involved. The South Vietnamese, Government and its citizens would be taking the lion's share of the risk. I have no way of knowing if they asked for the embargo, or whether it was dictated or directed by our Government, but it does appear to me that the great risk, if there is any engagement, any involvement, or any incursion, will be borne by South Vietnamese troops. American airpower, yes, but not the introduction of ground combat troops, which would violate the Church-Cooper resolution as adopted by Congress late last year.

I simply wanted to say to the Senator from West Virginia that, having checked with certain officials and not having been briefed prior to that time, the indication was that the embargo was for security reasons. I accept that, with one caveat, and that is that if it should appear tomorrow, the next day, or next week that there was no justification for withholding news, then I would share the views expressed by the Senator from Michigan and the Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, I thank the able Senator from Kansas. I do not think anything more need be said. I have already indicated that I accept the necessity for a news embargo in such an operation as I suppose this is, but I simply repeat that when we are told, we had better understand and all agree that there was a necessity for continuing the embargo as long as it has been continued. But if, indeed, the French, the Japanese, the Russians, the North Vietnamese, and the Communist Chinese know more about what we are doing than the American people do themselves, then I would submit that the embargo could no longer be justified. I again thank the distinguished minority whip.

AUTHORITY FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that tomorrow, following the approval of the Journal, if there is no objection, and the laying before the Senate of the pending business there be a period for the transaction of routine morning business of not to exceed 30 minutes, with statements therein limited to 3 minutes, keeping in mind the standing order entered on January 29 which provided that the minority and majority leaders shall be the first to be recognized during that morning business period.

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

RECESS

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 recess until 12 o'clock meridian tomorrow.

The motion was agreed to; and (at 5 o'clock and 44 minutes p.m.) the Senate took a recess until tomorrow, Thursday, February 4, 1971, at 12 o'clock meridian.